

Himachal Pradesh Land Code

2023

[Volume-II]



Department of Revenue Government of Himachal Pradesh

Containing:

Acts and Rules related to stamp duty, registration fees, court fees, copying fees and other miscellaneous acts related to land alongwith notifications and instructions.

(Amended up to 2023)

Copyright : The Financial Commissioner (Revenue), Government of Himachal Pradesh.

Published by : The Financial Commissioner (Revenue), Government of Himachal Pradesh, Shimla -171002.

Printed by : The Controller, Printing & Stationery Department, Himachal Pradesh, Shimla-171005.

2nd Edition

Disclaimer: The present edition of H.P Land Code has been compiled after taking the information from the Departmental sources and www.indiacode.com. All due care has been taken to ensure that the content is correct even then reference to a standard source is advised. Further the Code may also contain a few repealed instructions/documents which have been added for reference purpose. The user is advised to carefully check the applicability of such documents.

संदेश

राजस्व विभाग से आम जन का सीधा जुड़ाव है। हर नागरिक का अपने जीवन में भूमि सम्बन्धी मामलों से सरोकार रहता है। सामाजिक एवं पारिवारिक सौहार्द में भी भूमि विवादों के सर्वसम्मत समाधान का एक बड़ा योगदान रहता है। जनता की समस्याओं के त्वरित समाधान के लिए हमारी राजस्व न्याय प्रणाली का चुस्त दुरुस्त होना अनिवार्य है एवं इसके लिए आवश्यक है कि नियम एवं कानून व् विभागीय दिशानिर्देश क्षेत्रीय अधिकारियों एवं लोगों को सरलता से उपलब्ध हों। इसके दृष्टिगत वर्तमान सरकार द्वारा सत्ता सँभालने के बाद पहले ही बजट भाषण में हमारा ये आश्वासन था की हम राजस्व विभाग में नए लैंड कोड को प्रकाशित करेंगे जिसमें भूमि सम्बन्धी नियमों, कानूनों एवं विभागीय निर्देशों का अद्यतन संकलन हो। मुझे खुशी है कि हमारे निर्देश पर विभाग द्वारा त्वरित कारवाई करते हुए नए लैंड कोड को प्रकाशित किया जा रहा है। इस कोड के उपयोग से राजस्व अधिकारियों का मार्गदर्शन होगा एवं वे लोगों के भूमि मामलों का शीघ्र व् सही निपटान कर पाएंगे। आम जन को भी राजस्व विभाग के कानून एवं नियम व् समय-समय पर जारी निर्देशों की जानकारी आसानी से उपलब्ध हो पायेगी। प्रथम लैंड कोड का प्रकाशन 1992 में किया गया था। मैं राजस्व विभाग द्वारा लगभग 31 वर्षों के बाद प्रकाशित किये जा रहे लैंड कोड के नवीन संस्करण के लिए सभी अधिकारियों को हार्दिक बधाई व शुभकामनायें देता हूँ।

श्री सुखविंदर सिंह सुक्खू
माननीय मुख्यमंत्री, हिमाचल प्रदेश

संदेश

यह हर्ष का विषय है कि राजस्व विभाग द्वारा 'लैंड कोड' का प्रकाशन किया जा रहा है। पूरे देश भर की भान्ति हिमाचल प्रदेश में भी भूमि-सुधार के प्रयास हुये हैं तथा पूर्ण राज्यत्व प्राप्ति के बाद राज्य द्वारा भू-सुधार अधिनियमों को बनाया गया। इन कानूनों का उद्देश्य गरीब एवं वंचित वर्गों को भूमि के मालिकाना हक देना व बड़े भू-स्वामियों के पास सम्पत्ति का केन्द्रीकरण रोकना रहा है। समय-समय पर कानूनों में बदलाव हुए हैं। इनका संकलन हिमाचल प्रदेश लैंड कोड के रूप में किया गया था।

वर्तमान सरकार का यह प्रयास है कि कानूनों में आवश्यक संशोधन किया जाए जिससे प्रक्रियाएं सरल हों तथा आम जनता के कार्यों का निपटान तीव्रता से हो। राजस्व विभाग में व्यवस्था परिवर्तन आम जन के हितों के लिए अति आवश्यक है इसी के दृष्टिगत राज्य सरकार ने "राजस्व लोक अदालत" जैसी पहल की है तथा कानूनों एवं नियमों के बदलाव का दौर शुरू किया है। लैंड कोड के नए संस्करण का प्रकाशन इसी पहल की एक कड़ी है ताकि अधिकारियों एवं जनता को सभी कानूनों, नियमों एवं दिशानिर्देशों का एक अद्यतन संकलन मिल सके।

मैं राजस्व विभाग के अधिकारियों को लैंड कोड के नए संस्करण के प्रकाशन पर हार्दिक बधाई एवं शुभकामनायें देता हूँ।

श्री जगत सिंह नेगी
माननीय राजस्व मंत्री, हिमाचल प्रदेश

Foreword

The Land laws and executive instructions of Department of Revenue were first codified in 1992 in the shape of H.P Land Code. This code is still used as a mother book of Revenue Department by the officers, advocates and general public. While there have been substantial changes in the land laws but the code remained unrevised for almost three decades. The Department has also released numerous guidelines, clarifications and executive instructions from time to time addressing legal matters and prescribing procedures to be observed by Revenue Officers. Notably, the instructions issued since 1992 have not been consolidated into a comprehensive code underscoring the imperative for an inclusive update of the code. Furthermore, the evolving socio-economic landscape has also necessitated transformative overhaul of departmental affairs to align with the progressive aspirations of the modern society. To achieve this goal measures such as digitization of records, e-governance, simplification of procedures and updating our laws and rules have been taken. Additionally, codification of laws, rules and all guidelines, is pivotal for this endeavor. Recognizing the necessity, we took the decision to embark on the task of revising the land code.

A Committee was constituted for the purpose and a team led by Sh. Priyatu Mandal (I.A.S) after a diligent work of almost six months successfully finalized the Code. As the famous quote says, “The hands that make mistakes belong to those who work” the team has definitely approached the task with precision and great deal of hard work and the code has been scrutinized minutely but the existence of errors in the book may not be ruled out. Surely, the benefits derived from the code will far surpass the mistakes observed.

I must appreciate all the hard work, commitment and dedication put in by the members of the committee and officers of the department for shaping this document into reliable reference for all. I hope that the current version of H.P Land Code which is being released in three volumes will prove beneficial to all the stakeholders and will contribute to the improvement of the public service delivery by empowering our officers.

(Onkar Chand Sharma)

Principal Secretary (Revenue) cum
Financial Commissioner (Revenue)
Government of Himachal Pradesh

Preface

The boosters of the Space Shuttle could have been made bigger and more powerful, but the NASA engineers were constrained by logistical difficulties. Since the boosters had to be transported by US railways, where the standard gauge was 4 feet and 8.5 inches, the NASA engineers were in a fix. This gauge in the USA was of this measure because it was imported from their old colonial masters, the British. The British rail gauge was this broad because the older tram gauge, which carried wagons, were of this measure. Why were the wagon wheels of this width? Because this was the measure of horse wagons, which ran on some of the old, long-distance roads in England. Who built those roads? Imperial Rome. So, NASA boosters were effectively designed by imperial Rome.

This example shows how legacy decisions taken in the past affect the world far into the future. Legend has it that Todar Mal overhauled the revenue system of imperial Mughals under Akbar. Todar Mal, one of the Navaratnas of the court of Emperor Akbar, was his Finance Minister, and senior administrator. If the legends are true, then much of what we face as challenges of the present revenue system in Himachal stem from decisions taken by Todar Mal. The humble jareb (the measuring unit made from steel chains) and the triangular system of area measurement probably stem from that time - with procedural additions by the British. It is far easier to make new satellite land maps that would be accurate - but we are stuck with the legacy records made often-times a century back. This reminds me of a case I had disposed in Nahan - the appellant's land was decreased in Settlement, although his possession was intact. The whole fight was over the decrease in land that existed on paper only - on ground, he was in possession over as much land today as he had 50 years back. People fight, ruining their lives and finances over generations, over their rights as established in the record. It does not much matter if those records are accurate or not. Legacy decides the present. And future.

...

The last edition of the Land Code was compiled by Mr. I.S. Chandel. Mr. Chandel was a stalwart of the revenue department, having written many of the books we still read today. The Land Records Manual which he drafted is also in daily use in the department. These books came out in 1992, a good three decades back. And much has changed in the years since their publication.

However, nothing is permanent but change. Any compilation of laws or processes becomes outdated even before they reach the bookshelves, fresh and warm out of the printer. Any attempt to compile something in a book shape that is desired to be printed on paper is a foolhardy attempt in today's day and age. It is far easier to update a compilation in a digital format, than it is to go through all the steps for printing. I earnestly hope that this is the last Land Code to ever come out in print - all future Codes, of this or any other department, should come out in digital-only format.

...

They say that fools rush in where angels fear to tread. In early excitement, I rushed in with the desire to update the Land Code and the Manual, books heavily criticised in the field because of outdated provisions. The government quickly formalised a committee to update these books and various revenue processes, and was gracious in allowing me to chair it. However, we did not know the challenges of the undertaking. It took months and months of effort in finding the documents. Record-keeping was far from perfect - and attempts to find the latest and all intervening documents were painful, filled with frustration and anguish. However, patience and dedication are virtues in themselves, and yield rewards. Despite that, we are sure there will be documents missing. At best, this compilation is only an attempt at perfection, and far from it.

Priyatu Mandal
(Head of Committee to draft the Land Code)

Acknowledgements

Newton famously said that he has seen further as he stood on the shoulders of giants. All works are products of joint efforts - far more than we realise. This certainly is the case with government work, and certainly the case with these volumes.

The government notified a committee to compile the revenue documents, and gave a fine group of members to work with. These volumes are the results of countless hours of searching, compiling, drafting, redrafting and copy correction by not just the committee members, but also the supporting staff. I wish to thank Sh. Sandeep Sood, Technical Director (NIC), Sh. Sunil Verma (HAS), Sh. Balwan Chand (HAS), Sh. Manish Chaudhary, (HAS), Sh. Narayan Chauhan (HAS), Sh. Sees Ram (Tehsildar) and Sh. Vikram Jeet Singh (Tehsildar), who are all Committee members. My special thanks go to Sh. Yogesh Chauhan (HAS), and Sh. Chandan Kapoor (HAS), who were part of the sub-committee that did the yeoman's work for the drafts. The longest hours of hard work came from Sh. Anil Chauhan (HAS), who was instrumental in locating decades old documents from the dusty files of the Secretariat - a job easier said than done. I also wish to thank Sh. Sunil Kumar (Steno-Typist), who must have discarded a few keyboards in typing and compiling these thick volumes.

Last but not the least, I wish to thank Sh. Onkar Chand Sharma, IAS, Financial Commissioner (Revenue), Government of Himachal Pradesh, for his continued support and directions. Without his support, these volumes would not have seen the light of the day.

Priyatu Mandal
(Head of Committee to draft the Land Code)

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THE INDIAN STAMP ACT, 1899

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THE INDIAN STAMP ACT, 1899

(ACT NO. II OF 1899)¹

[27th January, 1899.]

An Act to Consolidate and amend the law relating to Stamps.

WHEREAS it is expedient to consolidate and amend the law relating to Stamps; It is hereby enacted as follows:—

CHAPTER I PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Indian Stamp Act, 1899.

²[(2) It extends to the whole of India except the State of Jammu and Kashmir: (Omitted by Act. No. 34 of 2019 and 5th Schedule w.e.f. 31.10.2019.)

Provided that it shall not apply to ³[the territories which, immediately before the 1st November, 1956, were comprised in Part B States (excluding the State of Jammu and Kashmir) except to the extent to which the provisions of this Act relate to rates of stamp-duty in respect of the documents specified in Entry 91 of List I in the Seventh Schedule to the Constitution].

(3) It shall come into force on the first day of July, 1899.

2. **Definitions.**—In this Act, unless there is something repugnant in the subject or context,—

(1) “**Allotment List**” allotment list means a list containing details of allotment of the securities intimated by the issuer to the depository under sub-section (2) of section 8 of the Depositories Act, 1996 (22 of 1996);

(1A) “**Banker**” banker includes a bank and any person acting as a banker;

(2) “**Bill of exchange**”.—“bill of exchange” means a bill of exchange as defined by the Negotiable Instruments Act, 1881, (26 of 1881), and includes also a hundi, and any other document entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money;

¹ For Report of the Select Committee, see Gazette of India, 1898. Pt. -V, p. 231: and for Proceedings in Council, see 1898, Pt. VI, pp. 10 and 278; and Gazette of India, 1899, Pt. VI, p 5.

This Act has been partially extended to Berar Laws Act, 1941 (4 of 1941) and has been declared to be in force in the SonthalParganas by the SonthalParganas Settlement Regulation (3 of 1872), s. 3, as amended by Reg. 3 of 1899, s. 3; in the Angul District by the Angul Laws Regulation, 1936 (5 of 1936), s. 3 and Sch; and in PanthPiploda by the PanthPiploda Laws Regulation, 1929 (1 of 1929), s. 2.

Under s. 3(a) of the Scheduled Districts Act, 1874 (14 of 1874) the Act has been declared to be in force in the Scheduled Districts of Ganjam, Vizagapatam and East Godavary, see Notification No. 121, dated 25th April, 1927, Fort St. George Gazette, 1927, Pt. I, p. 684. It has also been extended under ss. 5 and 5A of the same Act, with certain modifications to the districts of the Khasi and Jaintia Hills, the Garo Hills, the Lushai Hills and the Naga Hills and the North Kachar sub-division of the Kachar district, the Mikir Hill Tracts in the Sibsagar and Nowgong districts and the Lakhimpur Frontier Tract, see Notification No. 1541.- F(a), dated 10th April; 1930. Assam Gazette 1930.Pt. ii, p. 700.

Extended to Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. 1: to Goa, Daman and Diu by Reg. 11 of 1963, s. 3 and to Laccadive, Minicoy and Amindivi Islands by Reg. 8 of 1965, s. 3 and Schedule.

² Subs. by Act 43 of 1955, s. 3, for sub-section (2) (w.e.f. 1-4-1956).

³ Subs. by the A.O. (No. 2) 1956, for “Part B States”.

(3) **“Bill of exchange payable on demand.”**—“bill of exchange payable on demand” includes—

- (a) an order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen;
- (b) an order for the payment of any sum of money weekly, monthly or at any other stated period; and
- (c) a letter of credit, that is to say, any instrument by which one person authorises another to give credit to the person in whose favour it is drawn;

(4) **“Bill of lading.”**— “bill of lading” includes a “through bill of lading”, but does not include a mate's receipt;

(5) **“Bond.”**— “bond” includes—

- (a) any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be;
- (b) any instrument attested by a witness and not payable to order or bearer, whereby a person obliges himself to pay money to another; and
- (c) any instrument so attested, whereby a person obliges himself to deliver grain or other agricultural produce to another;

(6) **“Chargeable.”**—“chargeable” means, as applied to an instrument executed or first executed after the commencement of this Act, chargeable under this Act, and, as applied to any other instrument, chargeable under the law in force in ¹[India] when such instrument was executed or, where several persons executed the instrument at different times, first executed;

(7) **“Cheque.”**—“cheque” means a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand;

²[(7A) **“Clearance list”** means a list of transactions of sale and purchase relating to contracts traded on the stock exchanges submitted to a clearing corporation in accordance with the law for the time being in force in this behalf.;

(7B) **“Clearing corporation”** means an entity established to undertake the activity of clearing and settlement of transactions in securities or other instruments and includes a clearing house of a recognised stock exchange;]

(8) ³* * * * *

(9) **“Collector.”**—“Collector” —

¹ Subs. by Act 43 of 1955, s. 2, for “the States” (w.e.f. 1-4-1956).

² Ins. by Act 7 of 2019, s.12(w.e.f. 1-7-2020). [Earlier notified w.e.f. 9-1-2020 followed by 1-4-2020]

³ Clause (8) omitted by the A.O. 1937.

(a) means, within the limits of the towns of Calcutta, Madras and Bombay, the Collector of Calcutta, Madras and Bombay, respectively, and, without those limits, the Collector of a district; and

(b) includes a Deputy Commissioner and any officer whom ¹[the ²[State Government]] may, by notification in the Official Gazette, appoint in this behalf;

(10) **“Conveyance.”** — “conveyance” includes a conveyance on sale and every instrument by which property, whether moveable or immovable, is transferred inter vivos and which is not otherwise specifically provided for by schedule I;

(11) **“Duly stamped.”** — “duly stamped”, as applied to an instrument, means that the instrument bears an adhesive or impressed stamp of not less than the proper amount and that such stamp has been affixed or used in accordance with the law for the time being in force in ¹[India]:

(12) **“Executed and execution.”** — “executed” and “execution”, used with reference to instruments, mean “signed” and “signature”;

³[* * * * *]

(13) **“Impressed stamp.”** — “impressed stamp” includes—

- (a) labels affixed and impressed by the proper officer; and
- (b) stamps embossed or engraved on stamped paper;

⁴[(13A) **“India”.**- “India” means the territory of India excluding the (State of jammu and Kashmir:)] (Omitted by Act. No. 34 of 2019 and 5th Schedule w.e.f. 31.10.2019.)

(14) **“Instrument.”**- “instrument” includes every document, by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded;

(15) **“Instrument of partition.”**— “instrument of partition” means any instrument where by co-owners of any property divide or agree to divide such property in severalty, and includes also a final order for effecting a partition passed by any Revenue-authority or any Civil Court and an award by an arbitrator directing a partition;

(16) **“Lease.”** — “lease” means a lease of immovable property, and includes also—

- i. a patta;
- i. a kabuliyat or other undertaking in writing, not being a counterpart of a lease, to cultivate, occupy or pay or deliver rent for immovable property;
- ii. any instrument by which tolls of any description are let;
- iii. any writing on an application for a lease intended to signify that the application is granted;

⁵[(16A) **“Marketable security.”**— “marketable security” means a security capable of being traded in any stock exchange in India;

(16B) **Market value.**- “ market value”, in relation to an instrument through which-

¹ Subs. by the A.O. 1937, for “the L.G.”.

² Subs. by the A.O. 1950, for “collecting Government”.

³ Clause (12A) omitted by the A.O. 1950. Earlier ins. by the A.O. 1937.

⁴ Subs. by Act 43 of 1955, s. 2, for “the States” (w.e.f. 1-4-1956).

⁵ Ins. By Act 15 of 1904, s. 2.

- (a) any security is traded in a stock exchange, means the price at which it is so traded;
- (b) any security which is transferred through a depository but not traded in the stock exchange, means the price or the consideration mentioned in such instrument;
- (c) any security is dealt otherwise than in the stock exchange or depository, means the price or consideration mentioned in such instrument;]

(17) **“Mortgage-deed.”**—“mortgage-deed” includes every instrument whereby, for the purpose of securing money advanced, or to be advanced, by way of loan, or an existing or future debt, or the performance of an engagement, one person transfers, or creates, to, or in favour of, another, a right over or in respect of specified property;

(18) **“Paper.”**—“paper” includes vellum, parchment or any other material on which an instrument may be written;

(19) **“Policy of insurance.”**—“policy of insurance” includes—

- (a) any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event;
- (b) a life-policy, and any policy insuring any person against accident or sickness, and any other personal insurance; ^{1***}

²[(c) * * * * *]

²[(19A) **“Policy of group insurance.”**—“policy of group insurance” means any instrument covering not less than fifty or such smaller number as the Central Government may approve, either generally or with reference to any particular case, by which an insurer, in consideration of a premium paid by an employer or by an employer and his employees jointly, engages to cover, with or without medical examination and for the sole benefit of persons other than the employer, the lives of all the employees or of any class of them, determined by conditions pertaining to the employment, for amounts of insurance based upon a plan which precludes individual selection;]

(20) **“Policy of sea-insurance or sea-policy.”**—“Policy of sea-insurance” or “sea-policy”—

- (a) means any insurance made upon any ship or vessel (whether for marine or inland navigation), or upon the machinery, tackle or furniture of any ship or vessel, or upon any goods, merchandise or property of any description whatever on board of any ship or vessel, or upon the freight of, or any other interest which may be lawfully insured in, or relating to, any ship or vessel; and
- (b) includes any insurance of goods, merchandise or property for any transit which includes, not only a sea risk within the meaning of clause (a), but also any other risk incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance:

Where any person, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agrees to take upon himself any risk attending goods, merchandise or property of any description whatever while on board of any ship or vessel, or engages to indemnify the

¹ The word “and” omitted by Act 5 of 1906, s. 2.

² Clause (c) omitted by s. 2, *ibid.*

owner of any such goods, merchandise or property from any risk, loss or damage, such agreement or engagement shall be deemed to be a contract for sea-insurance;

(21) **“Power-of-attorney.”**—“power-of-attorney” includes any instrument (not chargeable with a fee under the law relating to Court-fees for the time being in force) empowering a specified person to act for and in the name of the person executing it;

(22) **“Promissory note.”**—“promissory note” means a promissory note as defined by the Negotiable Instruments Act, 1881 (XXVI of 1881); It also includes a note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen;

(23) **“Receipt.”**—“receipt” includes any note, memorandum or writing—

- (a) where by any money, or any bill of exchange, cheque or promissory note is acknowledged to have been received, or
- (b) where by any other moveable property is acknowledged to have been received in satisfaction of a debt, or
- (c) where by any debt or demand, or any part of a debt or demand, is acknowledged to have been satisfied or discharged, or
- (d) which signifies or imports any such acknowledgment,

and whether the same is or is not signed with the name of any person; ^{1***}

(24) **“Settlement.”**—“settlement” means any non-testamentary disposition, in writing, of moveable or immovable property made—

- (a) in consideration of marriage,
- (b) for the purpose of distributing property of the settler among his family or those for whom he desires to provide, or for the purpose of providing for some person dependent on him, or
- (c) for any religious or charitable purpose;

and includes an agreement in writing to make such a disposition ²[and, where any such disposition has not been made in writing, any instrument recording, whether by way of declaration of trust or otherwise, the terms of any such disposition];
^{3***}

⁴[(25) **“Soldier.”** —“soldier” includes any person below the rank of non-commissioned officer who is enrolled under the ⁵Indian Army Act, 1911(8 of 1911).]

⁶[(26) **“Stamp.”** — “stamp” means any mark, seal or endorsement by any agency or person duly authorised by the State Government, and includes an adhesive or impressed stamp, for the purposes of duty chargeable under this Act.]

⁷[(27) **“Stock exchange.”**- “stock exchange” includes-

¹ The word “and” omitted by Act 18 of 1928, s. 2 and the First Sch.

² Ins. By Act 15 of 1904, s. 2.

³ The word “and” omitted by the A.O. 1950. Earlier ins. by Act 18 of 1928, s. 2 and the First Sch.

⁴ Added by Act 1928 of 18, s. 2 and the First Sch.,

⁵ See Now the Army Act 1950 (46 of 1950).

⁶ Ins. by Act 23 of 2004, s. 117.

⁷ Ins. by act 7 of 2019, s. 12 (w.e.f. 1-7-2020). [Earlier notified w.e.f. 9-1-2020 followed by 1-4-2020]

- (i) a recognized stock exchange as defined in clause (f) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956); and
- (ii) such other platform for trading or reporting a deal in securities, as may be specified by the Central Government, by notification in the Official Gazette, for the purposes of this Act.]

STATE AMENDMENT

Himachal Pradesh

Amendment of section 2.- In clause (10) of section 2 of the Indian Stamp Act, 1899, hereinafter referred to as the said Act, for the colon shall be substituted a comma, followed by the words “ or by Schedule I-A as the case may be.”

[vide Himachal Pradesh Act 4 of 1953, s.2]

CHAPTER II STAMP DUTIES

A.—Of the Liability of Instruments to Duty

3. **Instruments chargeable with duty.**—Subject to the provisions of this Act and the exemptions contained in Schedule I, the following instruments shall be chargeable with duty of the amount indicated in the Schedule as the proper duty therefore respectively, that is to say—

- (a) every instrument mentioned in that Schedule which, not having been previously executed by any person, is executed in ¹[India] on or after the first day of July, 1899;
- (b) every bill of exchange ²[payable otherwise than on demand] ^{3***} or promissory note drawn or made out of ¹[India] on or after that day and accepted or paid, or presented for acceptance or payment, or endorsed, transferred or otherwise negotiated, in ¹[India]; and
- (c) every instrument (other than a bill of exchange, ^{3***} or promissory note) mentioned in that Schedule, which, not having been previously executed by any person, is executed out of ¹[India] on or after that day, relates to any property situate, or to any matter or thing done or to be done, in ¹[India] and is received in ¹[India]:

Provided that no duty shall be chargeable in respect of—

- (1) any instrument executed by, or on behalf of, or in favour of, the Government in cases where, but for this exemption, the Government would be liable to pay the duty chargeable in respect of such instrument;
- (2) any instrument for the sale, transfer or other disposition, either absolutely or by way of mortgage or otherwise, of any ship or vessel, or any part, interest, share or property of or in any ship or vessel registered under the Merchant Shipping Act 1894, Act No. 57 & 58 Vict. c. 60 or under Act XIX of 1838 Act No. or the Indian Registration of Ships Act, 1841, (CX of 1841) as amended by subsequent Acts.

¹ Subs. By Act 43 of 1955, s. 2, for “the States” (w.e.f. 1-4-1956).

² Ins. by Act 5 of 1927, s.5.

³ The word “cheque” omitted by s. 5, *ibid.*

STATE AMENDMENT

Himachal Pradesh

Amendment of section 3.- In section 3 of the said Act- (1) After clause (c), the following proviso shall be inserted, namely:- “Provided that, notwithstanding anything contained in clauses (a), (b) or (c) of this section or in Schedule-I, and subject to the exemptions contained in Schedule I-A, the following instruments shall be chargeable with duty of the amount indicated in Schedule I-A as the proper duty therefore, respectively, that is to say:

(aa) every instrument mentioned in Schedule I-A as chargeable with duty under that Schedule which, not having been previously executed by any person is executed in the Himachal Pradesh on or after the date of commencement of this Act;

(bb) every instrument mentioned in Schedule I-A as chargeable with duty under that Schedule, which, not having been previously executed by any person, is executed out of Himachal Pradesh, on or after the date of commencement of this Act and relates to any property situated, or to any matter or thing done or to be done in the Himachal Pradesh, and is received in the Himachal Pradesh”.

(2) Between the word “Provided” and the words “that no duty” the word “also” shall be inserted.

4. Several instruments used in single transaction of sale, mortgage or settlement.—(1) Where, in the case of any sale, mortgage or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in Schedule I, for the conveyance, mortgage or settlement, and each of the other instruments shall be chargeable with a duty of one rupee instead of the duty (if any) prescribed for it in that Schedule.

(2) The parties may determine for themselves which of the instrument so employed shall, for the purposes of sub-section (1), be deemed to be the principal instrument:

Provided that the duty chargeable on the instrument so determined shall be the highest duty which would be chargeable in respect of any of the said instruments employed.

STATE AMENDMENT

Himachal Pradesh

Amendment of section 4.- In sub-section (1) of section 4 of the said Act-

(a) for the word and figure “Schedule I” the word, figure and letter ‘Schedule I-A’ shall be substituted, and

(b) for the words “one rupee”, the words “two rupees” shall be substituted.

[vide Himachal Pradesh Act 4 of 1953, s.4]

5. Instruments relating to several distinct matters.—Any instrument comprising or relating to several distinct matters shall be chargeable with the aggregate amount of the duties with which separate instruments, each comprising or relating to one of such matters, would be chargeable under this Act.

6. Instruments coming within several descriptions in Schedule I.—Subject to the provisions of the last preceding section, an instrument so framed as to come within two or more of

the descriptions in Schedule I, shall, where the duties chargeable thereunder are different, be chargeable only with the highest of such duties:

Provided that nothing in this Act contained shall render chargeable with duty exceeding one rupee a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid.

STATE AMENDMENT

Himachal Pradesh

Amendment of section 6.— In section 6 of the said Act- (1) After the word and figure “Schedule I” the words, figure and letter “or Schedule I-A” shall be inserted.

(2) In the proviso, for the words “one rupee” the words “two rupees” shall be substituted and after the words “has been paid” the following shall be added, namely;- “unless it falls within the provisions of section 6-A”.

[Vide Himachal Pradesh Act 4 of 1953, s. 5]

Addition of a new section 6-A.—After section 6 of the said Act, the following new section shall be inserted: —

6-A. Payment of Himachal Pradesh stamp duty on copies, counter-parts or duplicates when that duty has not been paid on the principal or original instrument.- (1) Notwithstanding anything contained in sections 4 or 6 or in any other law, unless it is proved that the duty chargeable under the Indian Stamp (Himachal Pradesh Amendment) Act, 1952 has been paid:-

- (a) on the principal or original instrument as the case may be; or
- (b) in accordance with the provisions of this section, the duty chargeable on an instrument of sale, mortgage or settlement other than a principal instrument or on a counterpart, duplicate or copy of any instrument shall, if the principal or original instrument would, when received in Himachal Pradesh, have been chargeable, under the Indian Stamp (Himachal Pradesh Amendment) Act, 1952, with a higher rate of duty with which the principal or original instrument would have been chargeable under section 19-A.

(2) Notwithstanding anything contained in section 35 or in any other law, no instrument, counterpart, duplicate or copy chargeable with duty under this section shall be received in evidence as properly stamped unless the duty chargeable under this section has been paid thereon;

Provided that a court before which any such instrument, counterpart, duplicate or copy is produced, shall permit the duty chargeable under this section, to be paid thereon and shall then receive it in evidence.

[Vide Himachal Pradesh Act 4 of 1953, s. 6]

7. Policies of sea-insurance.—¹[(1)****][(2)****][(3)****]

(4) Where any sea-insurance is made for or upon a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy shall be charged with duty as a policy for or upon a voyage, and also with duty as a policy for time.

¹ Sub-sections (1), (2) and (3) rep. by Act 11 of 1963, s. 92 (w.e.f. 1-8-1963).

8. Bonds, debentures or other securities issued on loans under Act XI of 1879.—(1) Notwithstanding anything in this Act, any local authority raising a loan under the provisions of the Local Authorities Loan Act, 1879 or, of any other law for the time being in force, by the issue of bonds, debentures or other securities, shall, in respect of such loan, be chargeable with a duty of ¹[one per centum] on the total amount of the bonds, debentures or other securities issued by it, and such bonds, debentures or other securities need not be stamped and shall not be chargeable with any further duty on renewal, consolidation, sub-division or otherwise.

(2) The provisions of sub-section (1) exempting certain bonds, debentures or other securities from being stamped and from being chargeable with certain further duty shall apply to the bonds, debentures or other securities of all outstanding loans of the kind mentioned therein, and all such bonds, debentures or other securities shall be valid, whether the same are stamped or not:

Provided that nothing herein contained shall exempt the local authority which has issued such bonds, debentures or other securities from the duty chargeable in respect thereof prior to the twenty-sixth day of March, 1897, when such duty has not already been paid or remitted by order issued by the Central Government.

(3) In the case of willful neglect to pay the duty required by this section, the local authority shall be liable to forfeit to the Government a sum equal to ten per centum upon the amount of duty payable, and a like penalty for every month after the first month during which the neglect continues.

²[8A. **Securities dealt in depository not liable to stamp duty.**—Notwithstanding anything contained in this Act or any other law for the time being in force,—

- (a) an issuer, by the issue of securities to one or more depositories, shall, in respect of such issue, be chargeable with duty on the total amount of securities issued by it and such securities need not be stamped;
- (b) where an issuer issues certificate of security under sub-section (3) of section 14 of the Depositories Act, 1996 (22 of 1996), on such certificate duty shall be payable as is payable on the issue of duplicate certificate under this Act;
- (c) the transfer of –
 - (i) Registered ownership of securities from a person to a depository or from a depository to beneficial owner;
 - (ii) Beneficial ownership of securities, dealt with by a depository;
 - (iii) Beneficial ownership of units, such units being units of a Mutual Fund including units of the Unit Trust of India established under sub-section (1) of section 3 of the Unit Trust of India Act, 1963 (52 of 1963), dealt with by a depository.

Shall not be liable to duty under this Act or any other law for the time being in force.

Explanation I.— For the purpose of this section, the expressions “beneficial ownership”, “depository” and “issuer” shall have the meanings respectively assigned to them in clauses (a), (e) and (f) of sub-section (1) of section 2 of the Depositories Act, 1996 (22 of 1996).

¹ Subs. by Act 6 of 1910, s. 2, for “eight annas per centum”.

² Subs. By Act 10 of 2000, s. 118 (w.e.f. 12-5-2000). Earlier ins. by Act 22 of 1996, s. 30 and The Scheduel (w.e.f. 20-9-1995).

Explanation 2.- For the purpose of this section, the expression “securities” shall have the meaning assigned to it in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956).]

¹[8B. **Corporatisation and demutualisation schemes and related instruments not liable to duty.**—Notwithstanding anything contained in this Act or any other law for the time being in force,—

- (a) a scheme for corporatisation or demutualisation, or both of a recognised stock exchange; or
- (b) any instrument, including an instrument of, or relating to, transfer of any property, business, asset whether movable or immovable, contract, right, liability and obligation, for the purpose of, or in connection with, the corporatisation or demutualisation, or both of a recognised stock exchange pursuant to a scheme, as approved by the Securities and Exchange Board of India under sub-section (2) of section 4B of the Securities Contracts (Regulation) Act, 1956(42 of 1956), shall not be liable to duty under this Act or any other law for the time being in force.

Explanation. —For the purposes of this section,—

- (a) the expressions “corporatisation”, “demutualisation” and “scheme” shall have the meanings respectively assigned to them in clauses (aa), (ab) and (ga) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956);
- (b) “Securities and Exchange Board of India” means the Securities and Exchange Board of India established under section 3 of the Securities and Exchange Board of India Act, 1992(15 of 1992).]

²[8C. **Negotiable warehouse receipts not liable to stamp-duty.**—Notwithstanding anything contained in this Act, negotiable warehouse receipts shall not be liable to stamp duty.]

³[8D. **Agreement or document for assignment of receivables not liable to stamp-duty.**—Notwithstanding anything contained in this Act or any other law for the time being in force, any agreement or other document for assignment of “receivables” as defined in clause (p) of section 2 of the Factoring Regulation Act, 2011 in favour of any “factor” as defined in clause (i) of section 2 of the said Act shall not be liable to duty under this Act or any other law for the time being in force.]

⁴[8E. **Conversion of a branch of any bank into a wholly owned subsidiary of bank or transfer of shareholding of a bank to a holding company of bank not liable to duty.** — Notwithstanding anything contained in this Act or any other law for the time being in force,-

- (a) conversion of a branch of a bank into a wholly owned subsidiary of the bank or transfer of shareholding of a bank to a holding company of the bank in terms of the scheme or guidelines of the Reserve Bank of India shall not be liable to duty under this Act or any other law for the time being in force; or
- (b) any instrument, including an instrument of, or relating to, transfer of any property, business, asset whether movable or immovable, contract, right, liability and obligation, for the purpose of, or in connection with, the conversion of a branch of a

¹ Ins. by Act 18 of 2005, s. 114 (w.e.f. 13-5-2005)

² Ins by Act 37 of 2007 m s, 55 (w.e.f. 25-10-2010)

³ Ins. by Act 12 of 2012, s. 35 and the Schedule (w.e.f. 1-2-2012).

⁴ Ins. by Act 4 of 2013, s. 17 and the Schedule (w.e.f. 17-1-2013).

bank into a wholly owned subsidiary of the bank or transfer of shareholding of a bank to a holding company of the bank in terms of the scheme or guidelines issued by the Reserve Bank of India in this behalf, shall not be liable to duty under this Act or any other law for the time being in force.

Explanation.—

- (i) For the purposes of this section, the expression “bank” means—
- (a) “a banking company” as defined in clause (c) of section 5 of the Banking Regulation Act, 1949(10 of 1949);
 - (b) “a corresponding new bank” as defined in clause (da) of section 5 of the Banking Regulation Act, 1949 (10 of 1949);
 - (c) “State Bank of India” constituted under section 3 of the State Bank of India Act, 1955 (23 of 1955);
 - (d) “a subsidiary bank” as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);
 - (e) “a Regional Rural Bank” established under section 3 of the Regional Rural Banks Act, 1976 (21 of 1976);
 - (f) “a Co-operative Bank” as defined in clause (cci) of section 5 of the Banking Regulation Act, 1949 (10 of 1949);
 - (g) “a multi-State co-operative bank” as defined in clause (cciiia) of section 5 of the Banking Regulation Act, 1949(10 of 1949);

(ii) For the purposes of this section, the expression the “Reserve Bank of India” means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934 (2 of 1934).]

¹[8F. **Agreement or document for transfer or assignment of rights or interest in financial assets not liable to stamp-duty.**—Notwithstanding anything contained in this Act or any other law for the time being in force, any agreement or other document for transfer or assignment of rights or interest in financial assets of banks or financial institutions under section 5 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, (54 of 2002) in favour of any asset reconstruction company, as defined in clause (ba) of sub-section (1) of section 2 of that Act, shall not be liable to duty under this Act.]

²[8G. **Strategic sale, disinvestment, etc., of immovable property by Government company not liable to stamp duty.**—Notwithstanding anything contained in this Act or any other law for the time being in force, any instrument for conveyance or transfer of a business or asset or right in any immovable property from a Government company, its subsidiary, unit or joint venture,

(i) by way of strategic sale or disinvestment or demerger or any other scheme of arrangements or through any law, to another Government company or to the Central Government or any State Government or to the development financial institution established by any law made by Parliament; or

(ii) which is to be wound up, closed, struck-off, liquidated or otherwise shut down, to another Government company or to the Central Government or any State Government, after

¹ Ins. by Act 44 of 2016, s. 43 and the First Schedule (w.e.f. 1-9-2016).

² Ins. by Act 13 of 2021, s. 126 (w.e.f. 28-3-2021).

approval of the Central Government or the State Government, as the case may be, shall not be liable to duty under this Act.

Explanation.—For the purposes of this section, “Government company” shall have the same meaning as assigned to it in clause (45) of section 2 of the Companies Act, 2013 (18 of 2013).]

9. Power to reduce, remit or compound duties. — ¹[(1)] ²[The ^{3***} Government] may, by rule or order published in the Official Gazette, —

- (a) reduce or remit, whether prospectively or retrospectively, in the whole or any part of ⁴[the territories under its administration], the duties with which any instruments or any particular class of instruments, or any of the instruments belonging to such class, or any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable, and
- (b) provide for the composition or consolidation of duties ⁵[of policies of insurance and] in the case of issues by any incorporated company or other body corporate ⁶[or of transfers (where there is a single transferee, whether incorporated or not)] of debentures, bonds or other marketable securities.

⁷[(2) In this section the expression “the Government” means, —

- (a) in relation to stamp-duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts, and in relation to any other stamp-duty chargeable under this Act and falling within entry 96 in List I in the ⁸[Seventh Schedule to the Constitution, except the subject matters referred to in clause (b) of sub-section (1)]; the Central Government;
- (b) Save as aforesaid, the State Government.]

B.—Of Stamps and the mode of using them

10. Duties how to be paid.—(1) Except as otherwise expressly provided in this Act, all duties with which any instruments are chargeable shall be paid, and such payment shall be indicated on such instruments, by means of stamps —

- (a) according to the provisions herein contained; or
- (b) when no such provision is applicable thereto—as the ⁹[State Government] may by rule direct.

(2) The rules made under sub-section (1) may, among other matters, regulate,—

- (a) in the case of each kind of instrument—the description of stamps which may be used;

¹ S. 9 re-numbered as sub-section (1) of that section by the A.O. 1950.

² Subs. By the A.O. 1937, for “the G.G. in C”.

³ The word “collecting” omitted by the A.O. 1950.

⁴ Subs. By the A.O. 1937, for “British India”.

⁵ Ins. by Act 23 of 2004, s. 117.

⁶ Ins. by Act 32 of 1994, s. 99 (w.e.f. 13-9-1994).

⁷ Added by the A.O. 1950.

⁸ Subs by Act 21 of 2006 s. 69, for “Seventh Schedule to the Constitution”. (w.e.f. 18-4-2006).

⁹ Subs. By the A.O. 1950, for “collecting government”.

- (b) in the case of instruments stamped with impressed stamps—the number of stamps which may be used;
- (c) in the case of bills of exchange or promissory notes ¹[***] the size of the paper on which they are written.

11. Use of adhesive stamps.—The following instruments may be stamped with adhesive stamps, namely: —

- (a) instruments chargeable ²[with a duty not exceeding ten naye paise], except parts of bills of exchange payable otherwise than on demand and drawn in sets;
- (b) bills of exchange, ³[***] and promissory notes drawn or made out of ⁴[India];
- (c) entry as an advocate, vakil or attorney on the roll of a High Court;
- (d) notarial acts; and
- (e) transfers by endorsement of shares in any incorporated company or other body corporate.

12. Cancellation of adhesive stamps.—(1) (a) Whoever affixes any adhesive stamp to any instrument chargeable with duty which has been executed by any person shall, when affixing such stamp, cancel the same so that it cannot be used again; and

(b) whoever executes any instrument on any paper bearing an adhesive stamp shall, at the time of execution, unless such stamp has been already cancelled in manner aforesaid, cancel the same so that it cannot be used again.

(2) Any instrument bearing an adhesive stamp which has not been cancelled so that it cannot be used again, shall, so far as such stamp is concerned, be deemed to be unstamped.

(3) The person required by sub-section (1) to cancel an adhesive stamp may cancel it by writing on or across the stamp his name or initials or the name or initials of his firm with the true date of his so writing, or in any other effectual manner.

13. Instruments stamped with impressed stamps how to be written.—Every instrument written upon paper stamped with an impressed stamp shall be written in such manner that the stamp may appear on the face of the instrument and cannot be used for or applied to any other instrument.

14. Only one instrument to be on same stamp.—No second instrument chargeable with duty shall be written upon a piece of stamped paper upon which an instrument chargeable with duty has already been written;

Provided that nothing in this section shall prevent any endorsement which is duly stamped or is not chargeable with duty being made upon any instrument for the purpose of transferring any right created or evidenced thereby, or of acknowledging the receipt of any money or goods the payment or delivery of which is secured thereby.

15. Instrument written contrary to Section 13 or 14 deemed unstamped.—Every instrument written in contravention of Section 13 or section 14 shall be deemed to be unstamped.

¹ The words “written in any oriental language” omitted by Act 43 of 1955 s. 5 (w.e.f. 1-4-1956).

² Subs. by Act 19 of 1958, s. 2, for “with the duty of one anna or half an anna” (w.e.f. 1-10-1958).

³ The word “cheques” omitted by Act 5 of 1927, s. 5.

⁴ Subs. by Act 43 of 1955, s. 2, for “the States” (w.e.f. 1-4-1956).

16. **Denoting duty.**—Where the duty with which an instrument is chargeable, or its exemption from duty, depends in any manner upon the duty actually paid in respect of another instrument, the payment of such last-mentioned duty shall, if application is made in writing to the Collector for that purpose, and on production of both the instruments, be denoted upon such first-mentioned instrument by endorsement under the hand of the Collector or in such other manner (if any) as the ¹[State Government] may by rule prescribe.

C.—Of the time of stamping instruments

17. **Instruments executed in India.**—All instruments chargeable with duty and executed by any person in ²[India] shall be stamped before or at the time of execution.

18. **Instruments other than bills and notes executed out of India.**—(1) Every instrument chargeable with duty executed only out of ³[India], and not being a bill of exchange ^{4***} or promissory note, may be stamped within three months after it has been first received in ¹[India].

(2) Where any such instrument cannot, with reference to the description of stamp prescribed therefore, be duly stamped by a private person, it may be taken within the said period of three months to the Collector, who shall stamp the same, in such manner as the ⁵[State Government] may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.

19. **Bills and notes drawn out of India.**—The first holder in ¹[India] of any bill of exchange ⁶[payable otherwise than on demand], ⁷[***] or promissory note drawn or made out of ¹[India] shall, before he presents the same for acceptance or payment, or endorses, transfers or otherwise negotiates the same in ¹[India], affix thereto the proper stamp and cancel the same: Provided that,—

- (a) if, at the time any such bill of exchange, ^{5***} or note comes into the hands of any holder thereof in ¹[India], the proper adhesive stamp is affixed thereto and cancelled in manner prescribed by section 12 and such holder has no reason to believe that such stamp was affixed or cancelled otherwise than by the person and at the time required by this Act, such stamp shall, so far as relates to such holder, be deemed to have been duly affixed and cancelled;
- (b) nothing contained in this proviso shall relieve any person from any penalty incurred by him for omitting to affix or cancel a stamp.

STATE AMENDMENT

Addition of a new section 19-A.—After section 19 of the said Act the following new section shall be inserted, namely:-

19-A. Payment of duty on certain instruments liable to increased duty in Himachal Pradesh under clause (bb) of section 3.- Where any instrument has become chargeable in any part

¹ Subs. by the A.O. 1950, for “collecting Government”.

² Subs. by Act 43 of 1955, s. 2, for “the States” (w.e.f. 1-4-1956).

³ Subs. by Act 43 of 1955, s. 2, for “the States” (w.e.f. 1-4-1956).

⁴ The word “cheque” omitted by Act 5 of 1927, s. 5.

⁵ Subs. by the A.O. 1950, for “collecting Government”.

⁶ Ins. by s.5, *ibid.*

⁷ The word “cheque” omitted by Act 5 of 1927, s. 5.

of India and thereafter becomes chargeable with higher rate of duty in the Himachal Pradesh under clause (bb) of the first proviso to section 3 as amended by the Indian Stamp (Himachal Pradesh Amendment) Act, 1952-

(i) notwithstanding anything contained in the said proviso, the amount of duty chargeable on such instrument shall be the amount chargeable on it under Schedule- I-A less the amount of duty, if any already paid on it in India,

(ii) in addition to the stamps, if any, already affixed thereto, such instrument shall be stamped with the stamps necessary for the payment of the amount of duty chargeable on it under clause (i) in the same manner and at the same time and by the same person as though such instrument were an instrument received in India for the first time at the time when it became chargeable with the higher duty.

[Vide Himachal Pradesh Act 4 of 1953, s. 7]

D.—Of valuations for Duty

20. Conversion of amount expressed in foreign currencies.—(1) Where an instrument is chargeable with ad valorem duty in respect of any money expressed in any currency other than that of ¹[India] such duty shall be calculated on the value of such money in the currency of ¹[India] according to the current rate of exchange on the day of the date of the instrument.

(2) The Central Government may, from time to time, by notification in the Official Gazette, prescribe a rate of exchange for the conversion of British or any foreign currency into the currency of ¹[India] for the purposes of calculating stamp-duty, and such rate shall be deemed to be the current rate for the purposes of sub-section (1).

21. Stock and marketable securities how to be valued. —Where an instrument is chargeable with ad valorem duty in respect of any stock or of any marketable or other security, such duty shall be calculated on the value of such stock or security according to the average price or the value thereof on the day of the date of the instrument.

22. Effect of statement of rate of exchange or average price.—Where an instrument contains a statement of current rate of exchange, or average price, as the case may require, and is stamped in accordance with such statement, it shall, so far as regards the subject-matter of such statement, be presumed, until the contrary is proved, to be duly stamped.

23. Instruments reserving interest.—Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with duty higher than that with which it would have been chargeable had no mention of interest been made therein.

²[**23A. Certain instruments connected with mortgages of marketable securities to be chargeable as agreements.** — (1) Where an instrument (not being a promissory note or bill of exchange)—

- (a) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt, or

¹ Subs. by Act 43 of 1955, s. 2, for “the States” (w.e.f. 1-4-1956).

² Ins. by Act 15 of 1904, s. 3.

- (b) makes redeemable or qualifies a duly stamped transfer, intended as a security, of any marketable security,

it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under ¹[Article No. 5 (c)] of Schedule I.

(2) A release or discharge of any such instrument shall only be chargeable with the like duty.]

STATE AMENDMENT

Himachal Pradesh

Amendment of Section 23-A.- In Sub Section (1) of Section 23-A of the said Act, for the word and figure ‘Shedule-I’ the word, figure and letter “Schedule I-A” shall be substituted.

[Vide Himachal Pradesh Act 4 of 1953, s. 8)

24. How transfer in consideration of debt, or subject to future payment, etc., to be charged. — Where any property is transferred to any person in consideration, wholly or in part, of any debt due to him, or subject either certainly or contingently to the payment or transfer of any money or stock, whether being or constituting a charge or incumbrance upon the property or not, such debt, money or stock is to be deemed the whole or part, as the case may be, of the consideration in respect whereof the transfer is chargeable with ad valorem duty:

Provided that, nothing in this section shall apply to any such certificate of sale as is mentioned in Article No. 18 of Schedule I.

Explanation.—In the case of a sale of property subject to a mortgage or other incumbrance, any unpaid mortgage money or money charged, together with the interest (if any) due on the same, shall be deemed to be part of the consideration for the sale:

Provided that, where property subject to a mortgage is transferred to the mortgagee, he shall be entitled to deduct from the duty payable on the transfer the amount of any duty already paid in respect of the mortgage.

Illustrations

(1) A owes B Rs. 1,000. A sells a property to B, the consideration being Rs. 500 and the release of the previous debt of Rs. 1,000. Stamp-duty is payable on Rs. 1,500.

(2) A sells a property to B for Rs. 500 which is subject to a mortgage to C for Rs. 1,000 and unpaid interest Rs 200. Stamp-duty is payable on Rs. 1,700.

(3) A mortgages a house of the value of Rs. 10,000 to B for Rs. 5,000. B afterwards buys the house from A. Stamp-duty is payable on Rs. 10,000 less the amount of stamp-duty already paid for the mortgage.

STATE AMENDMENT

Amendment of Section 24.- In the proviso to section 24, of the said Act, for the full stop shall be substituted a comma followed by the words “or Schedule I-A, as the case may be”.

[Vide Himachal Pradesh Act 4 of 1953, s. 9)

¹ Subs. by Act 1 of 1912, s. 3, for “Article No. 5(b)”.

25. **Valuation in case of annuity, etc.**—Where an instrument is executed to secure the payment of an annuity or other sum payable periodically, or where the consideration for a conveyance is an annuity or other sum payable periodically, the amount secured by such instrument or the consideration for such conveyance, as the case may be, shall, for the purposes of this Act, be deemed to be,—

- (a) where the sum is payable for a definite period so that the total amount to be paid can be previously ascertained—such total amount;
- (b) where the sum is payable in perpetuity or for an indefinite time not terminable with any life in being at the date of such instrument or conveyance—the total amount which, according to the terms of such instrument or conveyance, will or may be payable during the period of twenty years calculated from the date on which the first payment becomes due; and
- (c) where the sum is payable for an indefinite time terminable with any life in being at the date of such instrument or conveyance—the maximum amount which will or may be payable as aforesaid during the period of twelve years calculated from the date on which the first payment becomes due.

26. **Stamp where value of subject-matter is indeterminate.**—Where the amount or value of the subject-matter of any instrument chargeable with ad valorem duty cannot be, or (in the case of an instrument executed before the commencement of this Act) could not have been, ascertained at the date of its execution or first execution, nothing shall be claimable under such instrument more than the highest amount or value for which, if stated in an instrument of the same description, the stamp actually used would, at the date of such execution, have been sufficient:

¹[Provided that, in the case of the lease of a mine in which royalty or a share of the produce is received as the rent or part of the rent, it shall be sufficient to have estimated such royalty or the value of such share, for the purpose of stamp-duty,—

- (a) when the lease has been granted by or on behalf of ²[the Government], at such amount or value as the Collector may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty or share to ³[the Government] under the lease, or
- (b) when the lease has been granted by any other person, at twenty thousand rupees a year; and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease;

Provided also that where proceedings have been taken in respect of an instrument under section 31 or 41, the amount certified by the Collector shall be deemed to be the stamp actually used at the date of execution.

27. **Facts affecting duty to be set forth in instrument.** —The consideration (if any) and all other facts and circumstances affecting the chargeability of any instrument with duty, or the amount of the duty with which it is chargeable, shall be fully and truly set forth therein.

¹ Subs. by Act 15 of 1904, s. 4., for the proviso.

² Subs. by the A.O. 1937, for “the secretary of State in Council”.

³ Subs., *ibid.*, for “the said Secretary of State in Council”.

STATE AMENDMENT

Amendment in section 27.- For the words and brackets “ The consideration (if any)” occurring in section 27 of the Indian Stamp Act, 1899 (2 of 1899) (hereinafter called as the principal Act), the words and signs “The consideration, if any, the market value of the property” shall be substituted.

[Vide Himachal Pradesh Act 7 of 1989, s.2]

28. **Direction as to duty in case of certain conveyances.**—(1) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts by different instruments, the consideration shall be apportioned in such manner as the parties think fit, provided that a distinct consideration for each separate part is set forth in the conveyance relating thereto, and such conveyance shall be chargeable with ad valorem duty in respect of such distinct consideration.

(2) Where property contracted to be purchased for one consideration for the whole, by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed in parts by separate instruments to the persons by or for whom the same was purchased, for distinct parts of the consideration, the conveyance of each separate part shall be chargeable with ad valorem duty in respect of the distinct part of the consideration therein specified.

(3) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the same to any other person and the property is in consequence conveyed immediately to the sub-purchaser the conveyance shall be chargeable with ad valorem duty in respect of the consideration for the sale by the original purchaser to the sub-purchaser.

(4) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the whole, or any part thereof, to any other person or persons and the property is in consequence conveyed by the original seller to different persons in parts, the conveyance of each part sold to a sub-purchaser shall be chargeable with ad valorem duty in respect only of the consideration paid by such sub-purchaser, without regard to the amount or value of the original consideration; and the conveyance of the residue (if any) of such property to the original purchaser shall be chargeable with ad valorem duty in respect only of the excess of the original consideration over the aggregate of the considerations paid by the sub-purchasers:

Provided that the duty on such last-mentioned conveyance shall in no case be less than one rupee.

(5) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with ad valorem duty in respect of the consideration paid by him and is duly stamped accordingly, any conveyance to be afterwards made to him of the same property by the original seller shall be chargeable with a duty equal to that which would be chargeable on a conveyance for the consideration obtained by such original seller, or, where such duty would exceed five rupees, with a duty of five rupees.

E.—Duty by whom payable

29. **Duties by whom payable.**—In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne —

(a) in the case of any instrument described in any of the following Articles of Schedule I, namely:—

No. 2. (Administration Bond),

¹[No. 6 (Agreement relating to Deposit of Title-deeds, Pawn or Pledge),]

No. 13 (Bill of exchange),

No. 15 (Bond),

No. 16 (Bottomry Bond),

No. 26 (Customs Bond),

No. 27 (Debenture)

No. 32 (Further charge),

No. 34 (Indemnity-Bond),

No. 40 (Mortgage-deed),

No. 49 (Promissory-note),

No. 55 (Release),

No. 56 (Respondentia Bond),

No. 57 (Security-bond or Mortgage-deed),

No. 58 (Settlement),

No. 62 (a) (Transfer of shares in an incorporated Company or other body corporate),

No. 62 (b) (Transfer of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8),

No. 62 (c). (Transfer of any interest secured by a bond, mortgage-deed or policy of insurance),— by the person drawing, making or executing such instrument;

²[(b) in the case of a policy of insurance other than fire-insurance—by the person effecting the insurance;

(bb) in the case of a policy of fire-insurance— by the person issuing the policy;]

(c) in the case of a conveyance (including re-conveyance of mortgaged property) by the grantee: in the case of a lease or agreement to lease—by the lessee or intended lessee:

(d) in the case of a counterpart of a lease—by the lessor;

(e) in the case of an instrument of exchange—by the parties in equal shares,

(f) in the case of a certificate of sale—by the purchaser of the property to which such certificate relates; and

(g) in the case of an instrument of partition—by the parties thereto in proportion to their respective shares in the whole property partitioned or, when the partition is made in execution of an order passed by a Revenue-authority or Civil Court or arbitrator, in such proportion as such authority, Court or arbitrator directs.

30. Obligation to give receipt in certain cases.—Any person receiving any money exceeding twenty rupees in amount, or any bill of exchange, cheque or promissory note for an amount exceeding twenty rupees, or receiving in satisfaction or part satisfaction of a debt any movable property exceeding twenty rupees in value, shall, on demand by the person paying or delivering such money, bill, cheque, note or property, give a duly stamped receipt for the same.

¹ Subs. by Act 15 of 1904, s. 5, for “No. 6. (Agreement to Mortgage)”.

² Subs. by Act 5 of 1906, s. 4, for clause (b).

¹[Any person receiving or taking credit for any premium or consideration for any renewal of any contract of fire-insurance, shall, within one month after receiving or taking credit for such premium or consideration, give a duly stamped receipt for the same.]

CHAPTER III ADJUDICATION AS TO STAMPS

31. Adjudication as to proper stamp.—(1) When any instrument, whether executed or not and whether previously stamped or not, is brought to the Collector, and the person bringing it applies to have the opinion of that officer as to the duty (if any) with which it is chargeable, and pays a fee of such amount (not exceeding five rupees and not less than ²[fifty naye paise]) as the Collector may in each case direct, the Collector shall determine the duty (if any) with which, in his judgment, the instrument is chargeable.

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

Provided that—

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

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

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

(a) the Collector determines that it is already fully stamped, or

(b) the duty determined by the Collector under section 31, or such a sum as, with the duty already paid in respect of the instrument, is equal to the duty so determined, has been paid, the Collector shall certify by endorsement on such instrument that the full duty (stating the amount) with which it is chargeable has been paid.

(2) When such instrument is, in his opinion, not chargeable with duty, the Collector shall certify in manner aforesaid that such instrument is not so chargeable.

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

Provided that nothing in this section shall authorize the Collector to endorse—

¹ Added by Act 15 of 1904 for No. 6.

² Subs. by Act 19 of 1958, s. 3, for “eight annas” (w.e.f. 1-10-1958).

- (a) any instrument executed or first executed in ¹[India] and brought to him after the expiration of one month from the date of its execution or first execution, as the case may be;
- (b) any instrument executed or first executed out of ¹[India] and brought to him after the expiration of three months after it has been first received in ¹[India]; or
- (c) any instrument chargeable ²[with a duty not exceeding ten naye paise], or any bill of exchange or promissory note, when brought to him, after the drawing or execution thereof, on paper not duly stamped.

STATE AMENDMENT

Himachal Pradesh

Amendment of Section 32.- In section 32 of the said Act-

(1) in clause (a) of the proviso, after the words “any instrument” the words “other than an instrument chargeable with a duty under clause (bb) of the first proviso to section 3 as amended by the Indian Stamp (Himachal Pradesh Amendment) Act, 1952: shall be inserted.

(2) the word “or” at the end of clause (b) of the proviso shall be omitted,

(3) after clause (c) of the proviso the word “or” shall be inserted, and the following new clause shall be added:-

“(d) any instrument chargeable with duty under clause (bb) of the first proviso to section 3 as amended by the Indian Stamp (Himachal Pradesh Amendment) Act, 1952, and brought to him after the expiration of three months from the date on which it is first received in Himachal Pradesh.”

CHAPTER IV

INSTRUMENTS NOT DULY STAMPED

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

(2) For that purpose every such person shall examine every instrument so chargeable and so produced or coming before him, in order to ascertain whether it is stamped with a stamp of the value and description required by the law in force in ¹[India] when such instrument was executed or first executed:

Provided that—

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

¹ Subs. by Act 43 of 1955, s. 2, for “the States” (w.e.f. 1-4-1956).

² Subs. by Act 19 of 1958, s. 4, for “with the Duty of one anna or half an anna” (w.e.f. 1-10-1958).

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

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

- (a) ¹[the ²[State Government]] may determine what offices shall be deemed to be public offices; and
- (b) ³[the ²[State Government]] may determine who shall be deemed to be persons in charge of public offices.

34. Special provision as to unstamped receipts.—Where any receipt chargeable ⁴[with a duty not exceeding ten naye paise] is tendered to or produced before any officer unstamped in the course of the audit of any public account, such officer may in his discretion, instead of impounding the instrument, require a duly stamped receipt to be substituted therefore.

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

Provided that—

- (a) any such instrument ⁵[shall] be admitted in evidence on payment of the duty with which the same is chargeable, or, in the case of any instrument insufficiently stamped, of the amount required to make up such duty, together with a penalty of five rupees, or, when ten times the amount of the proper duty or deficient portion thereof exceeds five rupees, of a sum equal to ten times such duty or portion;
- (b) where any person from whom a stamped receipt could have been demanded, has given an unstamped receipt and such receipt, if stamped, would be admissible in evidence against him, then such receipt shall be admitted in evidence against him on payment of a penalty of one rupee by the person tendering it;
- (c) where a contract or agreement of any kind is effected by correspondence consisting of two or more letters and any one of the letters bears the proper stamp, the contract or agreement shall be deemed to be duly stamped;
- (d) nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding in a Criminal Court, other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure 1898 (V of 1898);
- (e) nothing herein contained shall prevent the admission of any instrument in any Court when such instrument has been executed by or on behalf of the Government, or where it bears the certificate of the Collector as provided by section 32 or any other provision of this Act.

36. Admission of instrument where not to be questioned.—Where an instrument has been admitted in evidence, such admission shall not, except as provided in section 61, be called in

¹ Subs. by the A.O. 1937, for “the G.G. in C.”.

² Subs. by the A.O. 1950, for “collecting government”.

³ Subs. by the A.O. 1937, for “the L.G.”.

⁴ Subs. by Act 19 of 1958, s. 5, for “with a duty of one anna” (w.e.f. 1-10-1958).

⁵ Subs. by Act 21 of 2006, s. 69, for “not being an instrument chargeable with a duty not exceeding ten naye paise only, or a bill of exchange or promissory note, shall, subject to all just exceptions,”

question at any stage of the same suit or proceeding on the ground that the instrument has not been duly stamped.

37. Admission of improperly stamped instruments.— ¹[The ²[State Government]] may make rules providing that, where an instrument bears a stamp of sufficient amount but of improper description, it may, on payment of the duty with which the same is chargeable, be certified to be duly stamped, and any instrument so certified shall then be deemed to have been duly stamped as from the date of its execution.

38. Instruments impounded, how dealt with.—(1) When the person impounding an instrument under section 33 has by law or consent of parties authority to receive evidence and admits such instrument in evidence upon payment of a penalty as provided by section 35 or of duty as provided by section 37, he shall send to the Collector an authenticated copy of such instrument, together with a certificate in writing, stating the amount of duty and penalty levied in respect thereof, and shall send such amount to the Collector, or to such person as he may appoint in this behalf.

(2) In every other case, the person so impounding an instrument shall send it in original to the Collector.

39. Collector's power to refund penalty paid under section 38, sub-section (1).—(1) When a copy of an instrument is sent to the Collector under section 38, sub-section (1), he may, if he thinks fit, ³[***] refund any portion of the penalty in excess of five rupees which has been paid in respect of such instrument.

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

40. Collector's power to stamp instruments impounded.—(1) When the Collector impounds any instrument under section 33, or receives any instrument sent to him under section 38, sub-section (2), not being an instrument chargeable ⁴[with a duty not exceeding ten naye paise] only or a bill of exchange or promissory note, he shall adopt the following procedure:—

- (a) if he is of opinion that such instrument is duly stamped, or is not chargeable with duty, he shall certify by endorsement thereon that it is duly stamped, or that it is not so chargeable, as the case may be;
- (b) if he is of opinion that such instrument is chargeable with duty and is not duly stamped, he shall require the payment of the proper duty or the amount required to make up the same, together with a penalty of five rupees; or, if he thinks fit, ⁵[an amount not exceeding] ten times the amount of the proper duty or of the deficient portion thereof, whether such amount exceeds or falls short of five rupees:

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

¹ Subs. by the A.O. 1937, for "the G.G. in C."

² Subs. by the A.O. 1950, for "collecting government".

³ The words "upon application made to him in this behalf or, if no application is made, with the consent of the Chief Controlling Revenue-authority" omitted by Act 4 of 1914, S. 2 and the Sch. Pt. I.

⁴ Subs. by Act 19 of 1958, s. 6, for "with a duty of one anna or half an anna" (w.e.f. 1-10-1958).

⁵ Ins. by Act 15 of 1904, s. 6.

(2) Every certificate under clause (a) of sub-section (1) shall, for the purposes of this Act, be conclusive evidence of the matters stated therein.

(3) Where an instrument has been sent to the Collector under section 38, sub-section (2), the Collector shall, when he has dealt with it as provided by this section, return it to the impounding officer.

41. Instruments unduly stamped by accident.— If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable ¹[with a duty not exceeding ten naye paise] only or a bill of exchange or promissory note, is produced by any person of his own motion before the Collector within one year from the date of its execution or first execution, and such person brings to the notice of the Collector the fact that such instrument is not duly stamped and offers to pay to the Collector the amount of the proper duty, or the amount required to make up the same, and the Collector is satisfied that the omission to duly stamp such instrument has been occasioned by accident, mistake or urgent necessity, he may, instead of proceeding under sections 33 and 40, receive such amount and proceed as next herein- after prescribed.

Note- Section 41 has no application when bond is produced before the Collector one year after execution [A.I.R. 1955 Mad. 652(F.B.)].

42. Endorsement of instruments on which duty has been paid under section 35, 40 or 41.— (1) When the duty and penalty (if any), leviable in respect of any instrument have been paid under section 35, section 40 or section 41, the person admitting such instrument in evidence or the Collector, as the case may be, shall certify by endorsement thereon that the proper duty or, as the case may be, the proper duty and penalty (stating the amount of each) have been levied in respect thereof, and the name and residence of the person paying them.

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

Provided that—

- (a) no instrument which has been admitted in evidence upon payment of duty and a penalty under section 35, shall be so delivered before the expiration of one month from the date of such impounding, or if the Collector has certified that its further detention is necessary and has not cancelled such certificate;
- (b) nothing in this section shall affect ²the Code of Civil Procedure (XIV of 1882), section 144, clause 3.

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

¹ Subs. by Act 19 of 1958, s.6 “with a duty of one anna or half an anna” (w.e.f.1-10-1958).

² See now the Code of Civil Procedure, 1908 (5 of 1908), Sch. I, Order XIII, Rule 9.

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

44. Persons paying duty or penalty may recover same in certain cases.—(1) When any duty or penalty has been paid under section 35, section 37, section 40 or section 41, by any person in respect of an instrument, and, by agreement or under the provisions of section 29 or any other enactment in force at the time such instrument was executed, some other person was bound to bear the expense of providing the proper stamp for such instrument, the first-mentioned person shall be entitled to recover from such other person the amount of the duty or penalty so paid.

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

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

Note- Section 44(1) is intended to help innocent party, [A.I.R. 195 Bom.368(D.B)].

45. Power to Revenue-authority to refund penalty or excess duty in certain cases.—(1) Where any penalty is paid under section 35 or section 40, the Chief Controlling Revenue-authority may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.

(2) Where, in the opinion of the Chief Controlling Revenue-authority, stamp-duty in excess of that which is legally chargeable has been charged and paid under section 35 or section 40, such authority may, upon application in writing made within three months of the order charging the same, refund the excess.

46. Non-liability for loss of instruments sent under section 38.—(1) If any instrument sent to the Collector under section 38, sub-section (2), is lost, destroyed or damaged during transmission, the person sending the same shall not be liable for such loss, destruction or damage.

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

47. Power of payer to stamp bills, and promissory notes received by him unstamped.— When any bill of exchange ¹[or promissory note] chargeable ²[with a duty not exceeding ten naye paise] is presented for payment unstamped, the person to whom it is so presented, may affix thereto the necessary adhesive stamp, and, upon cancelling the same in manner hereinbefore provided, may pay the sum payable upon such bill ³[or note], and may charge the duty against the person who ought to have paid the same, or deduct it from the sum payable as aforesaid, and such bill ³[or note], shall, so far as respects the duty, be deemed good and valid:

¹ Subs. by Act 5 of 1927, s. 5, for “promissory note or cheque”.

² Subs. by Act 19 of 1958, s. 7, for “with the duty of one anna” (w.e.f. 1-10-1958).

³ Subs. by Act 5 of 1927, s. 5, for “note or cheque”.

Provided that nothing herein contained shall relieve any person from any penalty or proceeding to which he may be liable in relation to such bill, ³[or note].

STATE AMENDMENT

Himachal Pradesh

Insertion of section 47-A. —After section 47 of the principal Act, the following new section shall be added, namely:-

47-A. Instruments under-valued, how to be dealt with.- (1) If the Registering Officer, appointed under the Registration Act, 1908 (16 of 1908) while registering any instrument relating to the transfer of any property, has reason to believe that the market value of the property or the consideration, as the case may be, has not been truly set forth in the instrument, he may, after registering such instrument, refer the same to the Collector for determination of the market value or consideration, as the case may be, and the proper duty payable thereon.

(2) On receipt of reference under sub-section (1), the Collector shall, after giving the parties a reasonable opportunity of being heard and after holding an enquiry in such manner, as may be prescribed by rules, made under this Act, determine the market value or consideration and the duty, as aforesaid, and the deficient amount of duty, if any, shall be payable by the person liable to pay the duty.

(3) The Collector may, *suo moto* or on receipt of reference from the Inspector General of Registration or the Registrar of a District, in whose jurisdiction the property, or any portion thereof, which is the subject-matter of the instrument, is situated, appointed under the Registration Act, 1908 (16 of 1908) shall, within three years from the date of registration of any instrument, not already referred to him under sub-section (1), call for and examine the instrument for the purpose of satisfying himself as to the correctness of its market value or consideration, as the case may be, and the duty payable thereon and if, after such examination, he has reason to believe that the market value or consideration has not been truly set forth in the instrument, he may determine the market value or consideration and the duty, as aforesaid, in accordance with procedure provided for in sub-section (2), and the deficient amount of duty, if any, shall be payable by the person liable to pay the duty:

Provided that nothing in this sub-section shall apply to any instrument registered before the date of the commencement of the Indian Stamp (Himachal Pradesh Amendment) Act, 1908.

(4) Where for any reason the original document called for by the Collector under sub-section (3) is not produced or cannot be produced, the Collector may, after recording the reasons for its nonproduction, call for a certified copy of the entries of the document from the registering officer concerned and exercise the powers conferred on him under sub-section (3).

(5) Any person, aggrieved by an order of the Collector, under subsection (2) or sub-section (3), may, within thirty days from the date of the order, prefer an appeal before the District Judge and all such appeals shall be heard and disposed off in such manner as may be prescribed by rules made under this Act.

(6) For the purpose of this section “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, if sold in the open market on the date of execution of the instrument relating to the transfer of such property.

[Vide Himachal Pradesh Act 7 of 1989, s. 3]

48. Recovery of duties and penalties.—All duties, penalties and other sums required to be paid under this Chapter may be recovered by the Collector by distress and sale of the movable property of the person from whom the same are due, or by any other process for the time being in force for the recovery of arrears of land-revenue.

CHAPTER V ALLOWANCES FOR STAMPS IN CERTAIN CASES

49. Allowance for spoiled stamps.—Subject to such rules as may be made by ¹[the ²[State Government]] as to the evidence to be required, or the enquiry to be made, the Collector may, on application made within the period prescribed in section 50, and if he is satisfied as to the facts, make allowance for impressed stamps spoiled in the cases herein after mentioned, namely:—

- (a) the stamp on any paper inadvertently and undesignedly spoiled, obliterated or by error in writing or any other means rendered unfit for the purpose intended before any instrument written thereon is executed by any person:
- (b) the stamp on any document which is written out wholly or in part, but which is not signed or executed by any party thereto:
- (c) in the case of bills of exchange ³[payable otherwise than on demand] ⁴[***] or promissory notes—

(1) the stamp on ⁵[any such bill of exchange] ⁶[***] signed by or on behalf of the drawer which has not been accepted or made use of in any manner whatever or delivered out of his hands for any purpose other than by way of tender for acceptance:

Provided that the paper on which any such stamp is impressed, does not bear any signature intended as or for the acceptance of any bill of exchange ²[***] to be afterwards written thereon:

(2) the stamp on any promissory note signed by or on behalf of the maker which has not been made use of in any manner whatever or delivered out of his hands:

(3) the stamp used or intended to be used for ¹[any such bill of exchange] ²[***] or promissory note signed by, or on behalf of, the drawer thereof, but which from any omission or error has been spoiled or rendered useless, although the same, being a bill of exchange ²*** may have been presented for acceptance or accepted or endorsed, or, being a promissory note, may have been delivered to the payee: provided that another completed and duly stamped bill of exchange ²[***] or promissory note is produced identical in every particular, except in the correction of such omission or error as aforesaid, with the spoiled bill, ²[***] or note;

¹ Subs. by the A.O. 1937, for “the L.G.”.

² Subs. by the A.O. 1950, for “collecting Government”.

³ Ins. by Act 5 of 1927, s. 5.

⁴ The word “Cheques” omitted by s. 5, *ibid*.

⁵ Subs. by Act 5 of 1927, s. 5, for “any bill of exchange”.

⁶ The words “or cheque” omitted by s. 5, *ibid*.

- (d) the stamp used for an instrument executed by any party thereto which—
- (1) has been afterwards found to be absolutely void in law from the beginning;
 - (2) has been afterwards found unfit, by reason of any error or mistake therein, for the purpose originally intended;
 - (3) by reason of the death of any person by whom it is necessary that it should be executed, without having executed the same, or of the refusal of any such person to execute the same, cannot be completed so as to effect the intended transaction in the form proposed;
 - (4) for want of the execution thereof by some material party, and his inability or refusal to sign the same, is in fact incomplete and insufficient for the purpose for which it was intended;
 - (5) by reason of the refusal of any person to act under the same, or to advance any money intended to be thereby secured, or by the refusal or non-acceptance of any office thereby granted, totally fails of the intended purpose;
 - (6) becomes useless in consequence of the transaction intended to be thereby effected being effected by some other instrument between the same parties and bearing a stamp of not less value;
 - (7) is deficient in value and the transaction intended to be thereby effected has been effected by some other instrument between the same parties and bearing a stamp of not less value;
 - (8) is inadvertently and undesignedly spoiled, and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped;

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

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

50. Application for relief under section 49 when to be made.—The application for relief under section 49 shall be made within the following periods, that is to say,—

- (1) in the cases mentioned in clause (d) (5), within two months of the date of the instrument;
- (2) in the case of a stamped paper on which no instrument has been executed by any of the parties thereto, within six months after the stamp has been spoiled;
- (3) in the case of a stamped paper in which an instrument has been executed by any of the parties thereto, within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed;

Provided that,—

- (a) when the spoiled instrument has been for sufficient reasons sent out of ¹[India], the application may be made within six months after it has been received back in ¹[India];

¹ Subs. by Act 43 of 1955, s. 2, for “the States” (w.e.f. 1-4-1956).

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

51. Allowance in case of printed forms no longer required by Corporations.—The Chief Controlling Revenue-authority ¹[or the Collector if empowered by the Chief Controlling Revenue-authority in this behalf] may, without limit of time, make allowance for stamped papers used for printed forms of instruments ²[by any banker or] by any incorporated company or other body corporate, if for any sufficient reason such forms have ceased to be required by the said ³[banker], company or body corporate: provided that such authority is satisfied that the duty in respect of such stamped papers has been duly paid.

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

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

The Collector may, on application made within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if chargeable with duty, being re-stamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

53. Allowance for spoiled or misused stamps how to be made.—In any case in which allowance is made for spoiled or misused stamps, the Collector may give in lieu thereof:—

- (a) other stamps of the same description and value; or
- (b) if required and he thinks fit, stamps of any other description to the same amount in value; or
- (c) at his discretion, the same value in money, deducting ³[ten naye paise] for each rupee or fraction of a rupee.

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

- (a) that such stamp or stamps were purchased by such person with a bona fide intention to use them; and
- (b) that he has paid the full price thereof; and

¹ Ins. by Act 4 of 1914, s. 2 and the Schedule Pt. 1.

² Ins. by Act 5 of 1906, s. 6.

³ Subs. by Act 19 of 1958, s. 8, for “one anna” (w.e.f. 1-10-1958).

- (c) that they were so purchased within the period of six months next preceding the date on which they were so delivered:

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

¹[54A. **Allowances for stamps in denominations of annas.**—Notwithstanding anything contained in section 54, when any person is possessed of a stamp or stamps in any denominations, other than in denominations of annas four of multiples thereof and such stamp or stamps has or have not been spoiled, the Collector shall repay to such person the value of such stamp or stamps in money calculated in accordance with the provisions of sub-section (2) of section 14 of the Indian Coinage Act, 1906, (3 of 1906) upon such person delivering up, within six months from the commencement of the Indian Stamp (Amendment) Act, 1958 (19 of 1958), such stamp or stamps to the Collector.]

²[54B. **Allowances for Refugee Relief Stamps.**— Notwithstanding anything contained in section 54, when any person is possessed of stamps bearing the inscription “Refugee Relief” (being stamps issued in pursuance of section 3A before its omission) and such stamps have not been spoiled, the collector shall, upon such person delivering up, within six-month, from the commencement of the Refugee Relief Taxes (Abolition) Act, 1973 (13 of 1973), such stamps to the Collector, refund to such person the values of such stamps in money or give in lieu thereof other stamps of the same value:

Provided that the State Government may, with a view to facilitating expeditious disposal of claims for such refunds, specify, in such manner as it deems fit, any other procedure which may also be followed for claiming such refunds.]

55. Allowance on renewal of certain debentures.—When any duly stamped debenture is renewed by the issue of a new debenture in the same terms, the Collector shall, upon application made within one month, repay to the person issuing such debenture, the value of the stamp on the original or on the new debenture, whichever shall be less:

Provided that the original debenture is produced before the Collector and cancelled by him in such manner as ³[the State Government] may direct.

Explanation.—A debenture shall be deemed to be renewed in the same terms within the meaning of this section notwithstanding the following changes:—

- (a) the issue of two or more debentures in place of one original debenture, the total amount secured being the same;
- (b) the issue of one debenture in place of two or more original debentures, the total amount secured being the same;
- (c) the substitution of the name of the holder at the time of renewal for the name of the original holder; and
- (d) the alteration of the rate of interest or the dates of payment thereof.

¹ Ins. by s. 9, *ibid.* (w.e.f. 1-10-1958).

² Ins. by Act 13 of 1973, s.2 (w.e.f. 01-04-1973).

³ Subs. by the A. O. 1937, for “the G.G. in C.”.

CHAPTER VI REFERENCE AND REVISION

56. Control of, and statement of case to, Chief Controlling Revenue-authority.—(1) The powers exercisable by a Collector under Chapter IV and Chapter V ¹[and under clause (a) of the first proviso to section 26] shall in all cases be subject to the control of the Chief Controlling Revenue-authority.

(2) If any Collector, acting under section 31, section 40 or section 41, feels doubt as to the amount of duty with which any instrument is chargeable, he may draw up a statement of the case, and refer it, with his own opinion thereon, for the decision of the Chief Controlling Revenue-authority.

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

57. Statement of case by Chief-Controlling Revenue-authority to High Court.—(1) The Chief Controlling Revenue-authority may state any case referred to it under section 56, sub-section (2), or otherwise coming to its notice, and refer such case, with its own opinion thereon,—

²[(a) if it arises in a State, to the High Court for that State;

³[(b) if it arises in the Union territory of the Delhi, to the High Court of Delhi;]

⁴[(bb)* * * *]

⁵[(c) if it arises in the Union territory of the Arunachal Pradesh or Mizoram, to the Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura);]

(d) if it arises in the Union territory of the Andaman and Nicobar Islands, to the High Court at Calcutta;

(e) if it arises in the Union territory of the ⁶[Lakshadweep], to the High Court of Kerala;]

⁷[(ee) if it arises in the Union territory of the Chandigarh, to the High Court of Punjab and Haryana;]

⁸[(f) if it arises in the Union territory of Dadra and Nagar Haveli, to the High Court of Bombay.]

(2) Every such case shall be decided by not less than three Judges of the High Court ⁹[***] to which it is referred, and in case of difference the opinion of the majority shall prevail.

58. Power of High Court to call for further particulars as to case stated.—If the High Court ¹⁰[***] is not satisfied that the statements contained in the case are sufficient to enable it to

¹ Ins. by Act 15 of 1904, s. 7.

² Subs. by the A.O. (No. 2) 1956, for clauses (a) to (g).

³ Subs. by the Punjab Reorganisation and Delhi High Court (Adaptation of Laws on Union Subjects) Order, 1968, s. 3 and Sch. for clause (b) (w.e.f. 1-11-1966).

⁴ Cluse (bb) ins. by s. 3 and Sch. *Ibid.* and omitted by the State of Himachal Pradesh (Adaptation of Law on Union Subjects) Order, 1973, s. 3 and Sch. (w.e.f. 25-1-1971).

⁵ Subs. by the North-Eastern Areas (Reorganisation) (Adaptation of Laws on Union Subjects) Order 1974, s. 3 and the Schedule for clause (c) (w.e.f. 21-1-1972).

⁶ Subs. by the Laccadive, Minicoy and Amindivi Islands (Alteration of Name) Adaptation of Laws Order, 1974, s. 3 and the Schedule for “the Laccadive, Minicoy and Amindivi Islands” (w.e.f. 1-11-1973).

⁷ Ins. by the Punjab Reorganisation and Delhi High Court (Adaptation of Laws on Union Subjects) Order, 1968, s. 3 and Sch. (w.e.f. 1-11-1966).

⁸ Ins. by Reg. 6 of 1963, s. 2 and the First Sch.

⁹ The words “Chief Court or Judicial Commissioner’s Court” omitted by the A.O. 1950.

¹⁰ The words “Chief Court or Judicial Commissioner’s Court” omitted by the A.O. 1948.

determine the questions raised thereby, the Court may refer the case back to the Revenue-authority by which it was stated, to make such additions thereto or alterations therein as the Court may direct in that behalf.

59. Procedure in disposing of case stated.—(1) The High Court, ^{1[***]} upon the hearing of any such case, shall decide the questions raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded.

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

60. Statement of case by other Courts to High Court.—(1) If any Court, other than a Court mentioned in section 57, feels doubt as to the amount of duty to be paid in respect of any instrument under proviso (a) to section 35, the Judge may draw up a statement of the case and refer it, with his own opinion thereon, for the decision of the High Court ^{5***} to which, if he were the Chief Controlling Revenue-authority, he would, under section 57, refer the same.

(2) Such Court shall deal with the case as if it had been referred under section 57, and send a copy of its judgment under the seal of the Court and the signature of the Registrar to the Chief Controlling Revenue-authority and another like copy to the Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgment.

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

61. Revision of certain decisions of Courts regarding the sufficiency of stamps. —(1) When any Court in the exercise of its civil or revenue jurisdiction or any Criminal Court in any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898 (V of 1898), makes any order admitting any instrument in evidence as duly stamped or as not requiring a stamp, or upon payment of duty and a penalty under section 35, the Court to which appeals lie from, or references are made by, such first-mentioned Court may, of its own motion or on the application of the Collector, take such order into consideration.

(2) If such Court, after such consideration, is of opinion that such instrument should not have been admitted in evidence without the payment of duty and penalty under section 35, or without the payment of a higher duty and penalty than those paid, it may record a declaration to that effect, and determine the amount of duty with which such instrument is chargeable, and may require any person in whose possession or power such instrument then is, to produce the same, and may impound the same when produced.

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

(4) The Collector may thereupon, notwithstanding anything contained in the order admitting such instrument in evidence, or in any certificate granted under section 42, or in section 43,

prosecute any person for any offence against the Stamp-law which the Collector considers him to have committed in respect of such instrument:

Provided that, —

- (a) no such prosecution shall be instituted where the amount (including duty and penalty) which, according to the determination of such Court, was payable in respect of the instrument under section 35, is paid to the Collector, unless he thinks that the offence was committed with an intention of evading payment of the proper duty;
- (b) except for the purposes of such prosecution, no declaration made under this section shall affect the validity of any order admitting any instrument in evidence, or of any certificate granted under Section 42.

CHAPTER VII CRIMINAL OFFENCES AND PROCEDURE

62. Penalty for executing, etc., instrument not duly stamped. —(1) Any person—

- (a) drawing, making, issuing, endorsing or transferring, or signing otherwise than as a witness, or presenting for acceptance or payment, or accepting, paying or receiving payment of, or in any manner negotiating, any bill of exchange ¹[payable otherwise than on demand] ²[***] or promissory note without the same being duly stamped; or
- (b) executing or signing otherwise than as a witness any other instrument chargeable with duty without the same being duly stamped; or
- (c) voting or attempting to vote under any proxy not duly stamped,

shall for every such offence be punishable with fine which may extend to five hundred rupees:

Provided that, when any penalty has been paid in respect of any instrument under section 35, section 40 or section 61, the amount of such penalty shall be allowed in reduction of the fine, (if any) subsequently imposed under this section in respect of the same instrument upon the person who paid such penalty.

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

63. Penalty for failure to cancel adhesive stamp.—Any person required by section 12 to cancel an adhesive stamp, and failing to cancel such stamp in manner prescribed by that section, shall be punishable with fine which may extend to one hundred rupees.

64. Penalty for omission to comply with provisions of section 27.—Any person who, with intent to defraud the Government,—

- (a) executes any instrument in which all the facts and circumstances required by section 27 to be set forth in such instrument are not fully and truly set forth; or

¹ Ins. by Act 5 of 1927, s. 5.

² The word “cheque” omitted by s. 5, *ibid.*

- (b) being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all such facts and circumstances; or
- (c) does any other act calculated to deprive the Government of any duty or penalty under this Act;

shall be punishable with fine which may extend to five thousand rupees.

65. Penalty for refusal to give receipt, and for devices to evade duty on receipts.—Any person who,—

- (a) being required under section 30 to give a receipt, refuses or neglects to give the same; or,
- (b) with intent to defraud the Government of any duty, upon a payment of money or delivery of property exceeding twenty rupees in amount or value, gives a receipt for an amount or value not exceeding twenty rupees, or separates or divides the money or property paid or delivered;

shall be punishable with fine which may extend to one hundred rupees.

66. Penalty for not making out policy or making one not duly stamped.—Any person who—

- (a) receives, or takes credit for, any premium or consideration for any contract of insurance and does not, within one month after receiving, or taking credit for, such premium or consideration, make out and execute a duly stamped policy of such insurance; or
- (b) makes, executes or delivers out any policy which is not duly stamped, or pays or allows in account, or agrees to pay or allow in account, any money upon, or in respect of, any such policy;

shall be punishable with fine which may extend to two hundred rupees.

67. Penalty for not drawing full number of bills or marine policies purporting to be in sets.— Any person drawing or executing a bill of exchange ¹[payable otherwise than on demand] or a policy of marine insurance purporting to be drawn or executed in a set of two or more, and not at the same time drawing or executing on paper duly stamped the whole number of bills or policies of which such bill or policy purports the set to consist, shall be punishable with fine which may extend to one thousand rupees.

68. Penalty for post-dating bills, and for other devices to defraud the revenue.—Any person who, —

- (a) with intent to defraud the Government of duty, draws, makes or issues any bill of exchange or promissory note bearing a date subsequent to that on which such bill or note is actually drawn or made; or,
- (b) knowing that such bill or note has been so post-dated, endorses, transfers, presents for acceptance or payment, or accepts, pays or receives payment of, such bill or note, or in any manner negotiate the same; or,
- (c) with the like intent, practices or is concerned in any act, contrivance or device not specially provided for by this Act or any other law for the time being in force;

¹ Ins. by Act 5 of 1927, s. 5.

shall be punishable with fine which may extend to one thousand rupees.

69. Penalty for breach of rule relating to sale of stamps and for unauthorised sale.—

- (a) Any person appointed to sell stamps who disobeys any rule made under section 74; and
- (b) any person not so appointed who sells or offers for sale any stamp (other than a ¹[ten naye paise or five naye paise] adhesive stamp);

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

70. Institution and conduct of prosecutions.—(1) No prosecution in respect of any offence punishable under this Act or any Act hereby repealed, shall be instituted without the sanction of the Collector or such other officer as ²[the ³[State Government]] generally, or the Collector specially, authorizes in that behalf.

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

(3) The amount of any such composition shall be recoverable in the manner provided by section 48.

71. Jurisdiction of Magistrate.—No Magistrate other than a Presidency Magistrate or a Magistrate whose powers are not less than those of a Magistrate of the second class, shall try any offence under this Act.

72. Place of trial.—Every such offence committed in respect of any instrument may be tried in any district or presidency-town in which such instrument is found, as well as in any district or presidency- town in which such offence might be tried under the Code of Criminal Procedure for the time being in force.

CHAPTER VIII SUPPLEMENTAL PROVISIONS

73. Books, etc., to be open to inspection.—Every public officer having in his custody any registers, books, records, papers, documents or proceedings, the inspection whereof may tend to secure any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorized in writing by the Collector to inspect for such purpose the registers, books, papers, documents and proceedings, and to take such notes and extracts as he may deem necessary, without fee or charge.

74. Powers to make rules relating to sale of stamps.—The ⁴[State Government] ⁵[***] may make rules for regulating—

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

¹ Subs. by Act 19 of 1958, s. 10, for “one anna or half an anna” (w.e.f. 1-10-1958).

² Subs. by the A.O. 1937, for “ the L.G.”.

³ Subs. by the A.O. 1950, for “collecting Government.”

⁴ Subs. by the A.O. 1950, for “collecting Government.”

⁵ The words “Subject to the Control of the G.G. in C” omitted by the A.O. 1937.

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

75. Power to make rules generally to carry out Act. —The ²[State Government] may make rules to carry out generally the purposes of this Act, and may by such rules prescribe the fines, which shall in no case exceed five hundred rupees, to be incurred on breach thereof.

76. Publication of rules. — ²[(1) All rules made under this Act shall be published in the Official Gazette.]

(2) All rules published as required by this section shall, upon such publication, have effect as if enacted by this Act.

³[(2A) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

⁴[(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.]

⁵[76A. **Delegation of certain powers** .—⁶[⁷*** The State Government may, by notification in the Official Gazette], delegate—

- (a) all or any of the powers conferred on it by sections 2(9), 33(3), (b), 70(1), 74 and 78 to the Chief Controlling Revenue-Authority; and
- (b) all or any of the powers conferred on the Chief Controlling Revenue-authority by sections 45 (1), (2), 56 (1) and 70 (2) to such subordinate Revenue-authority as may be specified in the notification.]

77. Saving as to court-fees.—Nothing in this Act contained shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to court-fee.

STATE AMENDMENT

Himachal Pradesh

Amendment of Section 77.- At the beginning of Section 77 of the said Act the following words shall be inserted namely:-

“Except for the provisions as to copies contained in section 6-A”.

[Vide Himachal Pradesh Act 4 of 1953, s.11]

¹ Subs. by Act 19 of 1958 s. 10, for “one anna or half an anna” (w.e.f. 1-10-1958).

² Subs. by the A.O. 1937, for sub-section (1).

³ Ins. by Act 7 of 2019, s. 20 (w.e.f. 1-7-2020). [Earlier notified w.e.f. 9-1-2020 followed by 1-4-2020]

⁴ Ins. by Act 4 of 2005, s. 2 and the Schedule.

⁵ Ins. by Act 4 of 1914, s. 2 and the Schedule Pt. I.

⁶ Subs. by the A.O. 1937, for “The Local Government may, by notification in the Local Official Gazette”.

⁷ The words, figures and brackets “The Central Government subject to the provision of section 124(1) of the Government of India Act, 1935, and” omitted by the A.O. 1950.

¹[77A. **Saving as to certain stamps.**—All stamps in denominations of annas four or multiples thereof shall be deemed to be stamps of the value of twenty-five nayepaise or, as the case may be, multiples thereof and shall, accordingly, be valid for all the purposes of this Act.]

78. **Act to be translated, and sold cheaply.** — Every State Government shall make provision for the sale of translations of this Act in the principal vernacular languages of the territories administered by it at a price not exceeding ²[twenty-five nayepaise] per copy.

79. **[Repealed.] Rep. by the Repealing and Amending Act, 1914 (10 of 1914) s. 3 and Schedule II.**

¹ Ins. by Act 19 of 1958, s. 11 (w.e.f. 1-10-1958).

² Subs. by Act 19 of 1958, s.12 “four anna” (w.e.f. 1-10-1958).

SCHEDULE I
STAMP-DUTY ON INSTRUMENTS

(See section 3)

DESCRIPTION OF INSTRUMENT	PROPER STAMP-DUTY
<p>1. ACKNOWLEDGEMENT, of a debt exceeding twenty rupees in amount or value, written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass-book) or on a separate piece of paper when such book or paper is left in the creditor's possession: provided that such acknowledgement does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.</p>	One anna
<p>2. ADMINISTRATION-BOND, including a bond given under section 256 of the Indian Succession Act, 1865 (X of 1865), section 6 of the government Savings Banks Act, 1873 (V of 1873), section 78 of the Probate and Administration Act, 1881 (V of 1881), or section 9 or section 10 of the Succession Certificate Act, 1889 (VII of 1889)-</p> <p>(a) <i>Where the amount does not exceed Rs. 1,000</i></p> <p>(b) <i>In any other case</i></p>	<p>The same duty as a Bond (No. 15) for such amount.</p> <p>Five rupees.</p>
<p>3. ADOPTION-DEED, that is to say, any instrument (other than a will) recording an adoption or conferring or purporting to confer an authority to adopt. ADVOCATE. See Entry as an Advocate (No. 30).</p>	Ten rupees.
<p>4. AFFIDAVIT, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.</p>	One rupee

Exemptions

Affidavit or declaration in writing when made-

¹[(a) as a condition of enrolment under the ²Indian Army Act, 1911 (8 of 1911), ³[or the ⁴Indian Air force Act, 1932 (14 of 1932)];]

(b) for the immediate purpose of being filed or used in any court or before the officer of any court; or

(c) for the sole purpose of enabling any person to receive any pension or charitable allowance.

¹ Subs. by Act 18 of 1928, s. 2 and the First Sch., for cl. (a).

² See now the Army Act, 1950 (46 of 1950).

³ Ins. by Act 14 of 1932, s. 130 and the Sch.

⁴ See now the Air Force Act, 1950 (45 of 1950).

¹[5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—

(a) if relating to the sale of a bill of exchange; Two annas.

(b) if relating to the sale of a Government security or share in an incorporated company or other body corporate; Subject to a maximum of ten rupees, one anna for every Rs. 10,000 or part thereof of the value of the security or share.

(c) if not otherwise provided for Eight annas.

Exemptions

Agreement or memorandum of agreement—

(a) for or relating to the sale of goods or merchandise exclusively, not being a NOTE OR MEMORANDUM chargeable under No. 43;

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

²[* * * *]

AGREEMENT TO LEASE. See LEASE (No. 35).

³[6. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE, that is to say, any instrument evidencing an agreement relating to —

(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security); or

(2) the pawn or pledge of movable property, where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—

(a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement; The same duty as a Bill of Exchange [No. 13 (b)] for the amount secured.

(b) if such loan or debt is repayable not more than three months from the date of such instruments. Half the duty payable on a Bill of Exchange [No. 13 (b)] for the amount secured.

Exemption

Instrument of pawn or pledge of goods if unattested.]

7. APPOINTMENT IN EXECUTION OF A POWER, Fifteen rupees.
whether of trustees or of property, movable or immovable, where made by any writing not being a will.

8. APPRAISEMENT OR VALUATION, made

¹ Subs. by Act 6 of 1910, s. 3, for article 5.

² Clause (c) omitted by the A.O. 1950.

³ Subs. by Act 15 of 1904, s. 8, for Art. 6.

otherwise than under an order of the Court in the course of a suit—

- (a) where the amount does not exceed Rs. 1,000; The same duty as a Bond (No. 15) for such amount.
 (b) In an other case Five rupees.

Exemptions

(a) Appraisement or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.

(b) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.

9. **APPRENTICESHIP-DEED**, including every writing relating to the service or tuition of any apprentice, clerk or servant, placed with any master to learn any profession, trade or employment, not being ARTICLES OF CLERKSHIP, (No. 11). Five rupees.

Exemption

Instruments of apprenticeship executed by a Magistrate under the ¹Apprentices Act, 1850 (XIX of 1850), or by which a person is apprenticed by or at the charge of any public charity.

10. **ARTICLES OF ASSOCIATION OF A COMPANY.** Twenty-five rupees.

Exemption

Articles of any Association not formed for profit and registered under section 26 of the ²Indian Companies Act, 1882 (VI of 1882).

See also MEMORANDUM OF ASSOCIATION OF A COMPANY (No.39).

11. **ARTICLES OF CLERKSHIP**, or contract whereby any person first becomes bound to serve as a clerk in order to his admission as an attorney in any High Court. Two hundred and fifty rupees.

ASSIGNMENT. See CONVEYANCE (No. 23), TRANSFER (No. 62), and TRANSFER OF LEASE (No.63), as the case may be.

ATTORNEY. See ENTRY AS AN ATTORNEY (No. 30) and POWER OF ATTORNEY (No. 48).

AUTHORITY TO ADOPT. See ADOPTION-DEED (No. 3).

¹ See now the Apprentices Act, 1961 (52 of 1961).

² See now the Companies Act, 1956 (1 of 1956).

12. **AWARD**, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—

(a) where the amount or value of the property to which the award relates as set forth in such award does not exceed Rs. 1,000; The same duty as a Bond (No. 15) for such amount.

(b) in any other case..... Five rupees.

Exemption

Award under the ¹Bombay District Municipal Act, 1873 (Bom. Act 6 of 1873), section 81, or the Bombay Hereditary Offices Act, 1874 (Bom. Act (3 of 1874), section 18.

²[**13. BILL OF EXCHANGE**, as defined by s.2(2), not being a Bond, bank-note or currency- note—

³[(a).x.x.x]

(b) where payable otherwise than on demand—

(i) where payable not more than three months after date or sight—

if the amount of the bill or note does not exceed Rs. 500; Thirty paise.

if it exceeds Rs. 500 but does not exceed Rs. 1,000; Sixty paise.

and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000; Sixty paise.

(ii) where payable more than three months but not more than six months after date or sight—

if the amount of the bill or note does not exceed Rs. 500; Sixty paise.

if it exceeds Rs. 500 but does not exceed Rs. 1,000; One rupee twenty paise.

and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000; One rupee twenty paise.

(iii) where payable more than six months but not more than nine months after date or sight—

if the amount of the bill or note does not exceed Rs. 500; Ninety paise.

if it exceeds Rs. 500 but does not exceed Rs. 1,000; One rupee eighty paise.

¹ See now the Bombay District Municipal Act, 1901 (Bom. Act 3 of 1901).

² Subs. by notification No. S.O. 130(E), dated 28-1-2004, for articles 13 and 14.

³ The entry "(a)" omitted by Act-5 of 1927, Sec. 5.

and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000;	One rupee eighty paise.
(iv) where payable more than nine months but not more than one year after date or sight—	
if the amount of the bill or note does not exceed Rs. 500;	One rupee twenty five paise.
if it exceeds Rs. 500 but does not exceed Rs.1,000;	Two rupees fifty paise.
and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000;	Two rupees fifty paise.
(c) where payable at more than one year after date or sight—	
if the amount of the bill or note does not exceed Rs. 500;	Two rupees fifty paise.
if it exceeds Rs. 500 but does not exceed Rs. 1,000;	Five rupees.
and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000;	Five rupees.
14. BILL OF LADING (including a through bill of lading).	One rupee. N.B.—If a bill of lading is drawn in parts, the proper stamp therefore must be borne by each one of the set.]

Exemptions

(a) Bill of lading when the goods therein described are received at a place within the limits of any port as defined under the Indian Ports Act, 1889 (10 of 1889), and are to be delivered at another place within the limits of the same port.

(b) Bill of lading when executed out of India and relating to property to be delivered in India.

15. BOND [as defined by section 2(5)] not being a DEBENTURE (No. 27) and not being otherwise provided for by this Act, or by the Court-fees Act, 1870 (7 of 1870),—

where the amount or value secured does not exceed Rs. 10;	Two annas.
where it exceeds Rs. 10 and does not exceed Rs. 50;	Four annas.
where it exceeds Rs. 50 and does not exceed Rs. 100	Eight annas.
where it exceeds Rs. 100 and does not exceed Rs. 200	One rupee.
where it exceeds Rs. 200 and does not exceed Rs. 300	One rupee eight annas.
where it exceeds Rs. 300 and does not exceed Rs. 400	Two rupees.
where it exceeds Rs. 400 and does not exceed Rs. 500	Two rupees eight annas.

where it exceeds Rs. 500 and does not exceed Rs. 600	Three rupees.
where it exceeds Rs. 600 and does not exceed Rs. 700	Three rupees eight annas
where it exceeds Rs. 700 and does not exceed Rs. 800	Four rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900	Four rupees eight annas.
where it exceeds Rs. 900 and does not exceed Rs. 1,100	Five rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000	Two rupees eight annas.

See ADMINISTRATION BOND (No. 2), BOTTOMRY BOND (No. 16), CUSTOMS BOND (No. 26), INDEMNITY BOND (No. 34), RESPONDENTIA BOND (No. 56), SECURITY BOND (No. 57).

Exemptions

Bond, when executed by—

(a) headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876 (Ben. Act 3 of 1876), section 99, for the due performance of their duties under that Act;

(b) 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.

16. **BOTTOMRY BOND**, that is to say, any instrument where by the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage. The same duty as a Bond (No. 15) for the same amount.

17. **CANCELLATION**—Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for. Five rupees.

See also Release (No. 55), Revocation of Settlement (No. 58-B), Surrender of Lease (No. 61), Revocation of Trust (No. 64-B).

18. **CERTIFICATE OF SALE** (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue-officer—

(a) where the purchase-money does not exceed Rs. 10; Two annas.

(b) where the purchase-money exceeds Rs. 10 but does not exceed Rs. 25; Four annas.

(c) in any other case

The same duty as a conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.

19. **CERTIFICATE OR OTHER DOCUMENT**,³ [Two anna].
evidencing the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any incorporated company or other body corporate, or to become proprietor of shares, scrip or stock in or of any such company or body.

1* * * * *
*

20. **CHARTER-PARTY**, that is to say, any One rupee.
instrument (except agreement for the hire of a tug-steamer) whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer, whether it includes a penalty clause or not.

²[21.* * * * *]

22. **COMPOSITION-DEED**, that is to say, any Ten rupees.
instrument executed by a debtor whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of license, for the benefit of his creditors.

23. **CONVEYANCE** [as defined by section 2 (10)]
not being a Transfer charged or exempted under No. 62,—

where the amount or value of the consideration for Eight annas.
such conveyance as set forth therein does not exceed Rs. 50:

where it exceeds Rs. 50 but does not exceed Rs. 100. One rupees.

Ditto	100	ditto	200	Two rupees.
Ditto	200	ditto	300	Three rupees.
Ditto	300	ditto	400	Four rupees.
Ditto	400	ditto	500	Five rupees.
Ditto	500	ditto	600	Six rupees.
Ditto	600	ditto	700	Seven rupees.
Ditto	700	ditto	800	Eight rupees.
Ditto	800	ditto	900	Nine rupees.

¹ The words, brackets and figures "See also LETTER OF ALLOTMENT OF SHARES (No. 36)" omitted by s. 21, *ibid* (w.e.f. 1-7-2020). [Earlier notified w.e.f. 9-1-2020 followed by 1-4-2020]

² Art. 21 omitted by Act 5 of 1927, s. 5.

³ Subs. by Act 43 of 1923 s. 2, for "One anna".

Ditto 900 ditto 1,000 Ten rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000 Five rupees.

Exemption

¹[(a) Assignment of copyright by entry made under the ²Indian Copyright Act, 1847 (20 of 1847) section 5.]

³ [(b) for the purpose of this article, the portion of duty paid in respect of a document falling under article No. 23A shall be excluded while computing the duty payable in respect of a corresponding document relating to the completion of the transaction in any Union territory under this article.]

CO-PARTNERSHIP-DEED. See Partnership (No. 46.)

⁴**[23A. CONVEYANCE IN THE NATURE OF PART PERFORMANCE—** Contracts for the transfer of immovable property in the nature of part performance in any Union territory under section 53A of the Transfer of Property Act, 1882 (4 of 1882). Ninety percent of the duty as a Conveyance (No. 23).]

24. **COPY OR EXTRACT**, certified to be a true copy or extract, by or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—

(i) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed one rupee; Eight annas.

(ii) in any other case..... One rupee.

Exemptions

(a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.

⁴[(b) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, ⁵[divorces,] deaths or burials].

25. **COUNTERPART OR DUPLICATE**, of any instrument chargeable with duty and in respect of which the proper duty has been paid,—

(a) if the duty with which the original instrument is chargeable does not exceed one rupee; The same duty as is payable on the original.

(b) in any other case One rupee.

¹ Certain words and figure numbered as clause (a) thereof by Act 48 of 2001, s. 11 (w.e.f. 24-9-2001).

² See now the Copyright Act, 1957 (14 of 1957).

³ Ins. by Act 48 of 2001, s. 11 (w.e.f. 24-9-2001).

⁴ Subs. by Act 5 of 1906, s. 7, for clauses (b) and (c).

⁵ Ins. by Act 10 of 1914, s. 2 and the First Schedule.

Exemption

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

26. CUSTOMS BOND—

- (a) where the amount does not exceed Rs. 1,000; The same duty as a Bond (No. 15) for such amount.
- (b) in any other case Five rupees.

¹[**27. DEBENTURE-** (whether a mortgage debenture or not), being a marketable security transferable-

- (a) by endorsement or by a separate instrument of transfer--
Where the amount or value does not exceed Rs. 10: Ten paise.
Where it exceeds Rs. 10 and does not exceed Rs. 50; Twenty paise.
- | | | | | |
|-------|-----|-------|-------|----------------------------------|
| Ditto | 50 | ditto | 100; | Thirty five paise. |
| Ditto | 100 | ditto | 200; | Seventy five paise. |
| Ditto | 200 | ditto | 300; | One rupee ten paise. |
| Ditto | 300 | ditto | 400; | One rupee fifty paise. |
| Ditto | 400 | ditto | 500; | One rupee eighty five paise. |
| Ditto | 500 | ditto | 600; | Two rupee twenty five paise. |
| Ditto | 600 | ditto | 700; | Two rupees sixty paise. |
| Ditto | 700 | ditto | 800; | Three rupees. |
| Ditto | 800 | ditto | 900; | Three rupees forty paise. |
| Ditto | 900 | ditto | 1000; | Three rupees seventy five paise. |
- and for every Rs. 500 or part thereof in excess of Rs. 1,000; One rupee eighty five paise

- (b) by delivery
where the amount or value of the consideration for such debenture as set forth therein does not exceed Rs. 50; Thirty five paise
here it exceeds Rs. 50 but does not exceed Rs. 100 Seventy five paise.
- | | | | | |
|-------|-----|-------|------|----------------------------------|
| Ditto | 50 | ditto | 200; | One rupee fifty paise. |
| Ditto | 200 | ditto | 300; | Two rupees twenty five paise. |
| Ditto | 300 | ditto | 400; | Three rupees. |
| Ditto | 400 | ditto | 500; | Three rupees seventy five paise. |
| Ditto | 500 | ditto | 600; | Four rupees fifty paise. |
| Ditto | 600 | ditto | 700; | Five rupees twenty five paise. |
| Ditto | 700 | ditto | 800; | Six rupees. |

¹ Subs. by notification No. S.O. 130(E), dated 28-1-2004,

Ditto	800	ditto	900;	Six rupees seventy five paise.
Ditto	900	ditto	1000;	Seven rupees fifty paise.
and for every Rs. 500 or part thereof in excess of Rs. 1.000;				Three rupees seventy five paise.]

Explanation.—The term “Debenture” includes any interest coupons attached thereto but the amount of such coupons shall not be included in estimating the duty.

Exemption

A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of debentures to be issued thereunder, whereby the company or body borrowing makes over, in whole or in part, their property to trustees for the benefit of the debenture holders:

Provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed.]

See also BOND (NO. 15): and sections 8 and 55.

DECLARATION OF ANY TRUST. See TRUST (No.64)

28. DELIVERY ORDER IN RESPECT OF GOODS, ¹[(excluding delivery order in respect of settlement of transactions in securities in stock exchange)] that is to say, any instrument entitling any person therein named, or his assigns, or the holder thereof, to the delivery of any goods lying in any dock or port, or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods, upon the sale or transfer of the property therein, when such goods exceed in value twenty rupees. One Anna

DEPOSIT OF TITLE-DEEDS ²[SEE AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS PAWN OR PLEDGE (NO. 6)].

DISSOLUTION OF PARTNERSHIP See PARTNERSHIP (No. 46).

29. DIVORCE.—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage. One Rupee

¹ Ins by Act 7 of 2019, s. 21 (w.e.f. 1-7-2020). [Earlier notified .w.e.f. 9-1-2020 followed by 1-4-2020]

² Subs. by Act 15 of 1904, s. 8, for “See Agreement by way of Equitable Mortgage (No. 6)”.

DOWER—Instrument of See SETTLEMENT (No. 58).

DUPLICATE. See COUNTERPART (No. 25).

30. ENTRY AS AN ADVOCATE, VAKIL OR ATTORNEY ON THE ROLL OF ANY HIGH COURT, ¹[under the Indian Bar Councils Act, 1926 (38 of 1926) or] in exercise of powers conferred on such court by Letters patent or by the ²Legal Practitioners Act, 1884 (9 of 1884)—

(a) in the case of an Advocate or Vakil.....

Five hundred rupees

(b) in the case of an Attorney.....

Two hundred fifty rupees

Exemption

Entry of an advocate, vakil or attorney on the roll of any High court when he has previously been enrolled in a High Court.

³[* * * * *]

31. EXCHANGE OF PROPERTY.—Instrument of.

The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property of greatest value as set forth in such instrument.

EXTRACT. See Copy (No. 24).

32. FURTHER CHARGE.—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—

(a) when the original mortgage is one of the description referred to in clause (a) of Article No. 40 (that is, with possession);

The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the further charge secured by such instrument.

(b) when such mortgage is one of the description referred to in clause (b) of Article No. 40 (that is, without possession)—

(i) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument;

The same duty as a Conveyance (No. 23) for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge.,

(ii) if possession is not so given.....

The same duty as a Bond (No. 15) for the amount of the further charge secured by such instrument.

¹ Ins. by Act 38 of 1926, s. 19 and the Sch.

² Since repealed.

³ The entry "EQUITABLE MORTGAGE" omitted by Act 15 of 1904, s. 8.

33. **GIFT.**—Instrument of, not being a SETTLEMENT (No. 58) or will or TRANSFER (No. 62). The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property, as set forth in such instrument.
- HIRING AGREEMENT** or agreement for service. SEE AGREEMENT No.5).
34. **INDEMNITY-BOND**..... The same duty as a Security Bond (No. 57) for the same amount.
- INSPECTORSHIP-DEED** See COMPOSITION- DEED (No.22) **INSURANCE.** See POLICY OF INSURANCE (No. 47).
35. **LEASE**, including an under-lease or sub-lease and any agreement to let or sub-let—
- (a) whereby 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; The same duty as a Bond (No.15) for the whole amount payable or deliverable under such lease.
- (ii) where the lease purports to be for a term of not less than one year but not more than three years; The same duty as Bond (No. 15) for the amount or value of the average annual rent reserved.
- (iii) where the lease purports to be for a term in excess of three years; The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of the average annual rent reserved.
- (iv) where the lease does not purport to be for any definite term; The same duty as a Conveyance (No. 23) 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.
- (v) where the lease purports to be in perpetuity; The same duty as a Conveyance (No. 23) 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.
- (b) where the lease is granted for a fine or premium or for money advanced and where no rent is reserved; The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.
- (c) where the lease is granted for a fine or premium The same duty as a Conveyance

or for money advanced in addition to rent reserved;

(No. 23) 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 when an agreement to lease is stamped with the ad valorem stamp required for a lease, and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed eight annas.

Exemptions

(a) Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink) without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.

¹* * * * *

[36. **LETTER OF ALLOTMENT OF SHARES** in respect of any loan to be raised by any company or proposed company.] ⁴[Two annas.],

²[37. **LETTER OF CREDIT**, that is to say any instrument by which one person authorizes another to give credit to the person in whose favour it is drawn.] [One rupee.]

LETTER OF GUARANTEE, See AGREEMENT (No. 5).

38. **LETTER OF LICENCE**, that is to say, any agreement between a debtor and his creditors that the letter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion. Ten rupees.

39. MEMORANDUM OF ASSOCIATION OF A COMPANY—

(a) if accompanied by articles of association under section 37 of the ³Indian Companies Act, 1882 (6 of 1882); Fifteen rupees.

(b) if not so accompanied Forty rupees.

¹ Exemption (b) omitted by the A.O. 1937.

² Subs. by notification No. S.O. 130 (E), dated 28-1-2004, for article 37.

³ See now the Companies Act, 1956 (1 of 1956).

⁴ Subs. by Act 43 of 1923, s. 2, for “one anna”.

Exemption

Memorandum of any association not formed for profit and registered under section 26 of the ¹Indian Companies Act, 1882 (6 of 1882).

40. **MORTGAGE-DEED**, not being ²[an AGREEMENT RELATING-TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (NO. 6)], BOTTOMRY BOND (NO. 16), MORTGAGE OF A CROP (NO. 41), RESPONDENTIA BOND (No. 56), OR SECURITY BOND (NO. 57)—

(a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given;

The same duty as a Conveyance (No. 23) for a consideration equal to the amount secured by such deed.

(b) when ³[***]possession is not given or agreed to be given as aforesaid;

The same duty as a Bond (No. 15) for the amount secured by such deed.

Explanation.—A mortgagor who gives to the mortgagee a power-of-attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this Article.

(c) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the abovementioned purpose where the principal or primary security is duly stamped—

for every sum secured not exceeding Rs. 1,000 and
for every Rs. 1,000 or part thereof secured in excess
of Rs. 1,000.

Eight annas.
Eight annas.

Exemptions

(1) Instruments, executed by person taking

advances under the Land Improvement Loans Act, 1883 (19 of 1883), or the Agriculturists' Loan Act, 1884 (12 of 1884), or by their sureties as security for the repayment of such advances.

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

⁴[* * *]

41. **MORTGAGE OF A CROP**, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the

¹ See now the Companies Act, 1956 (1 of 1956).

² Subs. by Act 15 of 1904, s. 8, for "AN AGREEMENT TO MORTGAGE (NO. 6)".

³ The words "At the time of execution" omitted by s. 8, *ibid.*

⁴ Exemption (3) omitted by s. 8, *ibid.*

mortgage—

(a) when the loan is repayable not more than three months from the date of the instrument—

for every sum secured not exceeding Rs. 200 and One anna.
for every Rs. 200 or part thereof secured in excess of One anna.
Rs. 200;

(b) when the loan is repayable more than three months, but not more than ¹[eighteen months], from the date of the instrument—

for every sum secured not exceeding Rs. 100 and ³[Two annas.]
for every Rs. 100 or part thereof secured in excess of Two annas.
Rs. 100.

42. **NOTARIAL ACT**, that is to say, any instrument, endorsement, note, attestation, certificate or entry not being a PROTEST (No. 50) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public. One Rupee.

See also PROTEST OF BILL OR NOTE (No. 50).

²[43. **NOTE OR MEMORANDUM**, sent by a Broker or agent to his principal intimating the purchase or sale on account of such principal—

(a) of any goods exceeding in value twenty rupees; Two annas.

(b) of any stock or marketable security exceeding in value twenty rupees; Subject to a maximum of ten rupees, one anna for every Rs. 10,000 or part thereof the value of the stock or security.]

44. **NOTE OF PROTEST BY THE MASTER OF A SHIP.** Eight annas.

See also PROTEST BY THE MASTER OF A SHIP (No. 51).

ORDER FOR THE PAYMENT OF MONEY. See BILL OF EXCHANGE (No. 13).

45. **PARTITION**— Instrument of [as defined by s. 2 (15)] The same duty as a Bond (No. 15) for the amount of the value of the separated share or shares of the property.

N.B.—The largest share remaining after the property is partitioned (or, if there are two or more shares of

¹ Subs. by Act 5 of 1906, s. 7, for “one year”

² Subs. by Act 6 of 1910, s. 3, for article 43.

³ Subs. by Act 15 of 1904, s. 8, for “Four annas”.

equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated:

Provided always that—

(a) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than eight annas;

(b) where land is held on revenue settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue;

(c) where a final order for effecting a partition passed by any Revenue-authority or any Civil-Court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition, and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed eight annas.

46. PARTNERSHIP—

A—INSTRUMENT OF—

(a) where the capital of the partnership does not exceed Rs. 500; Two rupees eight annas.

(b) in any other case..... Ten rupees.

B.—DISSOLUTION OF Five rupees.

¹[PAWN OR PLEDGE. See AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS. PAWN OR PLEDGE (NO. 6).]

¹[47. POLICY OF INSURANCE—

If drawn singly If drawn in

¹ Ins. by Act 15 of 1904, s. 8.

A.—SEA INSURANCE [see section 7] of Indian Stamp Act, 1899 (2 of 1899)]	duplicate for each part
(1) for or upon any voyage—	
(i) where the premium or consideration does not exceed the rate of ² [***] one-eighth per centum of the amount insured by the policy;	Ten naye paise. Five naye paise.
(ii) in any other case, in respect of every full sum of one thousand five hundred rupees and also any fractional part of one thousand five hundred rupees insured by the policy;	Ten naye paise. Five naye paise.
(2) for time—	
(iii) in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy—	
where the insurance shall be made for any time not exceeding six months;	Fifteen naye paise. Ten naye paise
where the insurance shall be made for any time exceeding six months and not exceeding twelve months.	Twenty-Five naye paise. Five naye paise.
B.— FIRE-INSURANCE AND OTHER CLASSES OF INSURANCE, NOT ELSEWHERE INCLUDED IN THIS ARTICLE, COVERING GOODS, MERCHANDISE, PERSONAL EFFECTS, CROPS AND OTHER PROPERTY AGAINST LOSS OR DAMAGE —	
(1) in respect of an original policy—	
(i) when the sum insured does not exceed Rs. 5,000;	Fifty naye paise
(ii) in any other case; and	One rupees.
(2) in respect of each receipt for any payment of a premium on any renewal of an original policy.	One-half of duty payable in respect of the original policy in addition to the amount if any, chargeable under No. 53.
C.—ACCIDENT AND SICKNESS INSURANCE—	
(a) against railway accident, valid for a single journey only.	Ten naye paise.
<i>Exemption</i>	
When issued to a passenger traveling by the intermediate or the third class in any railway;	
(b) in any other case—for the maximum amount which may become payable in the case of any single accident or sickness where such amount does not exceed Rs. 1,000, and also where such amount exceeds Rs. 1,000, for every Rs. 1,000 or part thereof.	Fifteen naye paise. Provided that, in case of a policy of insurance against death by accident when the annual premium payable does not exceed Rs. 2.50 per Rs.

¹ Subs. by notification No. S.O. 130(E), dated 28-1-2004, for article 47.

² Subs. by Act 15 of 1904, s. 8, for “Four annas”.

1,000, the duty on such instrument shall be five paise for every Rs. 1,000 or part thereof of the maximum amount which may become payable under it.

CC.—INSURANCE BY WAY OF INDEMNITY against liability to pay damages on account of accidents to workmen employed by or under the insurer or against liability to pay compensation under the Workmen's Compensation Act, 1923 (8 of 1923), for every Rs. 100 or part thereof payable as premium.

Ten naye paise.

D.—LIFE INSURANCE OR GROUP INSURANCE OR OTHER INSURANCE NOT SPECIFICALLY PROVIDED FOR, except such a **RE-INSURANCE**, as is described in Division E of this article—

If drawn singly If drawn in duplicate for each part

(i) for every sum insured not exceeding Rs. 250;

Ten naye paise. Five naye paise.

(ii) for every sum insured exceeding Rs. 250 but not exceeding Rs. 500;

Ten naye paise. Five naye paise.

(iii) for every sum insured exceeding Rs. 500 but not exceeding Rs. 1,000 and also for every Rs. 1,000 or part thereof in excess of Rs. 1,000.

Twenty naye paise. Ten naye paise.

N.B.—If a policy of group insurance is renewed or otherwise modified whereby the sum insured exceeds the sum previously insured on which stamp-duty has been paid, the proper stamp must be borne on the excess sum so insured.

Exemption

Policies of life-insurance granted by the Director-General of Post Offices in accordance with rules for Postal Life-Insurance issued under the authority of the Central Government.

E.—RE-INSURANCE BY AN INSURANCE COMPANY, which has granted a POLICY of the nature specified in Division A or Division B of this Article, with another company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby.

One-quarter of the duty payable in respect of the original insurance but not less than Five paise or more than Fifty paise:

Provided that if the total amount of duty payable is not a multiple of five paise, the total amount shall be rounded off to the next higher multiple of five paise.

General Exemption

Letter of cover or engagement to issue a policy of

insurance:

Provided that, unless such letter or engagement bears the stamp prescribed by this Act for such policy, nothing shall be claimable thereunder, nor shall it be available for any purpose, except, to compel the delivery of the policy therein mentioned.]

48. POWER-OF-ATTORNEY, [as defined by section 2(21)], not being a PROXY (No. 52),—

(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents; Eight annas

(b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882 (15 of 1882); Eight annas.

(c) when authorizing one person or more to act in a single transaction other than the case mentioned in clause (a); One rupee.

(d) when authorizing not more than five persons to act jointly and severally in more than one transaction or generally; Five rupees.

(e) when authorizing more than five but not more than ten persons to act jointly and severally in more than one transaction or generally; Ten rupees.

(f) when given for consideration and authorizing the attorney to sell any immovable property; The same duty as a Conveyance (No. 23) for the amount of the consideration

(g) in any other case..... One rupee for each person authorized.

N.B.—The term “registration” includes every operation incidental to registration under the ²Indian Registration Act, 1877 (III of 1877).

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

¹**[49. PROMISSORY NOTE**, [as defined by section 2(22)]

(a) when payable on demand—
(i) when the amount or value does not exceed Rs. 250; Ten naye paise

(ii) when the amount or value exceeds Rs. 250 but does not exceed Rs. 1,000; Fifteen naye paise.

(iii) in any other case Twenty-five naye paise.

¹ See now the Indian Registration Act, 1908 (16 of 1908).

² Subs. by Notification No. S.O. 130(E), dated 28-1-2004, for article 49.

- (b) when payable otherwise than on demand— [One-fifth of the duty as applicable to the Bill of Exchange (No. 13 of Schedule I) for the same amount payable otherwise on demand.]

50. PROTEST OF BILL OR NOTE, that is to say, One rupee.
any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a bill of exchange or promissory note.

51. PROTEST BY THE MASTER OF A SHIP, One rupee.
that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the characterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such,
See also NOTE OF PROTEST BY THE MASTER OF A SHIP (No. 44).

52. PROXY, empowering any person to vote at any [Thirty paise.]
one election of the members of a district or local board or of a body of municipal commissioners, or at any one meeting of (a) members of an incorporated company or other body corporate whose stock or funds is or are divided into shares and transferable, (b) a local authority, or (c) proprietors, members or contributors to the funds of any institution.

53. RECEIPT, [as defined by section 2(23)] for any [One rupee]
money or other property the amount or value of which exceeds ¹[five thousand rupees.]

Exemptions

Receipt—

(a) endorsed on or contained in any instrument duly stamped ²[or any instrument exempted] under the proviso to section 3 (instruments executed on behalf of the Government) ³[or any cheque or bill of exchange payable on demand] acknowledging the receipt of the consideration-money therein expressed, or the receipt of any principal-money, interest or annuity, or other periodical payment thereby secured;

(b) for any payment of money without consideration;

¹ Subs. by Act 23 of 2004, s. 117, for “five hundred rupees”.

² Subs. by Act 18 of 1928, s. 2 and the First Sch., for “or exempted”.

³ Ins. by s. 2 and the First Sch., *ibid.*

(c) for any payment of rent by a cultivator on account of land assessed to Government revenue, or ¹[in the States of Madras, Bombay and Andhra] ²[as they existed immediately before the 1st November, 1956] of inam lands;

(d) for pay or allowances by non-commissioned ³[or petty], officers, ⁴[soldiers, ²[sailors] or airmen] of ⁵[⁶ [the Indian] military, ²[naval] or air forces], when serving in such capacity, or by mounted police-constables;

(e) given by holders of family-certificates in cases where the person from whose pay or allowances the sum comprised in the receipt has been assigned is a non-commissioned ²[or petty] officers ³[soldier, ²[sailor] or airmen] of ⁷[any of the said forces], and serving in such capacity;

(f) for pensions or allowances by persons receiving such pensions or allowances in respect of their service as such non-commissioned ²[or petty] officer, ³[soldiers, ²[sailors] or airmen] and not serving the Government in any other capacity;

(g) given by a headman or lambardar for land-revenue or taxes collected by him;

(h) given for money or securities for money deposited in the hands of any banker, to be accounted for:

Provided that the same is not expressed to be received of, or by the hands of, any other than the person to whom the same is to be accounted for:

Provided also that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited for or upon a letter of allotment of a share, or in respect of a call upon any scrip or share of, or in, any incorporated company or other body corporate or such proposed or intended company or body or in respect of a debenture being a marketable security.

⁸[SEE ALSO POLICY OF INSURANCE [NO. 47-B (2).]

¹ Subs. by the Andhra (Adaptation of Law on Union Subjects) Order, 1954, for "In the Presidencies of Fort St. George and Bombay" (w.e.f. 1-10-1953).

² Ins. by the Adaptation of Laws (No. 2) Order, 1956.

³ Ins. by Act 35 of 1934, s. 2 and the Schedule.

⁴ Subs. by Act 10 of 1927, s. 2 and the First Schedule, for "or soldiers".

⁵ Subs. by s. 2 and the First Schedule *ibid.*, for "Her Majesty's Army or Her Majesty's Indian Army".

⁶ Subs. by the A.O. 1950, for "His Majesty's".

⁷ Subs. by s. 2, and the First Sch., *ibid.*, for "either of the said Armies".

⁸ Ins. by Act 5 of 1906, s. 7.

54. RECONVEYANCE OF MORTGAGED PROPERTY—

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

The same duty as a conveyance (No. 23) for the amount of such consideration as set forth in the Reconveyance.

(b) in any other case;

Ten Rupees.

55. RELEASE, that is to say, any instruments ¹[(not being such a release as is provided for by section 23A)] whereby a person renounces a claim upon another person or against any specified property—

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

The same duty as a Bond (No. 15) for such amount or value as set forth in the Release.

(b) in any other case.....

Five rupees.

56. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.

The same duty as a Bond (No. 15) for the amount of the loan secured.

REVOCAION OF ANY TRUST OR SETTLEMENT
See SETTLEMENT(No. 58); TRUST(No. 64)

57. 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,—

(a) when the amount secured does not exceed Rs. 1,000;

The same duty as a Bond (No. 15) for the amount secured.

(b) in any other case

Five rupees.

Exemptions

Bond or other instrument, when executed—

(a) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876 (Ben. Act 3 of 1876), section 99, for the due performance of their duties under that Act;

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

¹ Ins. by Act 15 of 1904, s. 8.

(c) under No. 3A of the rules made by the ¹[State Government] under section 70 of the Bombay Irrigation Act, 1879) (Bom. Act V of 1879);

(d) executed by persons taking advances under the Land Improvement Loans Act, 1883 (XIX of 1883), or the Agriculturists' Loan Act, 1884 (XII of 1884), or by their sureties, as security for the repayment of such advances;

(e) executed by officers of ²[the ³[Government]] or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.

58. SETTLEMENT-

A.- INSTRUMENT OF, (including a deed of dower). The same duty as a Bond (No. 15) for a sum equal to the amount or 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 not exceed eight annas.

Exemptions

(a) Deed of dower executed on the occasion of a marriage between Muhammadans.

⁴[* * * * *]
B- REVOCATION OF-

The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the Instrument of Revocation but not exceeding ten rupees.

See also TRUST (No. 64).

59. SHARE WARRANTS, to bearer issued under the ⁵Indian Companies Act, 1882 (VI of 1882). ⁵[One and a half times] the duty payable on a Conveyance (No. 23) for a consideration equal to the nominal amount of the shares specified in the warrant.

¹ Subs. by the A.O. 1937, for "Governor of Bombay in Council".

² Subs. *ibid.*, for "Government".

³ Subs. by the A.O. 1950, for "Crown".

⁴ Exemption (b) omitted by the A.O. 1937.

⁵ See now the Companies Act, 1956 (1 of 1956).

Exemptions

Share warrant when issued by a company in pursuance of the ¹Indian Companies Act, 1882 (6 of 1882), section 30, to have effect only upon payment, as composition for that duty, to the Collector or Stamp-revenue, of—

(a) ²[one and a half] per centum of the whole subscribed capital of the company, or

(b) if any company which has paid the said duty or composition in full, subsequently issues an Addition to its subscribed capital— ²[one and a half] per centum of the additional capital so issued.

SCRIPT, See CERTIFICATE (No. 19).

60. SHIPPING ORDER for or relating to the conveyance of goods on board of any vessel. One anna.

61. SURRENDER OF LEASE—

(a) when the duty with which the lease is chargeable does not exceed five rupees; The duty with which such lease is chargeable.

(b) in any other case..... Five rupees.

Exemption

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

[62. TRANSFER, (whether with or without consideration)—

³(a) of shares in an incorporated company or other body corporate; Seventy-five naye paise or every hundred rupees or part thereof the value of share.

(b) of debentures, being marketable securities, other the debentures is liable to duty or not, except debentures provided for by section 8;] One-half of the duty payable on a conveyance (No. 23) for consideration equal to the face amount of the debentures.

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

(i) if the duty on such bond, mortgage-deed or policy does not exceed five rupees; The duty with which such bond, mortgage-deed or policy of insurance is chargeable.

(ii) in any other case..... Five rupees.

⁵ Subs. by Act 6 of 1910, s. 3, for “Three-quarters of”.

¹ See now the Companies Act, 1956 (1 of 1956).

² Subs. by Act 6 of 1910, s. 3, for “three-quarters of”.

³ Article 62 item (a) and (b) omitted by Act 7 of 2019, s. 21 (w.e.f. 1-4-2020). [Earlier notified w.e.f. 9-1-2020 followed by 1-4-2020)

(c) of any property under the ¹Administrator General's Act, 1874 (2 of 1874), section 31; Five rupees.

(e) of any trust-property without consideration from one trustee to another trustee or from a trustee to a beneficiary. Five rupees or such smaller amount as may be chargeable under clauses (a) to (c) of this Article.

Exemptions

Transfers by endorsement—

- (a) of a bill of exchange, cheque or promissory note;
- (b) of a bill of lading, delivery order, warrant for goods, or other mercantile document of title to goods;
- (c) of a policy of insurance;
- (d) of securities of the Central Government. See also section 8.

63. TRANSFER OF LEASE, by way or assignment and not by way of under-lease. The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the consideration for the transfer.

Exemption

Transfers of any lease exempt from duty.

64. TRUST—

A.—**DECLARATION OF**—of, or concerning, any property when made by any writing not being a **WILL**. The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the instrument but not exceeding fifteen rupees.

B.—**REVOCAION OF**—of, or concerning, any property when made by any instrument other than a **WILL**.
See also SETTLEMENT (No. 58).
VALUATION, See **APPRAISEMENT** (No. 8).
VAKIL, See **ENTRY AS A VAKIL** (No. 30).
 The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the instrument but not exceeding ten rupees.

65. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be. Four annas.

¹ See now the Administrator General's Act, 1963 (45 of 1963).

THE INDIAN STAMP (HIMACHAL PRADESH AMENDMENT) ACT, 1952
ARRANGEMENT OF SECTIONS

SECTIONS:

1. Short title, extent and commencement.
2. Amendment of section 2.
3. Amendment of section 3.
4. Amendment of section 4.
5. Amendment of section 6.
6. Addition of a new section 6-A.
7. Addition of new section 19-A.
8. Amendment of section 23-A.
9. Amendment of section 24.
10. Amendment of section 32.
11. Amendment of section 77.
12. New Schedule I-A.

THE INDIAN STAMP (HIMACHAL PRADESH AMENDMENT) ACT, 1952
(ACT NO. 4 OF 1953)

(Received the assent of the President on the 5th February, 1953, and was published in Gazette. of India, Part III, Sec. 3, dated the 28th February, 1953).

An Act to provide for the amendment of the Indian Stamp Act, 1899 (II of 1899) in its application to the Himachal Pradesh.

Amended, repealed or otherwise affected by:-

- (i) The Union Territories (Stamp and Court-Fees Laws) Act, 1961 (Central Act No. 33 of 1961) read with G.S.R. 518 (F. 4/4/63-UTL-65) dated the 18th March, 1964 (published in Gazette of India, Extra., Part II, Sec. 3 (i), dated the 25th March, 1964) issued under section 2 thereof.
- (ii) H.P. Act No. 16 of 1970¹, assented to by the President on the 26th June, 1970, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 31st July, 1970, pp. 613-636.
- (iii) H.P. Act No 37 of 1976², assented to by the Governor on the 4th October, 1976, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 6th October, 1976, pp. 1775- 1778, effective from 1st April, 1976. (repealed vide section 3 of H.P. Act No. 5 of 2013).

¹ For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 31st May, 1969, p. 445.

²For Statement of Objects and Reasons, See the Rajpatra, Himachal Pradesh(Extra-ordinary), dated 30th August, 1976, p. 1593.

- (iv) H.P. Act No. 19 of 1978¹, assented to by the Governor on the 26th April, 1978, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 29th April, 1978 pp. 404- 405(repealed vide section 3 of H.P. Act No. 5 of 2013).
- (v) H.P. Act No. 11 of 1991², assented to by the Governor on the 23rd April, 1991,published in Rajpatra, Himachal Pradesh (Extra-ordinary), dated 24th April, 1991, pp. 849-854. (repealed vide section 3 of H.P. Act No. 5 of 2013).
- (vi) H.P. Act No. 9 of 1992³, assented to by the Governor on the 2nd May, 1992, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 5th May, 1992, pp. 1923-1928.
- (vii) H.P. Act No 5 of 2013⁴ assented to by Governor, Himachal Pradesh on 5th January, 2013, published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated 16th January, 2013, pp. 5970-6006.
- (viii) H.P. Act No 3 of 2014⁵ assented to by Governor, Himachal Pradesh on 27th January, 2014, published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated 1st February, 2014, pp. 6430-6431.
- (ix) H.P. Act No 15 of 2023⁶ assented to by Governor, Himachal Pradesh on 7th December, 2023, published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated 15th December, 2023, pp. 10741-10746.

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Indian Stamp (Himachal Pradesh Amendment) Act, 1952.

(2) It extends⁷ to the whole of the Himachal Pradesh.

(3) It shall come into force on such date⁸ as the State Government may by notification in the Gazette of India, appoint in this behalf.

2. Amendment of section 2.- In clause (10) of section 2 of the Indian Stamp Act, 1899, hereinafter referred to as the said Act, for the colon shall be substituted a comma, followed by the words “or by Schedule I-A as the case may be”.

3. Amendment of section 3.- In section 3 of the said Act-

¹ For Statement of Objects and Reasons, See the Rajpatra, Himachal Pradesh(Extra-ordinary),dated 8th April, 1978, p. 334.

² Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons, See the Rajpatra, Himachal Pradesh(Extra-ordinary),dated 21st March, 1991, pp. 451and 454.

³ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 28th March, 1992, pp. 1671 and 1675.

⁴ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see Himachal Pradesh, dated 31st August, 2012, pp. 3305- and 3308-3309.

⁵ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see Himachal Pradesh, dated 21st December, 2013, pp. 5315 and 5319.

⁶ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see Himachal Pradesh, dated 15th December, 2023, PP 10741-10746.

⁷ The Act extended to Bilaspur by H.P. Act No. 14 of 1954 and enforced there effective from 1st March, 1955 by Notification No. R. 1-12/55, dated the 12th February, 1955, published in the Rajpatra, Himachal Pradesh, dated the 19th February, 1955, p. 62. The Act extended to the areas added to H.P. u/s 5 of the Punjab Re-organisation Act, 1966, by H.P. Act No. 16 of 1970.

⁸ The Act enforced from 1st April, 1953 by Notification No. R. 1-31/52, dated the 9th March, 1953, published in Gazette of India, part III, Sec. 3, dated the 14th March, 1953.

(1) After clause (c), the following proviso shall be inserted, namely:-

“Provided that, notwithstanding anything contained in clauses (a), (b) or (c) of this section or in Schedule I, and subject to the exemptions contained in Schedule I-A, the following instruments shall be chargeable with duty of the amount indicated in Schedule I-A, as the proper duty therefore, respectively, that is to say:

- (aa) every instrument mentioned in Schedule I-A as chargeable with duty under that Schedule which, not having been previously executed by any person is executed in the Himachal Pradesh on or after the date of commencement of this Act;
- (bb) every instrument mentioned in Schedule I-A as chargeable with duty under that Schedule, which, not having been previously executed by any person, is executed out of Himachal Pradesh, on or after the date of commencement of this Act and relates to any property situated, or to any matter or thing done or to be done in the Himachal Pradesh, and is received in the Himachal Pradesh”.

(2) Between the word “Provided” and the words “that no duty” the word “also” shall be inserted.

4. Amendment of section 4.- In sub-section (1) of section 4 of the said Act-

- (a) for the word and figure “Schedule I” the word, figure and letter “Schedule I-A” shall be substituted, and
- (b) for the words “one rupee”, the words “two rupees” shall be substituted.

5. Amendment of section 6.- In section 6 of the said Act-

(1) After the word and figure “Schedule I” the words, figure and letter “or Schedule I-A” shall be inserted.

(2) In the proviso, for the words “one rupee” the words “two rupees” shall be substituted and after the words “has been paid” the following shall be added, namely;-

“unless it falls within the provisions of section 6-A”.

6. Addition of a new section 6-A.- After section 6 of the said Act, the following new section shall be inserted:-

“6-A. Payment of Himachal Pradesh stamp duty on copies, counter-parts or duplicates when that duty has not been paid on the principal or original instrument.- (1) Notwithstanding anything contained in sections 4 or 6 or in any other law, unless it is proved that the duty chargeable under the Indian Stamp (Himachal Pradesh Amendment) Act, 1952 has been paid -

- (a) on the principal or original instrument as the case may be; or
- (b) in accordance with the provisions of this section, the duty chargeable on an instrument of sale, mortgage or settlement other than a principal instrument or on a counterpart, duplicate or copy of any instrument shall, if the principal or original instrument would, when received in Himachal Pradesh, have been chargeable, under the Indian Stamp (Himachal Pradesh Amendment) Act, 1952, with a higher rate of duty with which the principal or original instrument would have been chargeable under section 19-A.

(2) Notwithstanding anything contained in section 35 or in any other law, no instrument, counterpart, duplicate or copy chargeable with duty under this section shall be received in evidence as properly stamped unless the duty chargeable under this section has been paid thereon;

Provided that a court before which any such instrument, counterpart, duplicate or copy is produced, shall permit the duty chargeable under this section, to be paid thereon and shall then receive it in evidence.”

7. Addition of a new section 19-A.- After section 19 of the said Act the following new section shall be inserted, namely:-

“19-A. Payment of duty on certain instruments liable to increased duty in Himachal Pradesh under clause (bb) of section 3.- Where any instrument has become chargeable in any part of India and thereafter becomes chargeable with higher rate of duty in the Himachal Pradesh under clause (bb) of the first proviso to section 3 as amended by the Indian Stamp (Himachal Pradesh Amendment) Act, 1952-

- (i) notwithstanding anything contained in the said proviso, the amount of duty chargeable on such instrument shall be the amount chargeable on it under Schedule- I-A less the amount of duty, if any already paid on it in India,
- (ii) in addition to the stamps, if any, already affixed thereto, such instrument shall be stamped with the stamps necessary for the payment of the amount of duty chargeable on it under clause (i) in the same manner and at the same time and by the same person as though such instrument were an instrument received in India for the first time at the time when it became chargeable with the higher duty.”

8. Amendment of section 23-A.- In sub-section (1) of section 23-A of the said Act, for the word and figure ‘Schedule-I’ the word, figure and letter “Schedule I-A” shall be substituted.

9. Amendment of section 24.- In the proviso to section 24, of the said Act, for the full stop shall be substituted a comma followed by the words “or Schedule I-A, as the case may be”.

10. Amendment of section 32.- In section 32 of the said Act-

(1) in clause (a) of the proviso, after the words “any instrument” the words “other than an instrument chargeable with a duty under clause (bb) of the first proviso to section 3 as amended by the Indian Stamp (Himachal Pradesh Amendment) Act, 1952” shall be inserted.

(2) the word “or” at the end of clause (b) of the proviso shall be omitted,

(3) after clause (c) of the proviso the word “or” shall be inserted, and the following new clause shall be added:-

- “(d) any instrument chargeable with duty under clause (bb) of the first proviso to section 3 as amended by the Indian Stamp (Himachal Pradesh Amendment) Act, 1952, and brought to him after the expiration of three months from the date on which it is first received in Himachal Pradesh.”

11. Amendment of section 77.- At the beginning of section 77 of the said Act the following words shall be inserted, namely:-

“Except for the provisions as to copies contained in section 6-A”.

12. **New Schedule I-A.-** After Schedule to the said Act the following shall be inserted, namely:-

[The Indian Stamp (Himachal Pradesh Amendment) Bill, 2012

(As introduced in the Legislative Assembly)

A
Bill

further to amend the Indian Stamp Act, 1899 (2 of 1899), in its application to the State of Himachal Pradesh.

BE it enacted by the legislative Assembly of Himachal Pradesh in the Sixty-third Year of the Republic of India as follows:-

1. **Short title.-** This Act may be called the Indian Stamp (Himachal Pradesh Amendment) Act, 2012.

2. **Substitution of Schedule I-A.-**In the Indian Stamp Act, 1899, in its application to the State of Himachal Pradesh, for Schedule I-A annexed to the said Act, the Schedule hereinafter annexed to this Act shall be substituted.

3. **Repeal and savings.-** (1) The Indian Stamp (Himachal Pradesh Amendment) Act, 1976(37 of 1976), the Indian Stamp (Himachal Pradesh Amendment) Act, 1978(19 of 1978) and the Indian Stamp (Himachal Pradesh Amendment) Act, 1991(11 of 1991) are hereby repealed.

(2) Notwithstanding such repeal any action taken or anything done under the Acts so repealed under sub-section (1), shall be deemed to have been taken or done under the corresponding provisions of this Act.

¹[**SCHEDULE I-A**
RATES OF STAMP DUTY ON CERTAIN INSTRUMENTS

Note.—The Articles in Schedule I-A are numbered so as to correspond with similar Articles in Schedule I, of the Indian Stamp Act, 1899.

Art. No.	Description of Instrument	Rates of Stamp Duty
1.	Acknowledgement of a debt. — exceeding twenty rupees in amount or value, written or signed by, or on behalf of, a debtor in order to supply evidence of such debt, in any book (other than a Banker’s pass-book) or on a separate piece of paper when such book or paper is left in the creditor’s possession:	Ten rupees.

Provided that such acknowledgement does

¹ SCHEDULE I-A inserted vide Bill No. 43 of 2012, again substituted vide H.P. Act No. 5 of 2013, amended vide H.P. Act No. 3 of 2014, again amended vide The Indian Stamp (H.P. Amendment) Act No. 15 of 2023.

not contain any promise to pay the debtor any stipulation to pay interest or to deliver any goods or other property.

2. **Administration Bond.**— including a bond given under section 6, of the Government Savings Bank Act, 1873, or section 29, 375 and 376 of the Indian Succession Act, 1925-in every case. One hundred rupees.
3. **Adoption-Deed.**— that is to say, any instrument (other than a Will), recording an adoption, or conferring or purporting to confer an authority to adopt. One Thousand rupees.

Advocate.—See Entry as an Advocate (No. 30).

4. **Affidavit.**— including an affirmation or declaration in the case of persons by law allowed affirming or declaring instead of swearing. Twenty rupees.

Exemptions

Affidavit of declaration in writing when made—

- (a) as a condition or enrolment under the Army Act, 1950; or Air Force Act, 1950;
- (b) for the immediate purpose of being filed or used in any court or before the officer of any Court; or
- (c) for the sole purpose of enabling any person to receive any pension or charitable allowance.

5. **Agreement or Memorandum of an Agreement.**— if relating to the sale of a bill of exchange or sale of a government security or share in any incorporated company or other body corporate or not otherwise provided for. One Hundred rupees.

Exemptions

Agreement or memorandum of agreement-

- (a) for or relating to the sale of goods or merchandise exclusively, not being a

- Note or Memorandum chargeable under No. 43;
- (b) made in the form of tenders to the Central Government for or relating to any loan.

Agreement to Lease.—See Lease (No. 35).

6. **Agreement relating to Deposit of Title Deeds, Pawn or Pledge.**— that is to say any instrument evidencing an agreement relating to-

deposit of title-deeds or instrument constituting or being evidence of the title to any property whatever (other than a marketable security) or the pawn or pledge of movable property where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt. 0.05% of the secured amount, subject to the minimum of rupees one hundred and maximum rupees one thousand and duty rounded off to nearest rupees Ten.

Exemption

Instrument of pawn or pledge of goods if unattested.

Comments

An agreement of hypothecation and question of stamp duty.— There is distinction between a transaction of hypothecation and a transaction of pledge. Because unlike a pledge where the possession of the goods pledged must pass on to the pawnee, no such possession passes on to the creditor in case of hypothecation. As the document in the present case, sought to create two rights in favour of the Bank, i.e. one pertaining to hypothecation of the property and the other pertaining to creation of attorneyship a total stamp of Rs. 11.50 was chargeable to in respect of the document under section 5 of the Stamp Act. Thus the document has been duly stamped being neither a pledge nor a pawn but an agreement of hypothecation covered by Cl.

(e) of Art. 5 of Schedule-I to the Stamp Act with a covenant to confer rights of an attorney of the defendant on the plaintiff.

Deed of Pawn or Pledge.—There is no dispute between the parties, and rightly so, because even on a plain reading of Cl. 6 of the agreement it transpires that the possession of the goods hypothecated was to remain with the debtor itself. That being so, this deed cannot be held to be a deed of pawn or pledge so as to attract the mischief of Art. 6(2) of Schedule-I to the Stamp Act.

7. **Appointment in execution of a Power.**— One hundred rupees.
whether of trustees or of property movable or immovable, where made by any writing not being a Will.
8. **Appraisal or Valuation.**— made otherwise than under an order of the Court in the course of a suit—
in every case. Fifty rupees.

Exemptions

- (a) Appraisal or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or of operation of law.
- (b) Appraisal of crops for the purpose of ascertaining the amount to be given to a landlord as rent.
9. **Apprenticeship-Deed.**— including every As in Schedule-I.
writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment, not being articles of clerkship (No. 11).

Exemption

Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850, or by which a person is apprenticed by or at the charge of, any public charity.

10. **Articles of Association of a Company.**— Two hundred rupees.
in every case.
- 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).
11. **Articles of Clerkship.**— As in Schedule-I.
Assignment.— See Conveyance (No. 23) Transfer (No. 62) and Transfer of Lease (No. 63), as the case may be.
Attorney.—See Entry as an Attorney (No. 30), and Power of Attorney (No. 48).
Authority to Adopt.—See adoption deed (No. 3)
12. **Award.**— that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the court in the course of a suit—
for every amount or value of the property as set forth in such award. Five hundred rupees.
13. **Bill of Exchange.** As in Schedule-I.
14. **Bill of Lading (including a through bill of lading).** As in Schedule-I.
15. **Bond.**— as defined by section 2(5), not being a debenture (No. 27), and not being otherwise provided for by this Act or by the Court-fees Act, 1870. 0.05% of the secured amount, subject to the minimum of rupees one hundred and maximum rupees one thousand and duty rounded off to nearest rupees Ten.
- See* Administration Bond (No.2), Bottomry Bond (No.16), Custom Bond (No.26), Indemnity Bond (No.34), Respondentia Bond (No.56), Security Bond (No.57).

Exemption

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

16. **Bottomry Bond.**—that is to say, any instrument whereby the master of a sea-going ship borrows money on a security of the ship to enable him to preserve the ship or prosecute her voyage. 0.05% of the secured amount, subject to the minimum of rupees one hundred and maximum rupees one thousand and duty rounded off to nearest rupees Ten.
17. **Cancellation.**—Instrument of (including any instrument by which any instrument previously executed is cancelled) if attested and not otherwise provided for. Fifty rupees.
- See also Release (No. 55), Revocation of Settlement (No. 58-A), Surrender of Lease (No. 61), Revocation of Trust (No. 64-B).*
18. **Certificate of Sale.**—(in respect of each property put up as a separate lot and sold), granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue Officer. 5.00% of the market value of the property or to the amount of purchase money, "whichever is higher", subject to the minimum of rupees one hundred and duty rounded off to nearest rupees Ten.
19. **Certificate or other Document.**— evidencing the right or title of the holder thereof, or any other person, either to any shares scrip or stock in or of any incorporated company or other body corporate, or to become proprietor of shares, scrip or stock in or of any such company or body. Ten rupees.
20. **Charter Party.**— that is to say, any instrument (except an agreement for the hire Ten rupees.

of a tug steamer), whereby a vessel or some specified principal part thereof is let for the specified purposes of the Charterer, whether it includes a penalty clause or not.

21. **Cheque.**— [***]. Omitted by Act No. 5 of 1927.
22. **Composition-Deed.**— that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business under the supervision of inspectors or under letters of license, for the benefit of his creditors. One hundred rupees.
23. **Conveyance.**— as defined by section 2(10) not being a Transfer charged or exempted under No. 62-² where the conveyance amounts to sale of immovable property. ²[4.00% for women up to Rs. Eigthy Lakh and 6.00% for other persons, upto Ruppees fifty lakh of the market value of the property or of the consideration amount whichever is higher; and 8% for all above Rupees Eighty lakh or Rupees Fifty Lakh, as the case may be of the market value of the property or of the consideration amount whichever is higher, subject to the minimum of rupees one hundred and duty rounded off to nearest rupees Ten.

Provided that if within one year from the date of

² Substituted vide Indian Stamp (H.P. Amendment) Act No. 15 of 2023.

registration of the sale deed, the same purchaser and seller apply for the registration of sale deed, having market value or consideration amount more than Rupees Eighty lakh or Rupees Fifty Lakh, as the case may be, including the amount of the earlier deed(s), 8% stamp duty in all cases including earlier cases, shall be charged.

Exemption

¹[(a) Assignment of Copyright under the Indian Copyright Act, 1914, Section-5;

(b) for the purpose of this article, the portion of duty paid in respect of a document falling under article No. 23-A shall be excluded while computing the duty payable in respect of a corresponding document relating to the completion of the transaction in any Union territory under this article.]

Co-partnership-deed.— See Partnership (No. 46).

Comments

Conveyance of Property.— There is no difference between a case of retirement and that of dissolution. A partner stands on the same footing in relation to partnership as a co-owner. In the present case the document executed by the firm relinquishing the rights in favour of the former partner could only be a release. It was not a transfer having not been made in favour of a partner who had no interest in the property. The document executed does not transfer property; hence it was not a conveyance.

23(A) **Conveyance in the Nature of Part Performance.**— Contracts for the transfer of immovable property in the nature of part performance in any Union territory under As in Schedule-I.

¹ Subs. by Act, 48 of 2001, S. 11 (w.e.f. 24-9-2001) Gazette of India.

section 53 A of the Transfer of Property Act, 1882.

24. **Copy or Extract.**— certified to be true copy or extract, by or by order of any public officer and not chargeable under the law for the time being in force relating to court fees, in every case. Ten rupees.

Exemptions

- (a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.
- (b) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials.

25. **Counterpart or Duplicate.**— of any instrument chargeable with duty and in respect of which the proper duty has been paid, for every case. Ten rupees.

Exemption

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

Comments

Whether the stamp duty payable is payable on a counterpart.—Article 25 of the First Schedule to the Indian Stamp Act simply states the stamp duty payable on a counterpart or on a duplicate. Hence, an unstamped counterpart can be validated by payment of proper stamp duty and penalty therefor.

26. **Customs-Bonds.**— in every case. One hundred rupees.
27. **Debenture.**— (where a mortgage debenture or not), being a marketable security transferable-
- (a) by endorsement or by a separate instrument of transfer; As in Schedule-I.
- (b) by delivery. As in Schedule-I.

Explanation.-The term “Debenture” includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty.

Exemption

A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of debentures to be issued thereunder, whereby the company or body borrowing makes over, in whole or in part their property to trustees for the benefit of the debenture holders; provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed.

See also Bond (No. 15) and sections 8 and 55.
Declaration of any trust-See Trust (No. 64).

28. **Delivery Order in respect of Goods.** One hundred rupees.
Deposit of Title-Deeds- See Agreement Relating to Deposit of Title-Deeds, Pawn or Pledge (No. 6).
Dissolution of Partnership- See Partnership (No. 46).
29. **Divorce, Instrument of.**- that is to say, any instruments by which any person effects the dissolution of his marriage. One hundred rupees.
Dower, Instrument of- See Settlement (No. 58).
Duplicate- See Counterpart (No. 25).
30. **Entry as an Advocate, Vakil or Attorney on the Roll of the High Court.-**
in the case of an Advocate or Vakil or an Attorney. One thousand rupees.
- Exemption*
- Entry as an Advocate, Vakil or Attorney on the roll of any High Court, when he has previously been enrolled in any other High Court.
31. **Exchange of Property, Instrument of.**

- | | |
|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) between persons of blood relation (common ancestors) and between wife and husband; | 0.05% of the lower value of the exchanged property, subject to the minimum of Rupees one hundred and maximum Rupees one thousand; |
| (b) between persons not related by blood relations. | 0.05% of the lower value of the exchanged property, subject to the minimum of Rupees one hundred and maximum Rupees one thousand; and as per article 23 on the value arrived at after deducting the lower value of property from the higher value of the property. |

Extract- See Copy (No.24).

32. **Further Charge, Instrument of.**— that is to say, any instrument imposing a further charge on mortgaged property-
- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) if at the time of execution of the instrument of further charge, the possession of the property is given or agreed to be given under such instrument; | 5.00% of the market value of the property or consideration amount, "whichever is higher", subject to the minimum of rupees one hundred and duty rounded off to nearest rupees Ten. |
| (b) if possession is not so given. | 0.05% of the secured amount, subject to the minimum of rupees one hundred and maximum rupees one thousand and duty rounded off to nearest rupees Ten. |
33. **Gift, Instrument of.**—not being a Settlement (No. 58) or Will or Transfer (No. 62).

¹[4.00% for women up to Rs. Eigthy Lakh and

¹ Substituted vide Indian Stamp (H.P. Amendment) Act No. 15 of 2023

6.00% for other persons, upto Rupees fifty lakh of the market value of the property and 8% for all above Rupees Eighty lakh or Rupees Fifty Lakh, as the case may be of the market value of the property subject to the minimum of rupees one hundred and duty rounded off to nearest rupees Ten.

Hiring Agreement or Agreement for Service.—See Agreement (No. 5).

Provided that if within one year, the same donor and donee apply for the registration of gift deed, having market value more than rupees Eighty Lakh or Rupees Fifty Lakh, as the case may be, including the amount of the earlier deed(s), 8% stamp duty in all cases including earlier cases, shall be charged.

Provided further that for the purpose of this article, 0.05% of the market value of the transferred property in between persons of blood relation (common ancestors) and between husband and wife, subject to minimum Rupees five thousand and maximum Rupees ten thousand shall be charged.

34. **Indemnity Bond.**—
in every case.

One hundred rupees.

Inspectorship-Deed.—See Composition Deed (No. 22).

35. **Lease.**— including an under-lease or sub-lease and any agreement to let or sublet-
- (a) where the lease purports upto one hundred years or exceeding hundred years; 6.00% of the market value of the leased property, subject to the minimum of rupees one hundred and duty rounded off to nearest rupees Ten.
Formula for calculating the stamp duty on Lease Deeds :-
 $6\% \times \text{Market Value} \times (\text{Period of Lease})/100.$
- (b) where the lease purports in perpetuity and does not purport to be for any definite term and time. 6.00% of the market value of the leased property or the whole lease amount which would be paid or delivered under such lease, if any, "whichever is higher," subject to the minimum of rupees one hundred and duty rounded off to nearest rupees Ten.

Exemption

Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink) without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year or when the average annual rent reserved does not exceed one hundred rupees.

In this exemption a lease for the purposes of cultivation shall include a lease of lands for cultivation together with a homestead or tank.

Explanation.—When a lessee undertakes to pay any recurring charge such as Government

revenue, the land-lords share of cesses, or the owner's share of municipal rates or 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.

Comments

Any agreement to let-Whether amounts to a lease.- Article 35 would indicate that it is not only a lease which is covered by this Article, but also any agreement to let. An agreement to let need not be a lease. In order to determine whether in any given case, it is reasonable to infer the existence of agreement one has to see if one party has made an offer and the other party has accepted the same. To constitute an agreement, it is necessary that the intention of the parties must be definite and common on both. This can be achieved if the terms and conditions are expressly arrived at or could impliedly be found.

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| 36. | Letter of Allotment of Shares. | Ten rupees. |
| 37. | Letter of Credit.
Letter of Guarantee.— See Agreement (No. 5). | As in Schedule-I. |
| 38. | Letter of License.— that is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion. | Fifty rupees. |
| 39. | Memorandum of Association of a Company.— | |
| | (a) if accompanied by articles of association under sections 26, 27 and 28 of the Companies Act, 1956; | One hundred rupees. |
| | (b) if not so accompanied. | Two hundred rupees. |

Exemption

Memorandum of any association not formed for profit and registered under section 25 of

the Companies Act, 1956.

40. **Mortgage-Deed.**— not being an agreement relating to deposit of Title-deeds, Pawn or Pledge (No. 6), Bottomry Bond (No. 16), Mortgage of a crop (No. 41), Respondentia Bond (No. 56), or Security Bond (No. 57),-

(a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given;

¹[4.00% for women up to Rs. Eighty Lakh and 6.00% for other persons, upto Rupees fifty lakh, of the market value of the property or of the consideration amount whichever is higher and 8% for all above Rupees Eighty lakh or Rupees Fifty Lakh, as the case may be, of the market value of the property. subject to the minimum of rupees one hundred and duty rounded off to nearest rupees Ten.

Provided that if within one year, the same mortgager and mortgagee apply for the registration of mortgage deed, having market value or secured amount more than Rupees Eighty lakh or Rupees Fifty Lakh, as the case may be, including the amount of the earlier deed(s), 8% stamp duty in all cases including earlier cases, shall be charged.

(b) when possession is not given.

0.05% of the secured amount.

¹ Substituted for the figures and signs “5.00%” vide H.P. Act No. 3 of 2014.

Explanation.- A mortgagor who gives to the mortgagee a Power-of-Attorney to collect rents or a lease of the property mortgaged or part thereof is deemed to give possession within the meaning of this article.

Exemption

Instrument, executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists Loans Act, 1884, or by their sureties as security for the repayment of such advances.

Comments

Undertaking affidavit whether could be charged as a mortgage-deed.— The undertaking affidavit has to be charged as a mortgage deed, which has to suffer stamp duty as prescribed under Art. 40 of Schedule-I to the Indian Stamp Act. Thus Art. 40 and not Art. 57 of Schedule-I to the said Act is the appropriate article applicable to the instant case.

41. **Mortgage of a Crop.**— including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage-
- for every sum secured. 0.05% of the secured amount, subject to the minimum of rupees one hundred and maximum rupees one thousand and duty rounded off to nearest rupees Ten.
42. **Notarial Act.**— that is to say, any instrument, endorsement, note, attestation certificate or entry not being a Protest (No. 50) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public. Ten rupees.

See also Protest of bill or note (No. 50).

43. **Note or Memorandum.**— sent by a broker or agent to his principal, the purchase or sale on account of such principal
of any goods or of any stock or marketable security. Fifty rupees.
44. **Note of Protest by the Master of a Ship.** Ten rupees.
45. **Partition.**—Instrument of as defined by section 2(15). 0.05% of the market value of the property being partitioned subject to the minimum of rupees one hundred and maximum of rupees one thousand and duty rounded off to nearest rupees Ten.
46. **Partnership.**—
A. Instrument of- Two hundred rupees.
for every capital of the partnership.
B. Dissolution of Fifty rupees.
- Pawn or Pledge.**—See Agreement relating to Deposit of Title-Deed, Pawn or Pledge (No. 6).
47. **Policy of Insurance.**— As in Schedule-I.
48. **Power of Attorney.**— as defined by section 2(21), not being a Proxy (No. 52),-
- (a) when authorizing one or more persons to act jointly and severally in a single transaction for sole purpose (including suit or proceedings); One thousand rupees.
- (b) when authorizing one or more persons to act jointly and severally in more than one transaction or generally; One thousand and five hundred rupees.
- (c) in any other case. Two thousand rupees.

N.B.- The term "registration" includes every operation, incidental to registration under the Indian Registration Act, 1908.

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

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| 49. | Promissory Note. | As in Schedule-I. |
| 50. | Protest of Bill or Note. — that is to say, any declaration in writing made by a Notary Public or other person lawfully acting as such, attesting the dishonour of a Bill of Exchange or Promissory Note. | Ten rupees. |
| 51. | Protest by the Master of a Ship. | As in Schedule-I. |
| 52. | Proxy. | As in Schedule-I. |
| 53. | Receipt. | As in Schedule-I. |
| 54. | Re-Conveyance of Mortgaged Property. —
in every case. | One hundred rupees. |
| 55. | Release. — that is to say, 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-
in every case. | 0.05% of the market value of the released property, subject to the minimum of rupees one hundred and maximum rupees one thousand and duty rounded off to nearest rupees Ten. |

Comments

A release deed-whether can transfer title.-
A release deed would not be effective to

transfer title. A release deed can only feed title but cannot transfer title.

Renunciation or relinquishment.- If the appellant had no title to the property at the time of renunciation except the off-chance of succeeding by survivorship to the estate after the death of his father, the renunciation or relinquishment under the deed would not clothe him with any title to the property. Renunciation must be in favour of a person, who had already title to the estate, the effect of which is only to enlarge the right.

56. **Respondentia Bond.**- that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination. 0.05% of the secured amount, subject to the minimum of rupees one hundred and maximum rupees one thousand and duty rounded off to nearest rupees Ten.

Revocation of any Trust or Settlement.-See Settlement (No.58), Trust (No.64).

57. **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 or the due discharge of a liability-

in every case.

0.05% of the secured amount, subject to the minimum of rupees one hundred and maximum rupees one thousand and duty rounded off to nearest rupees Ten.

Exemption

Bond or other instrument when executed—

- (a) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a

- charitable dispensary or hospital or any other object of public utility, shall not be less than a specified sum per mensem;
- (b) by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturist's Loans Act, 1884, or by their sureties, as security for the repayment of such advances;
- (c) by officers of Government or their sureties to secure the due execution of an office, or the due accounting for money or other property received by virtue thereof.

Comments

Undertaking affidavit-Whether amounts to a mortgage deed.-The undertaking affidavit has to be charged as a mortgage deed, which has to suffer stamp duty as prescribed under Art. 40 of Schedule-I to the Indian Stamp Act. It was not correct to say that the affidavit merely disclosed an undertaking and if at all it was chargeable it could be only under Art. 57 (b) of Schedule-I to the Indian Stamp Act.

58. **Settlement.**-
 A-Instrument of (including a deed of dower). 0.05% of the market value of the settled property, subject to minimum of rupees two thousand and maximum rupees five thousand and duty rounded off to nearest rupees Ten.

Exemption

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

B-Revocation of - Fifty rupees.

See also Trust (No. 64).

59. **Share Warrants.**- to bearer issued under the Companies Act, 1956. The same duty as payable on a mortgage deed with possession

[40(a)] for the amount equal to the nominal amount of the shares specified in the warrant.

Exemptions

Shares warrant when issued by a company in pursuance of the Companies Act, 1956, section 114, to have effect only upon payment, as composition for that duty, to the Collector of stamp-revenue of-

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

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| 60. | Shipping Order. | Ten rupees. |
| 61. | Surrender of Lease.
in every case. | One hundred rupees. |

Exemption

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

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| 62. | Transfer. — (whether with or without consideration)- | |
| | (a) of shares in an incorporated company or other body corporate; | As in Schedule-I. |
| | (b) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8; | The same duty as Debenture (No.27) as levied by this Act, for a consideration equal to the face amount of the debenture. |
| | (c) of any interest secured by a bond, mortgage-deed or policy of insurance; | The same duty with which such bond, mortgage-deed or policy of insurance is |

chargeable subject to the minimum of rupees one hundred and maximum rupees one thousand and duty rounded off to nearest rupees Ten.

(d) of any property under the Administrator General's Act, 1913, Section 25; One hundred rupees.

(e) of any trust-property without consideration from one trustee to another trustee, or from a trustee to a beneficiary. Two hundred rupees.

Exemption

Transfers by endorsement—

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

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

(c) of a policy of insurance;

(d) of securities of the Central Government.

See also section 8.

63. **Transfer of Lease.**— by way of assignment, and not by way of under lease. The same duty as Article (No. 35) as levied by this Schedule, for the same amount of such transfer.

Exemption

Transfer of any lease exempt from duty.

64. **Trust.**—

A. Declaration of-of, or concerning any property when made by any writing not being a Will; Two hundred rupees.

B. Revocation of-of, or concerning any property when made by any instrument other than a Will. Fifty rupees.

See also Settlement (No. 58), Valuation- See Appraisalment (No. 8), Vakil-See Entry as Vakil (No. 30).

Comments

Religious or charitable endowment Whether fall within the purview of the Trusts Act.— Religious or charitable endowments, whether public or private, do not fall within the purview of the Trusts Act.

Article 64 of the Stamp Act provides for the levy of stamp duty on trust. Accordingly, Art. 64 cannot be pressed into service in case which deals with charitable trusts.

65. **Warrant for Goods.**— that is to say, any Ten rupees.
instruments evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.]

THE HIMACHAL PRADESH STAMP RULES, 1973

ARRANGEMENT OF RULES

RULES

1. Interpretation.

I- SUPPLY OF STAMPS AND KEEPING OF ACCOUNTS

2. Supply of stamps from Central Stamp Stores, Nasik to treasuries.
3. Supply of Stamps from treasuries to sub-treasuries.
4. Preparation and submission of indents for stamps.
5. Reserve stocks to be maintained at treasuries and sub-treasuries.
6. Receipt and examination of stamps at treasuries and sub-treasuries.
7. All stocks of Stamps received to be deposited under double lock in the strong room of treasury or sub-treasury.
8. Treasurer's counterpart of store-book of stamps under double lock.
9. Store book in double lock at branch depots.
10. Precaution to protect stamps from injury by damp or vermin.
11. Custody of stamped papers.
12. Issues from main stock to be made only on regular indents and in the order of receipt from Nasik.
13. Tahvil or expense stock in local and branch depots.
14. Limit of tahvil or expense stock in local and branch depots.
15. Safe custody of expense stock.
16. Indents and issue of stamps thereon from the double lock.
17. Licensed vendors to be supplied with stamps promptly.
18. Single lock registers to be maintained by ex-officio vendors.
19. Monthly abstracts of receipts and issues to be submitted by branch depots.
20. Scrutiny of monthly accounts of branch depots by the officer-in-charge of the local depots.
21. Periodical verification of stamp balance in single and double locks.

II- SALE OF STAMPS, THE PERSONS BY WHOM SUCH SALE IS TO BE MADE AND THE RIGHTS AND DUTIES OF SUCH PERSONS

22. Vendors.
23. –
24. Prohibition of purchase except from licensed vendors.
25. Licensed vendors.
26. Grant of licence to any person.
27. Conditions of licences.
28. –
- 28-A. -
29. –
30. Register or license to be maintained for the district.
31. Revocation of Licenses.
32. Supply of blank vend Register by Collector and disposal of same after use.
33. –
34. Remuneration of Vendors.
35. –

Form P.S.R.I.

Questionnaire for the Guidance of Officers Inspecting Registers and Accounts of Licensed Stamp Vendor.

REVENUE DEPARTMENT

NOTIFICATION

Simla-2, the 29th March, 1974

No. 17-3/67-Rev. I.— In exercise of the powers conferred by section 74 of the Indian Stamp Act, 1899 (II of 1899) and clauses (a) and (d) of section 36 and sub-section (1) of section 41 of the Himachal Pradesh Court Fees Act, 1968 and under the authority derived from the rules made by the Government of India for the supply and distribution of Stamps, hereinafter referred to the Government of India Rules, the Governor, Himachal Pradesh is pleased to make for the State of Himachal Pradesh the following Rules regulating:-

- (a) the supply of non-judicial and Court fee stamps and stamped papers;
- (b) the keeping of accounts of all such stamps used;
- (c) the sale of such stamps;
- (d) the persons by whom alone such sale is to be conducted;
- (e) the duties and remuneration of such persons; and
- (f) the stamps to be used on succession certificates referred to in section 382 of the Indian Succession Act, 1925.

2. These Rules may be called the Himachal Pradesh Stamp Rules, 1973, and shall come into force with immediate effect in whole of Himachal Pradesh, in supersession of the Himachal Pradesh Stamp Rules 1956, as in force in old areas of the Pradesh and the Punjab Stamp Rules, 1934, as in force in the areas merged from Punjab in Himachal Pradesh with effect from 1st November, 1966.

THE HIMACHAL PRADESH STAMP RULES, 1973

1. **Interpretation.**—In these rules, unless a different intention appears from the subject or context.-

- (a) the word "stamp" means as the case may be-
 - (i) a stamp intended to be used under the Indian Stamp Act, 1899, and applies both to adhesive stamps and impressed stamps;
 - (ii) a stamp intended to be used under the Himachal Pradesh Court Fees Act, 1968, and applies both to the adhesive stamps and impressed stamps;
- (b) the expression "impressed stamp" includes Labels-
 - (i) affixed and impressed by the Financial Commissioner's Office; and
 - (ii) Stamp embossed or engraved on stamped paper;
- (c) the expression "adhesive stamp" means as the case may be-
 - (i) an adhesive stamp bearing the words "Court Fee" and intended to be used under the Court Fees Act;
 - (ii) a stamp bearing the word or words "Revenue or Foreign bill" or "Share Transfer" or "Broker" or "Advocate or Notarial" or "Agreement note" or "Insurance" and intended to be used under the Indian Stamp Act 1899;
- (d) the expression "Local Depot" includes the treasury at the Headquarters of a district in the Himachal Pradesh and any place for the custody and sale of stamp where there is no treasury which the Governor may declare to be a "Local Depot"

- (e) the expression "Branch Depot" includes every subordinate treasury in the Himachal Pradesh the headquarters of a tehsil or other sub-division of a district at which stamps are stored for sale;
- (f) the expression "ex-officio vendor" means the treasurer for the time being of the treasury at the headquarters, of a district, or the subordinate treasurer of every subordinate treasury at the headquarters of the sub-division or tehsil of a district, and it also includes every person appointed to discharge the functions of a treasurer at any Local Depot established at the place where there is no treasury and postmaster including subordinate and branch post master and persons appointed by post offices to sell "Revenue" stamps;
- (g) the expression "Licensed Vendor" means and includes every person who, for the time being holds a license granted under these rules to sell stamps, but does not include a specially licensed vendor or an ex-officio vendor, as such, though an ex-officio vendor may, if duly licensed be also a licensed vendor. The expression "license" means a licensed vendor's license;
- (h) the term "vendor" includes an ex-officio vendor, a licensed vendor and a specially licensed vendor;
- (i) The term "Special license" means a license granted under these rules to a Government servant to sell non-judicial or judicial stamps on remuneration as given in sub-rule (ii) and clause (b) of sub-rule (iii) of rule 34, and specially licensed vendor is a person holding such license.

I-SUPPLY OF STAMPS AND KEEPING OF ACCOUNTS

2. **Supply of stamps from Central Stamp Store, Nasik to treasuries.**- According to rule 7 of the Government of India Rules, the Controller of Stamps, Central Stamp Store Nasik, is responsible for supplying the stamps that are required by State Government. The Controller of Stamps supplies stamps on the indents of Treasury Officers (or officers in charge of local depots) submitted direct by the treasury officers concerned or as may be directed by the Financial Commissioner from time to time.

3. **Supply of Stamps from treasuries to sub-treasuries.** -Every district treasury in the Himachal Pradesh has been constituted a local depot and every sub-treasury has been constituted a branch depot for the custody and sale of stamps of all descriptions. It shall be the duty of the Treasury Officer under the control of the Deputy Commissioner and with the assistance of the treasurer, to be the custodian of the main stocks of stamps under double lock in the treasury strong room and to replenish that stock. He shall avoid over stocking and watch the balances and arrange for supplies of stamps in sufficient quantities to branch depots which are in charge of sub-treasury officers who are similarly responsible. Branch depots shall obtain their supplies of stamps from local depots to which they are subordinate.

4. **Preparation and submission of indents for stamps.** -Separate rules have been framed for the preparation and submission of ordinary and emergent indents for non-postal stamps by officers-in-charge (treasury and sub-treasury officers) of local and branch depots (treasuries and sub-treasuries).

5. **Reserve stocks to be maintained at treasuries and sub-treasuries.**-Rules 13 and 17 of the Government of India Rules require that reserve stocks shall be maintained in local and branch depots. Accordingly the following reserve has been prescribed in the indent rules:-

- (a) Local depots.- shall maintain a reserve stock not less than the probable consumption of four months, in addition to the stock required for the four monthly or annual consumption for which indents are submitted four monthly and yearly, respectively.
- (b) Branch Depot.-shall be so supplied with stamps that ordinarily the balance of stamps in each branch depot should never be less than sufficient for one month nor more than sufficient for two months average consumption.

6. **Receipt and examination of stamps at treasuries and sub-treasuries.**-The receipt and examination of stamps on arrival at treasuries and sub-treasuries shall be conducted in the manner laid down in rules 11 or 19 of the rules for the dispatch and receipt of stamps in treasuries and sub-treasuries. When stamps are returned by a sub-treasury, they should be received back into the double lock.

7. **All stocks of Stamps received to be deposited under double lock in the strong room of treasury or sub-treasury.**- (i) Rule 25 of the Government of India Rules lays down that stamps shall be dealt with as follows after receipt and counting:-

"They shall be placed in proper receptacles in the stores under double lock in the presence of the officer-in-charge, arranged in parcels and packets containing known quantities, the amount and value of each denomination being entered at the same time in a register maintained to show the receipts and issues to and from the store under double lock. These entries shall be checked by the officer-in-charge at the time when the stamps are deposited, and the correctness of the arithmetical calculations of additions to balance, as well as of the values compared with quantities, shall be verified and initialled by him at the time. The register shall then be placed with the stamps in the double lock receptacles and shall not be removed therefrom nor shall any entries be allowed to be made therein except in the presence of the officer-in-charge.

(ii) Store book of stamp under double lock.-The double lock registers referred to in the foregoing rule shall be in stereo A&T stamps Nos. 91-102 and 105(b). They shall be maintained in English in bound books. There are columns showing date and nature of transactions, values of stamps, total value, and finally a column for the signature of the treasury or sub-treasury officer. The entries in the books shall be made (from the invoices or treasurer's passed indents, as the case may be) either by the officer- in-charge himself at the time of storing or taking out stamps or by a treasury clerk called to the double lock chamber for the purpose; but in the latter event the entry must be personally checked by the officer-in-charge as the stamps are put in or taken out. Every entry of receipt should correspond with the invoice and show whence, the stamps were received; and every entry of issue shall be vouched by a treasurer's passed indent. A balance shall be struck after entry at the time of receipt or issue and attested by the initials of the officer-in-charge.

8. **Treasurer's counter part of store-book of stamps under double lock.**-A counter part of the double lock registers in forms stereo Nos. 91-102 and 105(b) shall be maintained by the treasurer or sub-treasure in English or Hindi with English numerals and kept in the double lock, but these registers, and the double registers in English must be written up independently, and one shall not be a mere translation of the other. The entries in this counterpart record shall be signed by the treasurer; they shall also be verified by the initials of the officer-in-charge, who shall see that the

entries of receipt correspond with the invoices and the entries of issue with the passed indents, and that the balance struck corresponds with that shown in the English double lock registers.

9. **Store book in double lock at branch depots.**-When there is a shahnavis at the tehsil, the store book shall be maintained by him in Hindi, English numerals being used. The store book shall not be written on loose sheets, but in bound volumes supplied from the district headquarters the pages shall be numbered consecutively, the total number of pages in each volume being certified on the title page. They shall be in the same form as the counterpart registers maintained for local depots and must be kept neatly and carefully all corrections being verified by the initials of the officer-in-charge, and a balance shall be struck at the close of each day in which there has been a transaction of either receipt or issue. All entries must be signed by the officer-in-charge and (except where the book is written up in the sub-treasuries own hand) also by the sub-treasurer. Before signing an entry of issue by sale, the officer-in-charge should satisfy himself that the stamps have been paid for and that the money has been credited in the cash account of the branch treasury.

10. **Precaution to protect stamps from injury by damp or vermin.**-Due precaution shall be taken by the treasurer and the officer-in-charge of the treasury or sub-treasury to protect stamps from injury by damp, or vermin. They shall be kept in strong chests of presses lined or covered within and so closed as to exclude damp, air, mice or insects. In places where white ants are troublesome, the stamp chests or presses shall not be allowed to contact with the walls of the strong room and shall be raised from the floor, and shall rest on stone or earthen troughs containing common oil. Each chest or press shall have two locks the key of one invariably remaining in the hands of the officer-in-charge and the key of the other in the hands of the treasurer. Adhesive stamps shall be further secured by being kept in air-tight tin boxes placed inside the stamps chest or press; the sheets shall be kept face to face and sheets of rough paper placed between each pair of gummed surfaces so as to obviate two sheets being stuck together on the gumside.

11. **Custody of stamped paper. All below Re./in packets of 500; From Re 1 to Rs. 4.200; From Rs. 5 to Rs. 16..100 Stamps of higher value received from Nasik.**-The stamped paper shall be kept in the parcels of quantities noted above to save trouble in numeration, each parcel being securely packed and sealed in cloth or paper covered bearing a note of the quantity and value of the stamps within, signed by the officer-in-charge.

12. **Issues from main stock to be made only on regular indents and in the order of receipt from Nasik.**-Stamps shall be supplied from the main stock under double lock only in the following circumstances:-

- (a) to the treasurer or sub-treasurer on regular written indents, issues shall never be made on oral applications;
- (b) large indents for stamps from post or telegraph offices or for service stamps from Government department or offices may be complied with direct from double lock;
- (c) replenishments of stocks at branch depots and all dispatches of stamps beyond the limits of a district shall be made direct from the double lock;

In order to prevent frauds, errors or damage by any cause remaining undetected for long periods, the stock of stamps shall be issued in the order of its receipt, and by denomination lying

unsold for any reason for a long time shall be transferred to some other depot where there is a demand of it, under the orders of the Financial Commissioner.

13. Tahvil or expense stock in local and branch depots.-At each local or branch depot, whether a branch of State Bank of India exists or does not exist, there shall be a supply of stamps in the tahvil or expense stock in the sole custody of the treasurer or sub-treasurer for the purpose of supply to the public and licensed vendors. Issues shall never be made to the public or licensed vendors from the stock under double lock except in the case of Kotkhai sub-treasury where the sub-treasury officer has been declared to be an ex-officio vendor and sells stamps direct from the double lock.

14. Limit of tahvil or expense stock in local and branch depots.-The tahvil or expense stock in the sale custody of the treasurer or sub-treasurer shall in no case exceed the following limit [Government of India Rules 27 and 32 (ii):-

- (a) **Local Depots.-**(i) Stamps upto the probable demand of one week with cash and opium combined to a value not exceeding Rs. 5,000; or
- (ii) a total value of Rs. 15,000 for stamps, cash and opium, whichever is less.
- (b) **Branch Depots.-**(i) Stamps upto the probable demand of two days, with cash and opium combined to a value not exceeding Rs. 500; or
- (ii) stamps, cash and opium to the total value of Rs. 1,500 whichever is less.

15. Safe custody of expense stock.-For the safe custody of the expense stock it is sufficient that an ordinary tin-lined box shall be kept beside the tahvildar by day and locked in the double lock store room at night.

16. Indents and issue of stamps thereon from the double lock.- Every week/second day or when necessary, the treasurer or sub-treasurer shall prepare in English or Hindi and submit to the officer-in-charge, an indent in form A&T. No. 90 for a supply of stamps for sale. This indent shall show the estimated consumption of the week two days the balance in hand and the quantity indented for. Printed forms bound in volumes are obtainable on application to the officer-in-charge, Himachal Pradesh Government Press, Shimla. Any denomination of stamps not specified in the indent forms should, if necessary, be entered in manuscript in the blank space provided for the purpose. All intermediate or supplementary indents shall be prepared in the forms of indents which are intended to be used both for the purpose of ordinary and emergent indents made at shorter intervals. Before complying with indents the officer-in-charge shall examine the treasurer's or sub-treasurer's store book (prescribed in rule 8) and check the arithmetical calculations made therein. The indent after being ordered if necessary and approved by the officer-in-charge shall be signed by him. In case of there being any difference between the number indented for and issued, a brief note of the cause of the difference shall be made. The indent so signed becomes the warrants for the issue of stamps. The treasury or sub-treasury officer shall then cause the store under double lock to be opened and the required quantity counted and delivered in his presence to the treasurer or sub-treasurer, as the case may be, check the correctness of the entries made in the double lock register so that they correspond with those made in the single lock register, initial both registers, and return the double lock register into double lock store.

When it is necessary to issue stamps from the store under double lock more than once the same day, the above checks need only be applied at each time of issue to the particular description of stamps issued.

If the treasurer or sub-treasurer requires stamps at any intermediate time during the period prescribed, the same procedure shall be observed, but the certificate required to be made in column 10 of the indent need not be recorded.

17. Licensed vendors to be supplied with stamps promptly.- Care should be taken to see that no obstacles are thrown in the way of licensed vendors obtaining their supplies of stamps from treasuries (sadar and Tehsil). They should be allowed to obtain supplies on any day and at any hour when the treasury is open and should not be kept waiting.

18. Single lock registers to be maintained by ex-officio vendors.- After the treasurer or sub-treasurer has obtained his supply of stamps on indents, he shall enter them in a store register in the same form as the counterpart of the double lock registers. This store book will show quantities and values of stamps received from double lock, the daily sales and balance of each denomination in hand at the end of each day or the following morning. The balance shall be attested by the initials of the officer-in-charge of the Depot, who should inspect daily the accounts of the daily sales and compare the record of challans kept by the Head Treasury Clerk, with the treasurer's cash book. Before signing this book he shall see that all issues from the store under double lock have been brought to credit, that the values of stamps written off as sold have been credited in the treasury cash accounts, that entries of remittances to branch depots are in accordance with passed indents, and that those showing dispatches out of the district are in accordance with the orders received on the subject.

19. Monthly abstracts of receipts and issue to be submitted by branch depots.- At the close of the last working day of each month an abstract showing briefly the transactions of the month and containing-

- (i) opening balance;
- (ii) receipt during the month;
- (iii) issues during the month;
- (iv) closing balance;

shall be entered in the store books of each branch depot after the last entry. The officer-in-charge shall verify the closing balance and transmit to the local depot at the headquarters of the districts without unnecessary delay, a plus and minus memorandum of stamps, in form A. & T. Stamps 44.

20. Scrutiny of monthly accounts depots by the officer in charge of the local depots.- The officer-in-charge of the local depot shall scrutinise the monthly statements of receipts and issues (i.e. plus and minus memoranda and statement of stamp transactions in the double and single locks of sub-treasuries) rendered by officers-in-charge of branch depots. He shall see that the opening balances have been correctly brought forward from the previous month, that all remittance from the local depots are supported by the sub-treasury officer's receipt and have been brought to credit, that the proceeds of stamps written off as sold have been credited in the cash account, and that the closing balance has been correctly struck.

21. Periodical verification of stamp balance in single and double locks.- Separate rules have been framed for the periodical verification of stamp balances in the single and double locks.

II-SALE OF STAMPS, THE PERSONS BY WHOM SUCH SALE IS TO BE MADE AND THE RIGHTS AND DUTIES OF SUCH PERSONS

22. Vendors.-There shall be two classes of vendors, namely:-

- (a) ex-officio vendors as defined in rule 1(f);
- (b) licensed or specially licensed vendors as defined in rule 1(g) and (h).

23. No person other than a vendor or his agent as defined in these rules, shall sell stamps other than 5 paise, 10 paise, 15 paise and 25 paise revenue stamps unless specially authorized by the Collector of the District.

24. **Prohibition of purchase except from licensed vendors.**-Except in the case of 5 paise, 10 paise, 15 paise and 25 paise revenue stamps, no person shall purchase any stamp from or exchange any stamp with any person not authorised under these rules to sell stamps.

25. **Licensed vendors.**-The maximum number of licensed vendors for the sale of stamps at the headquarters of each district and tehsil respectively shall be fixed by the Collector of each district concerned in consultation with the Commissioner of the Division and the Collector shall not, without the concurrence of the Commissioner, issue licenses at such headquarters to persons in excess of the number so fixed. In the case of towns and villages which are not such headquarters, the number of licenses to be granted shall be fixed by the Collector alone. The Collector may grant a temporary license for a limited period to any petition writer or other person who accompanies on tour an officer whose duties necessitate the use of court fee stamps by parties appearing before him.

Note.- (i) The vend arrangements of each district, more particularly rural tracts, are in the hands of the Collector who is responsible on the one hand, that there is a sufficient number of vendors for the reasonable convenience of the public and on the other, that a large number of petty vendors are not licensed in excess of local requirements.

As regards the number of licenses required for sale of stamps in rural tracts, the Collector is the best judge but the number of licenses granted at Sadar stations and at the headquarters of tehsils have in some districts often called for remarks, and reduction has often seemed desirable. The Financial Commissioner is authorised to take action in the way of reduction, from time to time when necessary and the Collector in consultation with the Financial Commissioner should fix a maximum number for the Sadar station and each tehsil headquarters, which once fixed, must not be exceeded without the sanction of the Financial Commissioner.

(ii) The number of licenses of the vend of stamps will, of course, vary according to the circumstances of each district, but care should be taken that an adequate number of licensed vendors, is appointed, otherwise the public will be inconvenienced and the stamp revenue will suffer. On the other hand regard should be paid to the average earnings of the stamp-vendors at district and tehsil headquarters. When these become too low the temptation to various mal-practices and the demand for higher rates of commission is strengthened.

(iii) As regards non-judicial stamps it should be the aim of the Collector to provide the sale of these within the easy reach of all. For this purpose licenses should be issued freely to rural sub, or branch post-masters (ex-officio and not by name) and village school-masters. The concession allowed to this class of licenses termed "Special licenses" in rule 26 (iv) is that an advance may be made of non-judicial stamps at the start without payment of ready money upto a value not exceeding Rs. 50- for all stamps supplied to such licensees. In excess of this advance a special licensee is required to pay ready money less the discount admissible. The stamps supplied to him as well as his money remittance for their value to the nearest treasury or sub-treasury are to be sent through the post insured parcels, the charges for postage and insurance being borne by the

Stamp Department. The licensee may remit the amounts by ordinary money orders the stamp Department bearing the charge for commission. The licensee receiving such advance shall give a receipt for the money values thereof, which receipt shall be renewed from year to year in the manner prescribed for permanent advance on account of contingent expenditure. When the Government servant ceases to be specially licensed or desires to discontinue the advance he shall refund the value entered in the receipt either in money or in stamps of the class which he is licensed to sell and shall be granted a receipt for the same by the officer to whom the refund is made, the original receipt given by the specially licensed vendors being retained on behalf of Government. When any Government servant makes over charge to another Government servant also specially licensed, he shall obtain from him a receipt for the advance made over to him in stamps.

(iv) It is manifest that much smaller number of vendors will suffice for the retail of judicial stamps than for the retail of non-judicial stamps. The former are rarely required except for use in a court of law, and if they are readily procurable in the vicinity of the Court in which they are to be used, the public convenience as well as the interests of the revenue, will be sufficiently provided for. What is essential is that at all places where there is a Court, whether at a Sadar or tehsil station or in detached localities court-fee stamps shall be readily procurable both from treasurers' and such "other vendors", as may be licensed. The right to sell court-fee stamps is no longer to be refused to other "vendors selling non-judicial stamps.

26. Grant of license to any person.-(i) Subject to the provisions of these rules, the Collector or other officer empowered by the State Government in this behalf, may grant a license for the sale of stamps to any person at any place or within any area within the limits of his district, of any value of description provided:-

- (a) that no person may be licensed to sell any single stamp exceeding Rs. ¹[2,00,000] in value;
- (b) that no person employed in any department of the public service shall be granted a license to sell stamps without the previous consent of the head of such department;
- (c) that no person shall be licensed until the licensing officer has satisfied himself that the person to be licensed bears good moral character and is qualified for the purpose educationally and writes a clear hand;
- (d) that no person whose duty is to cancel stamps in accordance with the provisions of section 39 of the Himachal Pradesh Court Fees Act, 1968, shall be licensed under these rules. The license of any licensed vendor, who accepts any appointment involving the duty of cancelling stamps, shall be deemed to have been revoked from the time of acceptance and shall be forthwith surrendered to the Collector.

(ii) The Collector may, in his discretion, grant a license for a short period to any person for the purpose of accompanying any civil officer on tour and selling court fee stamps only, while on tour, to persons requiring them. Such licensees may be in excess of the number of licensed vendors fixed under sub-rule (i) of this rule.

(iii) The Collector may in his discretion grant a license to sell stamps to any ex-officio vendor, who then shall be also a licensed vendor within the meaning of these rules and shall be

¹ Subs. vide Notification No. Rev.Stamp(F)2-5/2020 dated 07-6-2023.

subject to all the provisions thereof as regards the sale of stamps and his duties and remuneration as licensed vendor.

(iv) The Collector may, in his discretion and subject to proviso (b) of sub-rule (1) of this rule and subject to the following conditions, grant to any postmaster a special license to sell, at a place other than the headquarters of a district or tehsil, non-judicial impressed sheets and similarly to another government servant to sell non-judicial impressed sheets ¹[*****].

Condition I.-Any Government servant specially licensed under this sub-rule may receive, without payment of ready money an advance of stamps of the class that he is licensed to sell of an aggregate value of 50.00 rupees. This advance shall be operated on in a manner analogous to that prescribed for a permanent advance on account of contingent expenditure that is to say the licensee on paying into the treasury any portion may receive stamps to an equivalent amount. The licensee receiving such advance shall give receipt for the money value thereof which receipt shall be renewed from year to year in the manner prescribed for permanent advances on account of contingent expenditure. When the Government servant ceases to be specially licensed or desires to discontinue the advance, he shall refund the value entered in the receipt which he is licensed to sell, and shall be granted a receipt for the same by the officer to whom the refund is made, the original receipt given by the specially licensed vendors being retained on behalf of Government. When any Government servant specially licensed makes over charge to another Government servant, also specially licensed, he shall obtain from him a receipt for the advance made over to him in stamps.

Condition II.- All postage charges for the remittance of stamps supplied to specially licensed vendors or for the remittance by such vendors of the value of stamps supplied to them, or for the return by them of balances of stamps remaining unsold on their ceasing to be specially licensed or for official correspondence relating to matters arising out of their transactions as specially licensed vendors, shall be borne by Government and charged to stamp contingencies.

27. Conditions of Licenses.- (i) Every license granted under these rules shall specify-

- (1) the person licensed;
- (2) the kind and the value of the stamps he is licensed to sell; and
- (3) the place at which he is licensed to sell.

(ii) Every special license granted under these rules shall contain same particulars and be in the same form as are stated in sub-rule (i) of this rule. But the Collector may, if he seems fit, grant a special license in favour of the holder for the time being of a particular person.

28. Every license granted under these rules shall be subject to the following conditions-

- (i) The vendor shall obtain all 'Supplies of Stamps, which he is authorised to sell, only from the treasury or sub-treasury of the district for which his license is granted. If he cannot attend personally for the purpose, he may depute an agent able to satisfy the ex-officio vendor as to identity. The receipt for the stamps issued shall be taken by the ex-officio vendor from the stamp vendor's agent in addition to that of the stamp vendor himself on the back of the form A & T No. 349.

¹ The words "and revenue stamps" omitted by Notification No. Rev.Stamp(F)II-I/99 Dated 6-12-2001. (Amendment Rules, 2001).

- (ii) The vendor shall keep such stock of stamps which he is authorised to sell, as may be prescribed by the collector of the district with due regard to the convenience of the treasury officer, the stamp vendor and the litigant public.
- (iii) Subject to the provisions of chapter V of the Indian Stamp Act, 1899, and rules made under section 36(c) of H.P. Court Fees Act, 1968 (as to renewal) and the order of the Governor General in Council published in resolution No. 132 of the 11th January 1888 (as to refunds), the vendor shall not obtain (by purchase, exchange, or otherwise) any stamp from any person other than an ex-officio vendor.
- (iv) The vendor shall sell stamps which he is authorised to sell only at the place mentioned in his license and in accordance with these rules.
- (v) (a) The vendor shall not allow any other person except his agent appointed as in paragraph (b) of this condition, to transact on his behalf, any business which he is required by these rules to do himself.
(b) During short periods of absence not exceeding one week at a time, the vendor may appoint an agent for the sale of stamps, making a note to this effect in the vend register before and after the entries of the sale by the agent. If the agent is required for more than a week but less than a month he must obtain the permission of the Tehsildar or if resident in a sub-tehsil, of the Naib-Tehsildar. The vendor shall be responsible for all acts of his agent. If the vendor is absent for more than a month the matter must be reported to the Collector who may either (a) authorise the retention of an agent for a longer period, or (b) temporarily or permanently transfer the license to some other person.
- (vi) The vendor shall not sell stamps of any kind the use of which has been discontinued or prohibited by competent authority.
- (vii) The vendor shall be bound to sell to any person upon immediate payment any stamps of a kind or value permitted by his license, but not of any other kind or value. The vendor shall not demand or accept for any stamp any consideration exceeding the value of such stamp.
- (viii) The vendor shall accept payment for any stamp sold by him in any currency which would be accepted on behalf of Government at a district treasury.
- (ix) The vendor shall not sell any stamp exceeding Rs. ¹[2,00,000] in value. When application is made to the vendor for stamps exceeding Rs. 200 in value he shall refer the applicant to the ex-officio vendor.
- (x) If application is made to the vendor for a non-Judicial stamp of a value not exceeding Rs. ¹[2,00,000] required in the form of an impressed sheet to denote the duty on any document, the licensed or specially licensed vendor shall, if it is available in his stock, supply the applicant with a stamp of value required, and if a stamp of such value is not available in his stock he may supply in lieu of it the smallest number of impressed sheets available in his stock by which the duty required can be made up. The licensee shall not attempt to make up stamp duty exceeding Rs. 200 by the issue of two or more stamps of lower denomination

¹ Subs. vide Notification No. Rev.Stamp(F)2-5/2020 dated 07-6-2023.

- (xi) (a) When in the case of court fees amounting to less than Rs. 25 the amount can be denoted by a single adhesive stamp the vendor shall issue a single adhesive stamp or if a single adhesive stamp of the required value is not available in the stock of the vendor he shall supply an adhesive court fee stamp of the next lower value available and make up the deficiency by the issue of one or more additional adhesive stamps of the next lower value which maybe required to make up the exact amount of the fee.
- (b) When in the case of court fees amounting to or exceeding Rs. 25 the amount can be denoted by a single impressed stamp the vendor shall issue a single impressed stamp of the required value. But if the amount cannot be denoted by a single impressed stamp or if a single impressed stamp of the required value is not available in his stock the vendor shall supply an impressed stamp of the next lower value available, and the deficiency shall, be made up by the issue of one or more additional impressed stamps of the next lower value available which may be required to make up the exact amount of the fee, in combination with adhesive stamps to make up fractions of less than Rs. 25.
- (c) Where the vendor is unable to furnish a single stamp of the value required by a purchaser; he shall give a certificate to that effect in the form below. The certificate referred to must be affixed to the document.
- (d) The licensee shall not attempt to make up court fees exceeding Rs. 200 by the issue of two or more stamps of lower denomination.
- (xii) The vendor shall at the time of sale to the public, write, with his own hand, in indelible ink in English or Hindi on the blank space left for this purpose on each adhesive court fee stamp, the name, caste or tribe and surname (if any) and residence of the purchaser, the date of the sale and the signature of the vendor and if the stamp is purchased by any person other than the principal, the said particulars in regard to both the agent and the principal, provided that-
- (a) if the name to be written is that of an unmarried woman the vendor shall, in addition to the name and other particulars regarding such unmarried woman write the name of her father;
- (b) if the name is that of married woman or widow the vendor shall in addition to the name, and other particulars regarding her, write the name of her husband; and
- (c) if the stamp is purchased for any person by a pleader or an advocate as agent, the vendor need only write the name and parentage of the principal and whose parentage cannot be conveniently ascertained, brief particulars of the case together with a sufficient description of the agent.
- (xiii) The vendor shall with his own hand, write in indelible ink, in English or Urdu/Hindi at the time of sale, on the back of every non-judicial court fee impressed stamp which he sells:-
- (a) serial number,
- (b) the date of the sale,
- (c) the name and residence of the purchaser and also if the purchaser is an Indian, his/her father's name and caste,

- (d) if the purchaser is purchasing on behalf of another person then also the name and residence of the person for whom the purchase is being made, and if the person for whom the purchase is being made is an Indian, his/her father's name and caste,
- (e) the purpose for which the stamps have been purchased,
- (f) the value of the stamp in full words, and shall affix his signature to the endorsement.

He shall at the same time make corresponding entries in his vend register and shall also invite the purchaser to attest them by his signature or thumb impression or both and in the event of the purchaser refusing so to attest the entry of sale, the vendor shall refuse to sell the stamp required and shall cancel any entries made regarding it in his register.

Note.- Particular care should be exercised in the taking of finger impressions. The proper kind of ink to use is printer's ink and this should be used exclusively. This shall be obtained by the vendor himself. It should be used with a thin slab and not with a pad. Country ink should never be used.

- (xiv) The vend register referred to in condition (xiii) shall contain columns for the following particulars and in it the vendor shall regularly and correctly enter particulars viz.,
 - (a) the date of sale of any impressed sheet sold,
 - (b) the serial number of the entry of every such sale a new series of number being commenced on the first day of April in each year and the total number of stamps sold to make-up any value required being entered under a single serial number,
 - (c) the value (in words) of each stamp sold, and the total value of stamps sold in each transaction,
 - (d) (i) the name, caste or tribe and surname (if any) and residence of the purchaser;
 - (ii) if the stamp is purchased by any person other than the principal, the said particulars in regard to both the agent and the principal:

Provided that-

- (a) if the name to be written is that of an unmarried woman the vendor shall, in addition to the name and other particulars regarding her, write the name of her father,
- (b) if the name is that of a married woman or widow the vendor shall, in addition to, the name and other particulars regarding her, write the name of her husband, and
- (c) if the stamp is purchased for any person by a pleader or an advocate as agent" the vendor need only write the name and parentage of the principal, and where the parentage cannot be conveniently ascertained, brief particulars of the case" together with a sufficient description of the agent.
- (d) (i) in the case of non-judicial stamps, the purpose for which the purchaser states that the stamp is purchased,
- (ii) in the case of court fee stamps, the purpose for which the purchaser states the stamp is purchased i.e. (1) value (for purposes of court. fee) and nature of the suit or appeal and name of the person against whom suit or appeal is to be instituted, together with the particulars mentioned in column 4 as in the case of purchaser;

- (e) signature or thumb impression of purchaser, if the purchaser consents to sign the entry, or makes the impression and if he does not consent, the reasons for his nonconsenting in case purchaser states his reasons.

When any register becomes filled up, the vendor shall deliver the same to the Collector or other officer deputed to receive the same.

- (xv) The vendor shall not knowingly endorse on any impressed sheet sold the name of any person other than the actual purchaser, or the person on whose behalf the stamp is being purchased, deliver any stamp sold to any person other than the person whose name is endorsed thereon as that of the purchaser. The vendor shall not also retain in his possession for more than seven days any endorsed stamps entered as sold in his register of which the vendor fails to take delivery. In case of such failure he shall, on the expiry of seven days forward the stamp to the Collector for cancellation and refund of its value or issue of another stamp in exchange therefor.
- (xvi) The vendor shall, upon the demand of the Collector, whenever required so to do deliver up all stamps in his custody or possession of such vendor; and if such 'stamps have been paid for by such vendor the value thereof, less any discount which may have been allowed at the time of the purchase thereof to such vendor shall be refunded to him.
- (xvii) The vendor shall at all times have posted in a conspicuous place outside the place of vend, a signboard bearing in English and Hindi characters,-
- (a) the name of the vendor with the words "Licensed vendor of non-judicial/court fee stamps". He shall also have in the place of vend, his license and the Acts of the legislature and their schedules referring to the stamps sold by him, together with these rules in English and Hindi placed so that they can be readily seen and read by purchaser,
- (b) the licensee is not allowed to charge more than face value of stamps.
- (xviii) the vendor shall not at any time offer any objection or resistance to the inspection of his registers or the examination of his stock of stamps by any officer duly authorised by the Collector or by Government to make such inspection or examination.
- (xix) the vendor shall submit to the Excise Inspector of the district, after close of each quarter a return in the standard vernacular form No. 217. He shall also submit such other returns as may be prescribed from time to time.
- (xx) the remuneration to the vendor shall be in the form of discount allowed from time to time under the orders of the State Government.
- (xxi) Additional conditions applying to ex-officio vendors who are also licensed to sell stamps not exceeding Rs. 200 and to receive commission on the sale of such stamps.- This license should be in the name of a servant or an agent who will have no authority to perform any of the treasurer's or sub-treasurer's official duties in connection with stamps. This servant or agent should.-
- (a) sit separately away from the treasurer or sub-treasurer and not with his principal in the treasurer's room;

- (b) have no access to the store of stamps in the single or double locks;
- (c) not perform any duty connected with the issue of stamps;
- (d) not prepare the treasurer's or sub-treasurer's indents, nor keep the store books nor compile the monthly stamp accounts.

Note.-There is, however, no objection to the stamp boxes belonging to the servant or agent of the ex-officio vendor being kept for the night in the single lock rooms of treasuries and sub-treasuries on the understanding that Government accepts no liability in case of theft or loss.

28A. If in any single transaction stamp exceeding Rupees 500/- in value is required by any litigant the licensee shall sell the same subject to the condition that the litigant or his advocate produces before the Stamp Vendor, in the High Court a certificate issue by the Registry, and before the Stamp Vendor in the Distt. Courts, a certificate issued by the Superintendent of the District Courts to the effect that stamps are bonafide required for the purpose of instituting a litigation in the High Court or in the Distt. Court, as the case may be.

(FORM OF CERTIFICATE)

"Certified that a single stamp of the value of Rs required for this document is not available, but in lieu thereof I have furnished a stamp of the next lower value available, and made up the deficiency by the use of one or more adhesive stamps of the next lower values available required to make up the exact amount of the fee".

29. The infringement of any of these rules or conditions shall render the holder liable to cancellation of his licence in addition to the penalties prescribed in section 69 of the Indian Stamp Act/Section 41 of the H.P. Court Fees Act, 1968, namely imprisonment for a term which may extend to six months or fine not exceeding five hundred rupees, or both.

30. **Register of licenses to be maintained for the district.**-The Collector shall cause a register of licenses and special licenses granted under these rules to be maintained for the district. The register shall contain the following particulars as to each license granted.-

- (a) date of granting the license,
- (b) serial number for the year of the license,
- (c) name, father's name, caste and residence of the person licensed, or in the case of a special license granted to a public servant, the official designation of the office by virtue of which the special license may be used,
- (d) place or areas for which the license is granted,
- (e) kinds and values of stamps covered by the license,
- (f) period for which the license is to continue in operation,
- (g) amount of security (if any) taken,
- (h) acknowledgement of the license;
- (i) remarks relating to revocation, renewal, surrender, expiry etc., of the license, and
- (j) date of destruction of the license.

Note.-The register shall be separate for (1) non-judicial and (2) Court Fee Stamps. The entries in the register should be revised annually when the time comes round for renewing the license. Every lapsed license should be called in and destroyed; at the same time the sale registers which vendors are required to maintain under license conditions Nos. (xiii) and (xiv) should be inspected to see that they have been regularly and correctly maintained; this duty might be performed in outlying places by tehsildars or naib-tehsildars and at the sadar by the treasury

officer or some other officer appointed for the purpose by the Collector, for example, the Excise Inspector or Sub-Inspector. If it should appear that, any licensee has ceased to sell or that his sales are small with reference to the locality his license should not be renewed, but another person should, if necessary, be licensed in his stead.

The number of vendors shown in the Collector's annual statement should correspond with number shown in the above register.

31. Revocation of licenses.-(i) Any license or special license granted under these rules may at any time be revoked for sufficient reason by the Collector of the district in which it was granted, or by any Revenue authority to whom such Collector is administratively subordinate.

(ii) When any license or special license is revoked, or expires, it shall be the duty of the person to whom it was granted or his agent or representative forthwith to surrender it to the Collector. If any such license is to be renewed and has been granted in a form capable of renewal and containing sufficient space for the necessary entries, it shall be renewed and returned to the licensee. If any such license is to be renewed by the issue of a fresh license, the surrendered license shall be retained by the Collector, and be cancelled by enforcement under his signature.

(iii) The Collector shall furnish the ex-officio vendor with a list of all persons licensed under these rules, and keep him informed of changes in it.

32. Supply of blank vend Registers by Collector and disposal of same after use.-(i) Blank vend registers in the prescribed form shall be supplied free of charge to the vendor on application to the Collector. Before issuing any blank vend register to the vendor the Collector shall enter or cause to be entered at the beginning thereof the following particulars.-

- (a) full name and residence of the vendors; and
- (b) the date on which the register is issued.

(ii) Each page of such register shall bear a printed number and all the pages of each register shall be numbered in a continuous series. The officer-in-charge of stamps shall certify under his signature at the beginning of each register, the number of pages contained in it and that they are numbered in continuous series.

(iii) To avoid the accumulation of filled or partially filled registers at tehsil offices they should be transferred at the close of the official year in which they have been deposited, to the district record-room, where they should be retained for a period of twelve years and then destroyed.

33. No ex-officio vendor ¹[except Post-masters including subordinate and branch post-masters and person appointed by post offices to sell Revenue Stamps] shall, as such, sell stamps otherwise than in accordance with the following directions.-

- (a) he shall sell to a licensed or specially licensed vendor stamps of denominations not exceeding Rs. 200;
- (b) he shall sell to any person other than a licensed or specially licensed vendor (except where required by such vendor for private use) impressed stamps exceeding Rs. 200 in value;
- (c) he shall not sell any stamp except upon immediate payment for the same;

¹ Ins. by Amendment Rules, 2001.

(d) he shall also observe carefully the principle of issuing, whenever practicable, single stamp of the value required by a purchaser, or when, for any reason, this is not possible of furnishing a stamp of the next lower value available and or making up the-deficiency by the use of one or more additional stamps of the next lower values available, which may be required to make up the exact amount of the fee. In the latter case when the sale is of impressed stamps exceeding Rs. 200 in value and a single stamp of the value required by the purchaser is not available the ex-officio vendor shall give a certificate to that effect in the form prescribed in clause (c) of condition (xi) of rule 28.

34. **Remuneration of vendors.**- ¹[(i) Notwithstanding anything contained in these rules no ex-officio vender except the post-master including subordinate and Branch postmasters and persons appointed by post offices to sell the revenue stamps shall be entitled to any discount or Commission on the value of any Stamps supplied to him for custody and sale upon the state thereof.

(i-A) Postmasters including subordinate and branch postmasters and persons appointed by post offices to sell revenue stamps shall not be required to obtain a licence to sell revenue stamps.]

(ii) Every licensed vendor of court fee stamps shall be entitled to discount at the rate of rupees two per centum on the value of every court fee stamps purchased by him from an ex-officio vendor, provided that he shall not be entitled to any such discount when the total value of stamps purchased at anytime is less than Rs.5 nor on any sum in excess of a multiple of Rs.5.

(iii) Every licensed and specially licensed vendor of non-judicial stamps shall be entitled to discount at the rates specified in the following schedule' on the value of every non-judicial stamp purchased by him from an ex-officio vendor provided that discount shall not be allowed on the value of any stamp of a kind not specified in the schedule, nor when the total value of the stamps purchased at one time is less than Rs. 5.

Rate of discount

(a) Vendors holding ordinary licenses to sell stamps

Description of Stamps	Rate of discount
Foreign Bill, Share Transfer, Notarial and Insurance stamps.	Towns where there is a treasury or sub-treasury per cent 2.00 2.50 per cent.
Other Hundi Stamps, revenue stamps, and impressed stamp paper.	4.00 per cent 4.50 per cent.

(b) Government servants holding special licenses to sell stamps:

On all stamps which they are licensed to sell under these, rules, Rs. 2.00 per centum.

The discount shall be allowed by deduction from the purchase money. Special challan forms have been prescribed for this purpose (Stereo A. and T. No. 349).

¹ Subs. by Amendment Rules, 2001.

¹[(c) The Department of Post & Telegraphs, Govt. of India shall be allowed a discount at the rate of 10% on the sale of Revenue Stamps.]

35. Every officer not below the rank of Tehsildar, every Excise Officer not below the rank of Excise Officer, 1st grade and every other Government servant (including a Stamp Auditor) who is specially authorised in that behalf by the Financial Commissioner or Collector may at any time inspect the stock of stamps, the registers, and the accounts, of any licensed or specially licensed vendor. The registers and accounts maintained by and the stock of stamps in store with any specially licensed vendor shall also be subject to inspection at any time by every officer whose duty it is to inspect departmentally the office of the Government servant holding the special license.

- Note.-
- (i) Tehsildars and Naib-Tehsildars shall exercise a general supervision over the stamp vendors within their Tehsils. Excise Inspectors and Sub-Inspectors are required to inspect registers and account of stamp vendors (other than those of Sub-Postmasters and Branch Postmasters specially licensed to sell non-judicial stamps) as often as possible; at least once in a quarter and general) to collect such information regarding vend arrangements as will be useful to Collectors in their administration of the Stamp Department. Inspection Notes should invariably be submitted to the officer-in-charge of stamps. The number of inspections performed by these officials should be noted in the District Annual Stamp report and a brief account should be given of any frauds or irregularities of an unusual character brought to light by their inspections.
 - (ii) With a view to improving the check which Excise Inspectors are required to exercise over the registers of stamps received and sold by the licensed vendors, stamp vendors should be required to submit a duplicate indent for the stamps which they wish to buy and copy of the indent showing the number, denomination and value, of the stamps supplied should be signed by the treasurer and sent by him to the Excise Inspector who is responsible for the supervision and check of stamp vendors registers. These duplicate indents should be destroyed at the end of the financial year.
 - (iii) Excise Inspectors and Sub-Inspectors should make themselves thoroughly acquainted with:
 - (a) the questionnaire prescribed for their guidance, and
 - (b) the instructions in regard to the taking of finger impression contained in the pamphlet prepared by the "Finger Print-Bureau" at Phillaur, copies of the pamphlet should be supplied to the excise staff in each district.
 - (iv) The quarterly returns submitted by licensed vendors of non-judicial stamps in accordance with condition (xix) of rule 28 after being carefully scrutinised should be kept by the Excise Inspector, who should bring to light any remarkable features presented by them. He should also use the returns in his inspection of the vendor's accounts and see that the figures given in them correspond with those in the sale registers. The returns may also be usefully referred to by Collector whom the

¹ Ins. by Amended Rules, 2001.

question of renewing vendors license arises. The returns should not be furnished by postal officials licensed to sell non-judicial impressed stamps.

Form P.S.R.I

No.....

District.....

Licensed or specially licensed vendor.

License for the vend of non-judicial/court fee stamps

This license is granted to son of caste for the vend of non-judicial/court fee stamps at in district for the period commencing fromand ending with and is subject, to the rules and conditions contained in the Himachal Pradesh Stamp Rules, 1973 as amended from time to time.

2. The infringement of any of the said rules or conditions, shall render the license holder liable to cancellation of his license and the penalties prescribed in section 69 of the Indian Stamp Act, 1899/section 41 of the Himachal Pradesh Court Fees Act, 1968, namely imprisonment for a term which may extend to six months or fine not exceeding five hundred rupees, or both.

3. This license may be revoked at any time by the Collector of the district in which it is granted or by any Revenue Officer to whom such Collector is administratively subordinate. On this license being revoked or when the term for which it is granted expires the person hereby licensed shall surrender the license at once to the Collector.

Place.....

Signature of the Collector.

Date of Issue.....

.....District.

QUESTIONNAIRE FOR THE GUIDANCE OF OFFICERS INSPECTING REGISTERS AND ACCOUNTS OF LICENSED STAMP VENDOR

1. Has the stamp vendor a license from the Collector?
2. When was the last inspection of his registers and stock of stamps made?
3. Has the vendor exhibited conspicuously at his place of vend a sign board bearing his name and the words of licensed vendor of non-judicial or court fee stamps?
4. Is the vendor sufficiently educated so as to be able to maintain his vend registers and fulfill the requirements of the conditions of his license?
5. Does the vendor correctly and truly enter in his register the supply of stamps received from the local treasury or sub-treasury and strike the monthly balance of stock in hand in the register? (The entries of supply should be verified from copies of indents supplied to excise staff). Is the stock in hand correct and does it tally with the entries in the register?
6. Does the vendor maintain a vend register in the prescribed, form and keep accounts regularly in respect or all impressed court fee or non-judicial stamps or both sold by him? Examine it in detail and note defects.
7. Are the particulars truly and correctly entered therein by the vendor with his own hand in English or Hindi and in indelible ink-at the time of sale?
8. Have the entries in the vend register been attested by the purchasers with their own hands or thumb marks?
9. (i) Does the vendor use printer's ink in the taking of finger impressions [Note rule 28(xiii) of these Rules].
(ii) Does the vendor understand the method of affixing proper thumb impression and whether the thumb impressions taken in the register are clear and decipherable?
10. Does the vendor make on every court fee or non-judicial impressed stamp or a court fee adhesive stamp sold by him a proper endorsement in indelible ink [Rules 28 (xii) and (xiii) of the Himachal Pradesh Stamp Rules, 1973]?
11. When a stamp is purchased by anyone other than the principal in person, is it endorsed by the vendor as sold to the agent (A.B.) for the principal (C.D.) [Rules 28 (xii) and (xiii) of the Himachal Pradesh Stamp Rules, 1973]?
(The actual process of sale should sometimes be watched and endorsements as entered on stamps and registers compared).
This is an important provision, any departure from which coming to notice should, be reported to the Collector of the District.
12. Has the licensed vendor in any case sold for the same transaction, stamps of the value above the prescribed limit and split up the sale on two consecutive days to conceal the fraud? (The licensed vendors instead of referring a purchaser of stamps, whether court fee or non-judicial exceeding Rs. 200 in value as required by rules, and in order to earn illegal commission sometimes sell such stamps themselves and make entries in respect of stamps so sold in their registers under two different dates. Sometimes one vendor joins another stamp vendor to sell stamps within his own limit although the value of stamps to be used in the transaction may exceed Rs. 200. This kind of fraud should be detected and reported.)
13. Has the licensed vendor in respect of all transactions sold the smallest number of stamps as required by rule 28 (xi) of these rules?

14. Is there any evidence or report that the vendor demands or accepts for any stamps more than actual value denoted thereon (Question about ten members of the General public on this point).
15. Is the vendor fully acquainted with the conditions of his license? Some questions should be put to him to ascertain this?
16. Has any information been ever received to indicate that any sort of illegal trade in stamps or water-marked petition paper is being carried on by stamp vendors?
17. Does the vendor experience any inconvenience or difficulty in obtaining his supplies of stamps from the local treasury or sub-treasury?
18. Whether adequate facilities for meeting the demand of the public for stamps of all descriptions exist?
19. Is there any ground for suspecting that the licensed vendor sells stamps only to those persons who undertake to have their documents written by a particular deed writer recommended by the vendor?
20. Does the vendor submit after the close of each quarter a return in the 'Standard vernacular Form.

THE HIMACHAL PRADESH STAMP (PREVENTION OF UNDERVALUATION OF INSTRUMENTS) RULES, 1992.

**REVENUE DEPARTMENT
(Stamp-Registration)
NOTIFICATION
Shimla-171002, the 26-06-1992**

No. Rev.1-2(Stamp)1/87-Vol-I.-In exercise power conferred by Section 75 of Indian Stamp Act, 1899 (Act No. II of 1899), read with Section 47-A, as inserted by the Indian Stamp(Himachal Pradesh Amendment) Act, 1988 (Act No. 7 of 1989), the Governor, Himachal Pradesh hereby makes the following rules, namely:-

1. **Short Title.**-These rules may be called the Himachal Pradesh Stamp (Prevention of Undervaluation of Instruments) Rules, 1992.

2. **Definitions.**- (1) In these rules, unless the context otherwise requires,-

- (a) "Act" means the Indian Stamp Act, 1899 (Act No. II of 1899) as applicable to the State of Himachal Pradesh.;
- (b) "Authorised agent" means-
 - (i) A person holding a power-of-attorney authorizing him to act on behalf of his principal; or
 - (ii) An agent empowered by written authority under the hand of his principal;
- (c) "form" means a form appended to these rules;
- (d) "Government" means the Government of Himachal Pradesh;
- (e) "Registering officer" means the Registering Officer appointed under the Registration Act, 1908 (No. XVI of 1908); and
- (f) "section" means a section of the Act.

(2) all other words and expressions used but not defined, in these rules, shall have the same meaning as are assigned to them in the Act.

3. **Procedure on receipt of reference or where the Collector proposes to take action suo-motu under section 47-A.**- (1) A reference under sub-section (1) of section 47-A from the Registering Officer shall be accompanied by a statement in Form-1.

(2) On receipt of a reference under sub-section (1) of Section 47-A, from Registering Officer or where the Collector Proposes to take action suo-motu under sub-section (3) of the said section, he shall issue a notice in Form-II, or as the case may be in Form-III.-

- (a) to every person by whom; and
- (b) to every person in whose favour, the instrument has been executed;

informing him of the receipt of the reference or of his proposal to take action suo-motu, as the case may be, and asking him his representations(s), if any, in writing to show that market value of the property has been truly set forth in the instrument and also produce all evidence that he has in support of his representations(s), on the date, time and place specified in such notice.

(3) The Collector may, if he thinks fit, record a statement of any person to whom a notice under sub-rule (2) has been issued.

- (4) The Collector may for the purpose of enquiry-
- (a) call for any information or record from any public office, officer or authority under the Government or the local authority;
 - (b) examine and record statement of any member of the public officer or authority under the Government or the local authority; or
 - (c) inspect the property after due notice to the parties concerned.

4. Principles for determination of market value.- The Collector shall as far as possible, have regard to the following points in arriving at the market value, namely;-

¹[(a) and (b) ***** substituted as follows:-

“(a) **In the Case of Land and house sites.-** The market value of land property shall be determined on the rates fixed by the concerned Deputy Commissioners in pursuance of Government Notification No. Rev. Stamp(F)6-1/2009 dated 13th January, 2012 as published in Rajpatra (Extra-Ordinary, Himachal Pradesh dated 20th January, 2012.”]

²[(c) in the case of buildings-

- (i) type and structure;
- (ii) locality in which constructed;
- (iii) plinth area;
- (iv) year of construction;
- (v) kind of material used;
- (vi) rate of depreciation;
- (vii) fluctuation in rates;
- (viii) any other features that have a bearing on the value;
- (ix) local rates, municipal or other taxes to which such building may be subject and valuation of building with reference to taxation records of local authority concerned;
- (x) the purpose for which the building is being used and the income, if any, by way of rent per annum secured on the building; and
- (xi) any special feature of the case represented by the parties.]

(d) Properties other than lands, house sites and buildings-

- (i) the nature and condition of the property;
- (ii) purpose for which the property is being put to use; and
- (iii) any other special feature having a bearing on the valuation of the property;

5. Order determining the market value- (1) The Collector shall-

¹ Sub-Rule (a) and (b) of Rule 4 substituted vide Notification No. Rev. Stamp(F)6-1/2009-I Dated 23-6-2012 and further substituted vide Notification even No. Vol-II dated 12-01-2016 and even No. Vol-III dated 22-05-2020 respectively.

² Clause (c) of Rule 4 is further amended through Amendment Rules, 2013 vide Notification No. Rev. Stamp (F)6-1/2009-I dated 26-06-2013 and again substituted through Amendment Rules, 2020 vide Notification No. Rev. Stamp(F)6-1/2009-IV dated 27-2-2020, respectively.

- (i) after considering the objections and representations received in writing from the person to whom notice under sub-rule (2) of rule 3 has been issued and those urged at the time of the hearing.
- (ii) after examining the records before him; and
- (iii) after a careful consideration of all the relevant factors and evidence placed before him, pass an order, determining the market value of the properties and the duty payable on the instrument, communicate the same to the parties and take steps to Collect the difference in the amount of stamp duty, if any;

(2) A copy of the order shall be forwarded to the Registering Officer concerned for his record.

6. Appearance through advocate or authorized agent.- In an enquiry under the foregoing rule, any party to an instrument may appear either in person or through an Advocate or an authorized agent.

7. Appeals.- (1) Every appeal under sub-section (5) of section 47-A of the Act, shall contain the following particulars, namely :-

- (a) full name, father's name or husband's name, occupation and address of the appellant;
- (b) full name, father's name or husband's name, occupation and address of every person executing the instrument;
- (c) full name, father's name or husband's name, occupation and address of every person claiming under the instrument;
- (d) date and nature of the instrument;
- (e) registration number, date of registration and name of office where the instrument was registered;
- (f) name of town or village in which the property is situated together with the name of the Tehsil and District;
- (g) number and date of the Collector's order which is a appealed against;
- (h) market value of the property as set forth in the instrument; and
- (i) market value of the property as determined by the Collector.

(2) Every appeal shall be accompanied by-

- (a) the original or a certified copy of the instrument; and
- (b) memorandum of grounds of appeal.

(3) At the foot of the memorandum of appeal the following verification shall be endorsed and signed by the appellant, namely:-

“I the appellant do hereby declare that what is stated above is true to the best of my information and belief. Verified today the day of20 ..

(4) Every appeal shall be presented in person or by an advocate or by an authorized agent the appellate authority having jurisdiction which shall endorse the date of receipt.

8. Procedure for the disposal of appeals.-(1) If the appellate authority admits the appeal, a date shall be fixed for hearing the appellant. The appellate authority shall issue a notice to the appellant informing him of the date on which and the time and place at which the appeal shall be heard. Such notice shall also state that if the appellant does not appear on the date so fixed or any

other date to which the hearing may be adjourned, the appeal shall be liable to be dismissed for default or disposed of on merits ex-parte.

(2) The Appellate authority shall send a copy of the notice to the Collector together with a copy of the appeal and call for and obtain the records of the case from the Collector.

9. Hearing of appeal.- On the date fixed or on any other date to which the case may be adjourned, the appellate authority shall hear the appeal and receive any evidence adduced on his behalf. It shall also hear the person, if any, appearing on behalf of the Collector and record the evidence, if any, adduced in support of the Collector's order.

10. Order in appeal- After considering all the evidence adduced and representations made on behalf of the appellant and the Collector and examining the records of the case, the appellate authority shall decide whether or not the market value of the properties as determined in the order of the Collector under sub-section (2) or sub-section (3) of section 47-A is correct. In case, the appellate authority does not accept the market value of the properties determined by the Collector, it shall determine the correct market value of the properties and the duty payable on the instrument. The appellate authority shall embody its decision and the reasons therefore in an order and communicate it to the appellant, the Collector and the Registering Officer concerned.

11. Return of records to Collector.- As soon as possible after the order is passed the appellate authority shall return the records to the collector.

12. Rules of procedure.- (1) The appellate authority may adjourn the hearing of the appeal from time to time as it thinks fit.

(2) The appellate authority may, at any stage call for any information, record or any other evidence from the appellant or the Collector.

(3) In the appeal the appellant may appear either in person or through an Advocate, or an authorized agent.

(4) In respect of matters not provided for in these rules, the provisions of the Code of Civil Procedure, 1908 (No. V of 1908) relating to the procedure to be followed by the appellate authority in appeals against the order of the Civil Court, shall apply to appeals under sub-section 95) of section 47-A.

13. Manner of service of notice and orders to the parties.- Any notice or order under rule (3) or order under rule 5 shall be served in the following manner, namely:-

- (a) in the case of any company, society or association of individuals, whether incorporated or not, be served-
 - (i) on the secretary or any Director or other principal officer of the company, society or association of individuals, as the case may be; or
 - (ii) by leaving it or sending it by registered post acknowledgement due addressed to the company, society or association of individuals, as the case may be, at the registered office, or if there is no registered office, then at the place where the company, society or association of individuals, as the case may be, carried on business;
- (b) in the case of any firm, be served-

- (i) upon any one or more of the partners; or
 - (ii) at the principal place at which the partnership business is carried on, upon any person having control or management of the partnership business at the time of service;
- (c) in the case of family, be served upon the person in management of such family or the property of such family, in the manner specified in clause (d) :
- (d) in the case of an individual person, be served;-
- (i) by delivering or tendering the notice or order to the person concerned or his Advocate or authorized agent; or
 - (ii) by delivering or tendering the notice or order to some adult member of the family; or
 - (iii) by sending the notice or order to the person concerned by registered post acknowledgement due; or
 - (iv) by affixing the notice or order in some conspicuous part of the last known place of residence or business of the person concerned, if none of the aforesaid modes of service is practicable.

Form-I

[See rule 3 (1)]

1. Document No.
2. Date of presentation and name and address of presentation.
3. Date of execution.
4. Name and address of executants.
5. Name and address of claimants.
6. Nature and value.
7. Stamp borne by the deed.
8. Nature, value (or consideration) of the deed as in the opinion of the Registering Officer together with the stamp duty with which it has to be charged.
9. Deficient stamp duty.
10. Remarks (Explain how the details in columns 8 are arrived at).

Station

Date

Signature

Form-II
[See rule 3(2)]

Form of Notice under sub-rule (2) of rule 3 of the Himachal Pradesh Stamp (Prevention of Undervaluation of Instruments) Rules, 1992 (on receipt of a reference from the Registering Officer)

To

.....
.....
.....

Please take notice that under sub-section (1) of section 47-A of Indian Stamp Act, 1899 (II of 1899), a reference has been received from the Registering Officer for determination of the market value of the properties covered by an instrument dated the and the duty payable on the above instrument. A copy of the reference is annexed.

(2) The matter relating to the determination of the market value of the properties and the duty payable on the instrument will be taken up for hearing on the (date) (camp) at a.m./p.m.).

(3) You are hereby required to submit before the undersigned, on the date of hearing your objections and representations, if any in writing to show that market value of the property has been truly set forth in the instrument alongwith relevant documents, if any, also indicating whether you want to adduce any oral evidence and be present at the hearing.

(4) If you fail to avail yourself of this opportunity of appearing before the undersigned or indicating whether you want to adduce any oral or documentary evidence, as is necessary or producing the relevant documents, no further opportunity will be given and the matter will be dispose of on the basis of the facts available.

Office
Station
Date

Collector,
.....
(Seal)

Form –III

[See rule 3(2)]

Form of notice under sub-rule (2) of rule 3 of the Himachal Pradesh Stamp (Prevention of Undervaluation of Instruments) Rules, 1992 (where the Collector proposes to take action suo-motu).

To

.....
.....
.....

Please take notice that under sub-section (3) of section 47-A of the Indian Stamp Act, 1899 (No. II of 1899) it is proposed to take action for the determination of the market value of the property covered by an instrument registered as Documents No. dated and the duty payable on the instruments.

(2) The matter relating to the determination of the market value of the property and the duty payable thereon will be taken up for hearing on the (date) (camp) At a.m./p.m.).

(3) You are hereby required to submit before the undersigned on the date of hearing, your objections and representations, if any, in writing to show that the market value of the property has been truly set forth in the instrument alongwith relevant documents, if any, also indicating whether you want to adduce any oral evidence and be present at the hearing. If you fail to avail yourself of this opportunity of appearing before the undersigned or indicating whether you want to adduce any oral or documentary evidence, as is necessary, or producing the relevant documents, no further opportunity will be given and the matter will be disposed of on the basis of the facts available.

Office
Station
Date

Collector,
.....
(Seal)

HIMACHAL PRADESH E-STAMPING RULES, 2011

Government of Himachal Pradesh, (Department of Revenue) (Stamps & Registration)

No. Rev. 1-3(Stamp)-1/85-VI. - In exercise of the powers conferred by sections 10, 74 and 75 of the Indian Stamp Act, 1899 (Act No. II of 1899), the Governor of Himachal Pradesh is pleased to make the following rules, namely: -

CHAPTER - I Preliminary

1. Short title and commencement. - (1) These rules may be called the Himachal Pradesh e-Stamping Rules, 2011.

(2) They shall come into force at once.

2. Definitions. - (1) In these rules unless the context otherwise requires,-

- (a) "*Act*" means the Indian Stamp Act, 1899 (Act No, II of 1899);
- (b) "*Agreement*" means the Agreement executed under rule 6;
- (c) "*Appointing Authority*" means the Government of Himachal Pradesh;
- (d) "*Authorised Collection Centre*" means an agent appointed under rules 12 and 13 of these rules, to act as an intermediary between the Central Record Keeping Agency and the Stamp Duty Payer, for collection of stamp duty and issuing the e-Stamp Certificate;
- (e) "*Central Record Keeping Agency*" means an agency appointed under rules 3 and 4 of these rules for the Computerized Stamp Duty Administration System (C-SDAS);
- (f) "*Chief Controlling Authority*" means Financial Commissioner (Revenue) Government of Himachal Pradesh and shall include the Inspector General of Registration of Himachal Pradesh appointed under section 3 of the Registration Act, 1908, if so authorized by him in this behalf;
- (g) "*Department*" means the Revenue Department of the Government;
- (h) "*e-Stamp Certificate*" means the impression or tamper- proof certificate of stamp, electronically generated by the Central Record Keeping Agency, on the paper as specified under rule 27, to denote the payment of stamp duty chargeable under the Act;
- (i) "*Form*" means a Form appended to these rules;
- (j) "*Government*" means the Government of Himachal Pradesh;
- (k) "*Grievance Redressal Officer*" means the officer as specified in rule 39 of these rules;
- (l) "*Section*" means a section of the Act; and
- (m) "*State*" means the State of Himachal Pradesh.

(2) The words and expressions used in these rules but not defined shall have the same meanings as assigned to them in the Act and the Registration Act, 1908 and the rules framed under them.

CHAPTER-II

Central Record Keeping Agency

3. Eligibility for appointment as Central Record Keeping Agency. - Any Public Financial Institution or Nationalized or Scheduled Bank controlled by Reserve Bank of India or Body Corporate or Organization or any Company engaged in providing depository services appointed by Central Government and recognized by State Government or any Body Corporate where not less than fifty one percent of equity capital is held by any of the above entities, either solely or in consortium, shall be eligible for appointment as Central Record Keeping Agency.

4. Appointment of Central Record Keeping Agency. - The Appointing Authority on the recommendations of the Chief Controlling Authority shall appoint an agency by notification, which has been specified under Clause (26) of Section 2 of the Act to function as Central Record Keeping Agency for the State or for the specified district(s) or sub-district(s) or places in the State, by adopting any of the following orders of preference, namely,-

- (a) on the basis of recommendations, if any, of the Central Government regarding appointment of Central Record Keeping Agency;
- (b) in the absence of such recommendation by inviting technical and commercial bids through a duly constituted expert selection committee by the Appointing Authority.

5. Term of appointment. - The term of appointment of the Central Record Keeping Agency shall be valid for five years or such period as may be decided by the Appointing Authority.

6. Agreement and Undertaking-cum-Indemnity Bond. - (1) The Central Record Keeping Agency shall execute an Agreement with the Chief Controlling Authority or his duly authorized officer in **Form -1**.

(2) The terms and conditions of the Agreement may be modified by mutual consent of both the parties.

(3) The Central Record Keeping Agency shall execute an Undertaking-cum-Indemnity Bond in favour of the Government in **Form -2**.

7. Renewal of appointment. - (1) The appointment of Central Record Keeping Agency may be renewed by the Appointing Authority on the recommendations of the Chief Controlling Authority. The application for renewal of appointment shall be made to the Appointing Authority by the Central Record Keeping Agency well in time before the expiry of the running term of appointment.

(2) The Chief Controlling Authority or Appointing Authority before making inquiry or taking decision on the application for renewal may call for any information or record from the concerned offices of Central Record Keeping Agency or Authorised Collection Centre for the purpose of renewal of appointment.

(3) The Appointing Authority, if satisfied may renew the appointment and a fresh Agreement and Undertaking-cum-Indemnity Bond shall be executed as per rule 6.

8. Termination of appointment of Central Record Keeping Agency. - (1) The appointment of the Central Record Keeping Agency shall be terminated by the Appointing

Authority before the stipulated period, on the ground(s) of any breach of any of the obligations or terms of agreement or provisions of these rules or the Act or financial irregularity or for any other sufficient reason, as the case may be.

(2) The appointment under sub-rule (1) shall not be terminated until, -

- (a) the Central Record Keeping Agency has been given one month's notice specifying the grounds for such termination; and
- (b) the Central Record Keeping Agency has been given a reasonable opportunity of being heard.

(3) The Appointing Authority, if it is of the opinion that the provisions of the Act and the rules framed thereunder have been violated, after following the procedure under sub-rule (2), may also impose a penalty in accordance with the provisions of Chapter VII of the Act and Chapter-V of these rules, as the case may be.

(4) On termination of appointment under this rule, the Central Record Keeping Agency shall transfer all the data generated during the period of appointment to the Government. After the termination of the appointment of the Central Record Keeping Agency, it shall not use or cause to be used the data generated during the period of appointment for its business or any other purpose whatsoever.

9. Duties of Central Record Keeping Agency. - The Central Record Keeping Agency shall be responsible for, -

- (a) providing hardware for hosting e-stamping application in the data centre and software infrastructure, in consultation with the Chief Controlling Authority, including its connectivity with the main server, in the offices of Inspector General of Registration, District Registrars, Sub-Registrars and Authorised Collection Centers, i.e. point of contact for payment of stamp duty and at other designated places or offices in the State, as specified by the Chief Controlling Authority;
- (b) providing suitable and adequate training for operation and the use of the system to the manpower and the personnel of the department as appointed by the Chief Controlling Authority;
- (c) facilitating in selection of Authorised Collection Centre for collection of stamp duty and issuing e-Stamp Certificate;
- (d) coordination between the Central Server of Central Record Keeping Agency, Authorised Collection Centre (banks, etc.) and the offices of the Inspector General of Registration, District Registrars, Sub- Registrars or any other office or place in the state, as specified by the Chief Controlling Authority;
- (e) collecting stamp duty and remitting it to the prescribed Head of Account of the State in accordance with the provisions of Chapter - IV of these rules;
- (f) preparing and providing various reports as required under these rules and as directed by the Chief Controlling Authority from time to time;
- (g) the Central Record Keeping Agency shall not provide, transfer or share any hardware, software and any other technology or details with respect to the e-stamping project

- undertaken by it in the State to anybody without written permission of the Chief Controlling Authority, except the duly appointed Authorized Collection Centers;
- (h) the Central Record Keeping Agency shall deploy the e-stamping application after getting the security audit of the same conducted by an empanelled agency of **CERT-In**. The security audit shall also be required whenever there is any change in the e-stamping application software subsequently; and
 - (i) the Central Record Keeping Agency shall maintain the logs of all the activities on the server dedicated for e-stamping and shall also follow the security guidelines of **CERT-In** on regular basis. All the system logs shall properly stored and archived for regular analysis, troubleshooting and for the purpose of recovery and investigation of data.

10. Commission or Discount to be paid to the Central Record Keeping Agency. - (1) The Central Record Keeping Agency shall be entitled to such agreed percentage of commission or discount on the amount of stamp duty collected through e-stamping mechanism. The rate of commission or discount shall be notified by the State Government in the *official gazette*.

(2) Further the commission or discount to the Central Record Keeping Agency shall also be subject to the conditions of rule 20 of these rules.

11. Specification of software to be used by Central Record Keeping Agency. - (1) The Central Record Keeping Agency, in consultation with the Chief Controlling Authority shall design and use such software for indicating the following minimum details of the e-Stamp Certificate, -

- (a) distinguished serial number or unique identification number (UIN) for each e-Stamp Certificate;
- (b) date and time of issue of the e-Stamp Certificate;
- (c) code and location of the 'e-Stamp Certificate issuing branch' of the Central Record Keeping Agency or Authorized Collection Centre;
- (d) unique reference number;
- (e) amount of stamp duty paid through the e-Stamp Certificate in words and figures;
- (f) name and address of the purchaser or authorized person obtaining the e-Stamp Certificate;
- (g) names of the first party;
- (h) name of the second party (if involved);
- (i) brief description of the instrument on which the stamp duty is intended to be paid;
- (j) brief description of the property which is subject matter of the instrument, if any;
- (k) any other distinguishing mark of the e-Stamp Certificate, e.g., bar code or security code with micro print and digital optical water mark; and
- (l) the e-Stamp Certificate shall be as per the format given as **Appendix-A** to these rules.

(2) Central Record Keeping Agency in addition to sub-rule (1) shall also make following provisions, -

- (a) user-id of the official issuing the e-Stamp Certificate;
- (b) digital/manual signature and seal of the e-Stamp Certificate issuing officer or authorized signatory of the Central Record Keeping Agency or Authorized Collection Centre;

- (c) signature of the purchaser or authorized person obtaining the e-Stamp Certificate;
- (d) web based facility to access the e-Stamp Certificate;
- (e) passwords and codes for locking of the e-Stamp Certificate by the District Registrars, Sub- Registrars or any other authorized officer appointed by the Chief Controlling Authority to prevent the reuse of any e-Stamp Certificate;
- (f) the option for purchase of additional e-Stamp Certificate under old certificate number available;
- (g) facility to cancel the 'spoiled' or 'unused' or 'not required for use' e-Stamp Certificate;
- (h) passwords and codes to the authorized officials of the department to search and view any e- Stamp Certificate and to access Management Information System (MIS) and Decision Support System Reports (DSSR);
- (i) details of the issued e-Stamp Certificate on the e-Stamping Server (e-SS) maintained by the Central Record Keeping Agency; and
- (j) availability of different transaction details and reports relating to e-stamping as mentioned in rule 43 on the website of the Central Record Keeping Agency which shall be accessible only to the officers authorized by the Chief Controlling Authority.

CHAPTER - III

Authorized Collection Centers (ACCs)

12. Appointment of Authorized Collection Centers. - The Central Record Keeping Agency shall appoint Authorized Collection Centers with the prior approval of the Chief Controlling Authority to act as an intermediary between the Central Record Keeping Agency and the Stamp Duty Payer for collection of stamp duty and for issuing e-Stamp Certificate. The service charges or commission or fee etc. payable to the Authorized Collection Centers shall be decided between the Central Record Keeping Agency and the Authorized Collection Centers at their own level as per their agreed terms.

13. Eligibility for appointment of Authorized Collection Center. - Any Nationalized or Scheduled Bank controlled by Reserve Bank of India or Financial Institutions or Undertaking controlled by Central or State Government or Post Offices or offices or branches of the Central Record Keeping Agency or such other Agencies ¹["or persons"] as approved by the Chief Controlling Authority shall be eligible for appointment as Authorized Collection Centre.

14. Termination of agency of Authorised Collection Centre. - The Chief Controlling Authority may at any time, for reasons to be recorded in writing, direct the Central Record Keeping Agency for terminating the agency of any Authorized Collection Centre and upon such direction, the Central Record Keeping Agency shall terminate the agency of such Authorized Collection Centre.

15. Collection of stamp duty by Central Record Keeping Agency and Authorized Collection Centers. - (1) All the offices or branches of the Central Record Keeping Agency or Authorized Collection Centers shall collect the amount of stamp duty from the Stamp Duty Payer, at the districts, sub-district and the places as specified by the Chief Controlling Authority, as the case may be.

¹ Ins. vide Notification No. Rev.Stamp(F)2-5/2020 dated 07-6-2023

(2) All the branches of Central Record Keeping Agency and Authorized Collection Centers shall access the main server through internet by using a distinguished identification number and a confidential password allotted by Central Record Keeping Agency. The password shall be kept strictly confidential and the concerned Authorized Collection Centers shall change it immediately after its allotment to maintain the confidentiality.

16. **Stationery Charges for issuing e-Stamp Certificate.** - The Authorized Collection Centers shall charge a fee for stationery, etc., from the purchaser of e-Stamp Certificate as per the following slab: -

<u>Amount of Stamp Duty in Rupees</u>	<u>Stationery Charges</u>
(1) Upto Rs. 100/-	Rs. 3/- per e-stamp certificate.
(2) More than Rs. 100/- and upto Rs. 1000/-	Rs. 5/- per e-stamp certificate.
(3) More than Rs. 1000/-	Rs.10/- per e-stamp certificate.

17. **Infrastructure.** - The Authorised Collection Centers shall be equipped with the required computer systems, printers, internet connectivity and other related infrastructure which are necessary to implement the e-stamping system as specified by the Central Record Keeping Agency in consultation with the Chief Controlling Authority. The configuration of the computer system and connectivity shall meet the specifications of Central Record Keeping Agency and which may be subject to change with prior intimation to the Chief Controlling Authority.

18. **Cost of infrastructure.** - The cost of providing equipment and infrastructure referred to in rule 17 shall be borne by the concerned Authorised Collection Centers.

19. **Hardware and infrastructure in the offices of the department.** - The Government shall provide necessary hardware and infrastructure at the offices of the Inspector General of Registration, District Registrars, Sub-Registrars and such other offices as authorised in this behalf, which would include a Personal Computer, Printer, Bar Code Scanner, Internet Connection as required for implementing the e-stamping system.

CHAPTER - IV

Remittance of the stamp duty to Government account

20. **Procedure for remitting the amount of stamp duty to Government account.** - The Central Record Keeping Agency shall be responsible to reconcile and remit the consolidated amount of stamp duty, collected by its own offices and branches or through Authorised Collection Centers, in the head of account "0030-Stamps and Registration" or any other notified head of account of the state in the manner prescribed hereunder,-

- (a) the Central Record Keeping Agency shall remit the consolidated amount of stamp duty, so collected through e-stamping system, to the aforesaid head of account, after deducting the agreed commission or discount, not later than the closure of the business hours of the next working day from the date of such collection.

- (b) the method of remittance of the amount of stamp duty by the Central Record Keeping Agency to the head account of the state shall be through Electronic Clearing System(ECS) or Online Banking Fund Transfer or Challan or otherwise as may be directed in writing by the Chief Controlling Authority.
- (c) the remittances referred to in this rule shall be made to the Government Treasury or the Authorized Bank(s) and the Central Record Keeping Agency shall maintain the daily account of such remittances in the Register as specified in **Form-3**.

CHAPTER - V

Penalty for omissions and violations

21. Penalty for delay in remittance to government account. - In case, the Central Record Keeping Agency fails to remit the amount of collected stamp duty in the state head of account, within the period as stipulated in clause (a) of rule 20, the Central Record Keeping Agency shall be liable to pay penalty for delay, alongwith the collected amount of stamp duty according to the following scale: -

<u>Period of delay</u>	<u>Penalty</u>
(1) when amount of stamp duty so collected is remitted on third day or after from the date of collection;	Entire amount of the commission or discount payable to the Central Record Keeping Agency.
(2) when the amount of stamp duty so collected is remitted after closing of the eighth day from the date of collection.	Compound penalty of one percent per day of the amount of collected stamp duty shall be imposed. The first day for this purpose shall be day of transaction.

22. Power to relax or remit penalty. - The Chief Controlling Authority may relax or remit whole or part of the penalty under rule 21, in unavoidable circumstances or any cause arising beyond the reasonable control, including acts of God, acts of civil or military authority, fires, epidemics, wars, terrorist acts, riots, earthquakes, storms, typhoons, floods. In the event of any such delay, the time for the Central Record Keeping Agency to perform their part shall be extended for a period equal to the time lost by reason of the delay.

23. Resolution of disputes. - In case of any dispute on any issue arising between the parties under these rules, shall be referred to the Financial Commissioner (Appeal) Government of Himachal Pradesh and his decision thereon shall be final.

CHAPTER - VI
Procedure for issuing of e-Stamp Certificate

24. **Getting of e-Stamp Certificate.** - Any person paying stamp duty shall approach any of the branch of Central Record Keeping Agency or Authorised Collection Centers and furnish the requisite details in **Form-4** alongwith the payment of stamp duty for getting the e-Stamp Certificate.

¹[24A. **Digital e-Stamping.**—(1) Any person paying stamp duty may apply to Central Record Keeping Agency through the digital platform/website/links provided by the agency with all requisite details for getting digital e-stamping certificate along with payment of stamp duty.

(2) Central Record Keeping Agency after receiving the request under sub-rule (1) will generate e-stamp certificate in the Form prescribed under these rules and transmit the same directly to applicant through digital platform.

(3) The e-stamp certificate generated through digital request may be used for execution of non-registerable deeds for digital document execution system for loan cases of banks and financial institutions and other similar purposes.]

25. **Mode of payment of stamp duty.** - (1) The payment for purchase of e-Stamp Certificate shall be made by means of Cash, Pay Order, Bank Draft, Electronic Clearing System, Real Time Gross Settlement or by any other mode of transferring the fund as authorized by the Chief Controlling Authority.

(2) The Authorized Collection Centre shall issue e-Stamp Certificate for the amount received under sub-rule (1).

(3) The Authorized Collection Centre or Central Record Keeping Agency shall keep a daily account of issued e-Stamp Certificates in a Register to be maintained by them in **Form-5** and take the signature of purchaser or the authorized person, as the case may be, on the relevant column of the Register.

26. **Conditions and Method for issuing the e-Stamp Certificate.** - (1) The Central Record Keeping Agency and the Authorised Collection Centre shall ensure that the person, who has been authorised to issue the e-Stamp Certificate, is a regular full time employee of their agency or institution and having suitable credentials.

(2) The Authorised Official of the Authorized Collection Centre or Central Record Keeping Agency, as the case may be, shall on the payment made under rule 25, enter the requisite information and details in the computer system, as provided by the applicant in the application **Form-4**, get the correctness of such entered details verified by the applicant, download the e-Stamp Certificate, take out its print, sign with date and affix the official seal at the bottom on the right side of the e-Stamp Certificate and issue the same to the applicant after taking their signature on the left side of the e-Stamp Certificate as proof of verification.

(3) The non-washable permanent black ink or such other appropriate colour and shade as may be determined by the Chief Controlling Authority shall be used for issuing the e-Stamp Certificate. The print of every e-Stamp Certificate shall be bright, clear and distinct and shall not be

¹ Inserted vide E -stamping amendment rules, 2020

overlapped. The signature and seal, showing name and designation of the issuing officer and name of the issuing branch shall preferably be made in black ink.

27. Size of paper and printed area of e-stamp certificate. - The e-Stamp Certificate, as specified under clause (1) of sub-rule (1) of rule 11, shall be printed or generated on Legal Size Paper of the size 21.5 X 34.5 cms. with a margin of 3.5 cms. on the left side, 1.5 cms. on the right side and 2.0 cms. on top of the paper or such other size or margin paper, as may be determined by the Chief Controlling Authority.

28. Details of e-Stamp Certificate on website. - The details of every issued e-Stamp Certificate shall be made available on the e-Stamping Server (e-SS) maintained by the Central Record Keeping Agency and shall be accessible to any person authorized by the Chief Controlling Authority in this behalf, including the Inspector General of Registration, District Registrar and Sub-Registrar, holding a valid code or password which shall be provided by the Central Record Keeping Agency.

29. Payment of additional stamp duty. - If a person for any reason, who has e-Stamp Certificate of certain denomination issued for a document, needs to pay an additional stamp duty on the same document, they shall make an application alongwith additional stamp duty to the Authorized Collection Centre, in accordance with the provisions of the rule 25.

30. Procedure for issuing of additional e-Stamp Certificate. - (1) The Authorized Collection Centre or Central Record Keeping Agency shall issue additional e-Stamp Certificate on separate sheet of paper in accordance with rules 26 and 27.

(2) The party to an instrument may, at his discretion, use impressed non-judicial stamp paper(s) and impression(s) of franking machine alongwith the e-Stamp Certificate to pay stamp duty payable on such instrument under the Act. The use of one type of stamp shall not exclude the use of other type of stamps in the same instrument.

31. Use of e-Stamp Certificate. - (1) Every instrument written upon stamped and impressed paper with an e-Stamp Certificate, shall be written in such manner that the e-Stamp Certificate may appear on the top face of the instrument and a portion of the instrument written below the printed area of e-Stamp Certificate, so that the e-Stamp Certificate may not be used for or applied to any other instrument.

(2) No second instrument chargeable with duty shall be written upon using the e-Stamp Certificate, upon which an instrument chargeable with duty has already been written.

(3) Every instrument written in contravention of sub-rules (1) and (2) shall be deemed to be unstamped and the same shall be dealt with as per provisions of rule 34 of these rules.

32. The distinguished unique identification number (UIN) of the e-Stamp Certificate. - The distinguished unique identification number of the e-Stamp Certificate shall be written or typed at the top right corner of each page of the instrument.

33. Verification and locking the details of 'e'-Stamp Certificate. - (1) The Registering Officer, before registering any instrument shall verify the correctness or authenticity of the e-Stamp Certificate by accessing the relevant website of the Central Record Keeping Agency and entering the unique identification number (UIN) or with the help of using the Bar Codes Scanner. The

Registering Officer, after such verification, shall further proceed to register the document and after registering the document shall lock the said e-Stamp Certificate by using the code and password provided by the Central Record Keeping Agency to prevent re-use of such e-Stamp Certificate.

(2) The e-Stamp Certificate required to be used for optional registerable document or any other purpose may preferably be got verified or authenticated and locked from the District Registrar or the Sub-Registrar or any other officer as authorized by the Chief Controlling Authority.

(3) It shall be the responsibility of the District Registrar, Sub-Registrar and such other officer as authorized by the Chief Controlling Authority to verify the authenticity or correctness of any e-Stamp Certificate.

CHAPTER - VII

Refund or Allowances for e-Stamp Certificate

34. Procedure for refund or allowances of 'spoiled' or 'misused' or 'not required for use', e-Stamp Certificate. - (1) The application for refund or allowances of 'spoiled' or 'misused' or 'not required for use', e-Stamp Certificate shall be made to the District Collector within the stipulated period in accordance with Chapter V of the Act. The application shall be accompanied with the original 'spoiled' or 'misused' or 'not required for use', e-Stamp Certificate.

(2) The District Collector after verification, by accessing the relevant website of the Central Record Keeping Agency, shall cancel and lock the verified e-Stamp Certificate, endorse the fact of cancellation and shall mark "CANCELLED" on the original e-Stamp Certificate with their signature and seal and refund the amount after deducting 10% of the paid stamp duty as service charges and also deduct the amount of commission or discount paid to the Central Record Keeping Agency for such e-Stamp Certificate.

(3) The District Collector shall maintain a record of cancelled e-Stamp Certificates in its office and original cancelled e-Stamp Certificate shall be kept for office record in a guard file. The report of the same shall be sent to the Chief Controlling Authority in the first week of every month.

(4) The refund, if allowed under sub-rule (2), shall be made by the District Collector by means of refund voucher or cheque drawn in favour of the person, in whose name the e-Stamp Certificate was issued.

CHAPTER - VIII

Inspections, audit and appraisal of the performance of the system

35. Inspections. - (1) The District Registrar or any authorized officer of his office, not below the rank of District Revenue Officer and the Stamp Auditors, appointed under the Act, shall inspect all or any of the branch(s) or office(s) of the Central Record Keeping Agency and Authorized Collection Centers located within their jurisdiction, at least twice in a year.

(2) The Chief Controlling Authority may, however, at any time on receipt of a complaint or *suo-motu*, direct any officer of the Department to inspect any branch or office of the Central Record Keeping Agency or Authorized Collection Centre and shall ask the officer so directed to submit a report.

(3) The Accountant General, Himachal Pradesh may also conduct regular annual audit of the receipts and remittances made by the Central Record Keeping Agency.

(4) The Chief Controlling Authority or its duly authorized officer shall have the powers to inspect the relevant records of any branch(s) or office(s) of the Central Record Keeping Agency situated within the State or outside the State including the branch(s) of the Authorized Collection Centers located within the State, who are looking after the work of e-stamping system relating to the State, at any time convenient to them, without assigning any notice.

36. Providing of information. - The officer-in-charge of the Central Record Keeping Agency and Authorized Collection Centre shall provide information to the inspecting officer on soft or hard copy of any electronic or digital record with regard to the collection and remittance of stamp duty relating to any period and the concerned Central Record Keeping Agency or Authorized Collection Centre shall be bound to provide such information.

37. Inspection report. - The inspecting officer shall within two weeks from the date of inspection, submit his inspection report to the Chief Controlling Authority.

38. Chief Controlling Authority to take appropriate action. - The Chief Controlling Authority on receipt of such inspection report may take appropriate action including imposition of penalty in accordance with Chapter V of these rules and may terminate the appointment of Central Record Keeping Agency or the Authorised Collection Centre, if so warranted, after giving an opportunity of being heard.

CHAPTER - IX

Arbitration and Public grievance redressal system

39. Grievance Redressal Officers. - The District Registrar or District Revenue Officer shall be the 'Grievance Redressal Officers' for conducting an inquiry into the complaint received against the misconduct or irregularities of the Central Record Keeping Agency or its Authorised Collection Centers or any other official in the implementation of the e-stamping system.

40. Complaint to Grievance Redressal Officer. - Any person who has any grievance against the services of the Central Record Keeping Agency or any of its Authorised Collection Centre or any other official relating to the implementation of these rules, may make a complaint to the concerned Grievance Redressal Officer.

41. Opportunity of being heard. - The Grievance Redressal Officer shall conduct an inquiry with regard to complaints received under rule 40, by giving an opportunity of being heard to the parties concerned and submit the enquiry report to the Chief Controlling Authority with full facts and finding.

42. Action on enquiry reports. - The Chief Controlling Authority shall take appropriate action on enquiry report against the Central Record Keeping Agency or Authorized Collection Centre or shall make suitable recommendation to the employer of the concerned official for taking appropriate action.

CHAPTER - X

Management Information System (MIS)/ Decision Support System (DSS)

43. Central Record Keeping Agency to furnish reports to the Department. - (1) All the details of stamp duty collected through this system and remitted to the Government account shall be recorded on day-to-day basis by the Central Record Keeping Agency and it shall furnish the

following information and reports to the Chief Controlling Authority and to any other authorized officer:-

- (i) Audit Reports;
- (ii) Payment Reports;
- (iii) Additional Stamp Duty Certificate Reports;
- (iv) Locked e-Stamp Certificate Report;
- (v) Remittance Reports;
- (vi) Cancelled e-Stamp Certificates Report; and
- (vii) Any other Report or Information as may be required by Chief Controlling Authority from time to time.

(2) The extract or reports of Management Information System (MIS) or Decision Support System (DSS) under sub rule (1) shall be provided by Central Record Keeping Agency from the data captured on e- Stamping Server via internet.

CHAPTER - XI

Scope, extent and use of e-Stamp Certificate

44. **Scope for use of e-Stamp Certificate.** - The e-Stamp Certificate shall be used, in addition to Non- Judicial Stamp Paper and impression of Franking Machine, for all kinds of instruments on which stamp duty is payable under the Act and rules made there under.

CHAPTER-XII

Option for obtaining e-Stamp certificate through online mode

45. **Process for self user registration and self printing of e-Stamp Certificates.** - (1) The user will visit at website www.shcilestamp.com and will choose the option online payment.

(2) The first time user will select register now and will create his/her user and password by mentioning mandatory information like Name, Address, email id, Mobile Number etc.

(3) After successful registration an activation link will be sent on the registered email id of the user.

(4) The user will login online module by using his/her self created user id and password.

(5) The user will click on create stamp duty submission and will select Himachal Pradesh from drop down list.

(6) The user will do online payment by visa/debit card and provide mandatory details like name of first party, second party, stamp duty paid by & stamp duty amount for generation and printing of e-Stamp certificate on A4 size plain paper.

46. **Procedure for home delivery of e-Stamp certificates.** - (1) The user will visit at website www.shcilestamp.com and will choose the option online payment.

(2) The first time user will select register now and will create his user and password by mentioning mandatory information like Name, Address, email id, Mobile Number etc.

- (3) After successful registration an activation link will be sent on the registered email id of the user.
- (4) The user will login online module by using his/her self created user id and password.
- (5) The user will select Himachal Pradesh from drop down menu and then "Home Delivery" option.
- (6) The user will do online payment by visa/debit card and provide mandatory details like Name of first party, second party, stamp duty paid & stamp duty amount.
- (7) Citizen will receive e-stamp certificate through speed post/registration post.
- (8) Citizens will have to bear actual payment gateway & counter charges.]

Form - 1

[see rule 6(1)]

Agreement

This Agreement is executed and entered at Shimla on this ____ day of _____ between the **Government of Himachal Pradesh** through the Inspector General of Registration, having his office at 28th Block, SDA Complex, Kasumpti, Shimla-171009, Himachal Pradesh, duly authorised by the Financial Commissioner (Revenue) Government of Himachal Pradesh to act as Chief Controlling Authority on his behalf (hereinafter referred to as the First Party, which expression shall include his successors in the office and assigns) And the (... .. *name of the Central Record Keeping Agency*) having its Registered office at through Shri who is duly authorized by the said agency to execute this agreement (hereinafter referred to as the Second Party, which expression shall include its successors and assigns, representatives).

The First Party and the Second Party are together referred to as **the Parties**.

Whereas, on the recommendations of the Central Government or after due bidding process the Second Party has been appointed vide Government Notification No. dated by the First Party for the Computerized Stamp Duty Administration System (C-SDAS) to denote the payment of stamp duty to the Government of Himachal Pradesh and issuing the e-Stamp Certificates through its own branches or offices and through the Authorised Collection Centers (hereinafter called as ACCs) against a payment of commission or discount @percent of the amount of stamp duty so collected through e-stamping mechanism.

And Whereas, the Second Party has agreed to work as a Central Record Keeping Agency within the State of Himachal Pradesh and to develop a system for the collection of stamp duty on behalf of the Government of Himachal Pradesh from ultimate purchaser of e-Stamp Certificate.

Now It Is Hereby Agreed By and Between The Parties As Follows: -

1. That the Second Party agrees to create need based software infrastructure, in consultation with the First Party, including its connectivity with the main server, in the offices of Inspector General of Registration, District Registrars, Sub-Registrars and Authorised Collection Centers, i.e. point of contact for payment of stamp duty and at other designated places or offices in the State, as specified by the Chief Controlling Authority.
2. That the Second Party shall facilitate in selection of Authorised Collection Centre for collection of stamp duty and issuing e-Stamp Certificate.
3. That the Second Party shall act as a co-ordinator between the Central Server, Authorised Collection Centers (hereinafter referred as ACCs) and the offices of the Inspector General of Registration, District Registrars, Sub-Registrars or any other office or place in the state, as specified by the Chief Controlling Authority.
4. That the Second Party shall collect stamp duty on behalf of First Party and generate e-Stamp Certificates through the computer system.
5. That the Second Party shall be bound to remit the consolidated amount of stamp duty collected by its branches or by its Authorised Collection Centers to relevant head of

account of the State Government, in accordance with rule 20 of the Himachal Pradesh e-Stamping Rules, 2011 (hereinafter called the Rules).

6. That the Second Party shall Prepare and provide such reports as may be desired by the First Party from time to time.
7. That the Second Party shall not provide, transfer or share any hardware, software and any other technology or details with respect to the e-stamping project undertaken by it in the State to anybody without written permission of the First Party, except the duly appointed ACCs.
8. That the Second Party shall not charge commission or discount exceeding the agreed rate of _____ percent of the amount of stamp duty collected through e-stamping mechanism. The Second Party shall deduct such commission from the collected amount of stamp duty and shall remit the balance amount into the State Government Account. Further that the commission or discount to the Second Party shall be subject to the condition of clause (a) of rule 20 of the Rules.
9. That in case the Second Party fails to remit the amount of collected stamp duty in the State head of account, within stipulated period, the Second Party shall be liable to pay penalty for delay as provided in Chapter-V of the Rules.
10. That the Second Party shall be liable to compensate any loss caused to the State of Himachal Pradesh due to violations of any terms and conditions of this Agreement or any of the provisions of the Rules.
11. That the Second Party shall not change the location or increase the number of ACCs without prior written permission of the First Party.
12. That the First Party shall have the power to inspect the relevant records of the Second Party or its ACCs without assigning any notice.
13. That the terms and conditions of this agreement may be altered or supplemented by the Parties depending upon the circumstances which may warrant any such change for the smooth operations of the stamp duty payments or collections.
14. That the Second Party shall ensure that service of Computerized Stamp Duty Administration System (C-SDAS) shall be operational and accessible to any person during Monday to Saturday from 9.00 a.m. to 5.00 pm.
15. That the Second Party shall ensure that the system shall have the logging capacity for at least four hundred users at a time.
16. That the training for operation and the use of the system, to the identified manpower or personnel's of the Department shall be provided by the Second Party at the place decided by the First Party. Further that the Second Party shall be responsible for arranging and providing all the necessary facilities, equipment and premises required for conducting the training at their own cost.
17. That at periodic intervals to be mutually decided by the Parties the refresher courses on any upgradation, modification to the system shall be provided by the Second Party.
18. That notwithstanding anything contained in this Agreement, the failures or delay in performing the obligations hereunder arising from any cause beyond the reasonable control, including acts of God, acts of civil or military authority, fires, epidemics, wars, terrorist acts, riots, earthquakes, storms, typhoons, floods and such other circumstances beyond the control of the Parties. In the event of any delay, the time for the Second

Party's to perform their part shall be extended for a period equal to the time lost by reason of such delay. Further that if the contingency cannot be removed permanently or by extending the period beyond two months, the Agreement, upon notice, served by the First Party, the Second Party shall be relieved from the contractual obligations by terminating the agreement, except to the rights to which they may be entitled to a settlement and final accounting.

19. That in the event of any dispute or difference or controversy or claim arising between the parties in connection with or under this agreement, shall as far as possible, be settled amicably and failing which all such disputes shall be referred to Financial Commissioner (Appeal) Government of Himachal Pradesh and his decision thereon shall be final.

In Witness Whereof the Parties hereunto have set their hand and Sh. _____, the Inspector General of Registration, Himachal Pradesh acting as Chief Controlling Authority on behalf of **First Party** and Sh. _____ for or on behalf of **Second Party**.

In the presence of:

(First Party)

(1) Signature :

Name :

Address :

(2) Signature :

Name :

Address :

Witnesses

(Second Party)

(1) Signature :

Name :

Address :

(2) Signature :

Name :

Address :

Place: Shimla

Dated: _____.

Form - 2

[see rule 6(3)]

(To be executed by the Central Record Keeping Agency on non-judicial stamp of Rs.15/-)**Undertaking-cum-Indemnity Bond**

This **Undertaking** is made and executed at _____ on this _____ day of _____, 20____ by Sh. _____ S/o Sh. _____, acting as (official designation in the Central Record Keeping Agency) and Authorised Signatory for and on behalf of (.....name of the Central Record Keeping Agency.....) having its registered office at _____ (hereinafter referred to as **the First Party**, which expression shall unless repugnant to the context or meaning thereof shall mean and include their representatives, assigns, heirs, etc.) and **IN FAVOUR OF** Government of Himachal Pradesh (hereinafter referred to as the **Second Party**).

The First Party and the Second Party are together referred to as **the Parties**.

Whereas, the **First Party** has been appointed by the Government of Himachal Pradesh vide notification No. _____ dated _____, to act as "Central Record Keeping Agency" and has thus been authorised by the Government for the Computerized Stamp Duty Administration System to denote the payment of stamp duty to the Government of Himachal Pradesh and issuing the e-Stamp Certificates through its own branches or offices or through the Authorised Collection Centers.

And Whereas, the First Party has agreed to fulfill all the terms and conditions as provided in the agreement executed by the parties on dated _____ and also to undertake and keep indemnified the Second Party against all or any loss suffered by the Second Party due to any mishandling, misconduct, negligence or any irregularity of any kind whatsoever caused by the First Party or its Authorised Collection Centers.

And Whereas, the First Party has agreed to the obedience and observance of terms and conditions of the agreement ibid and provisions of the Himachal Pradesh e-Stamping Rules, 2011 and any other order issued by the Government or the Department under these rules.

And Whereas, in order to fulfill the aforesaid requirements the First Party by executing this present Bond, undertakes to indemnify the Second Party as follows, -

- (i) the First Party has carefully read and understood the Himachal Pradesh e-Stamping Rules, 2011 and the terms of the Agreement executed on _____ and hereby undertakes that the provisions of the aforesaid Rules and the conditions of the said Agreement shall not be violated at any level;
- (ii) the First Party hereby undertakes that the Authorised Collection Centers shall not be appointed without the prior approval of the Second Party;
- (iii) the First Party undertakes that any of its employee(s) or the employee(s) of its Authorised Collection Centers directly or indirectly shall not misuse or cause to be misused the authorization of collection of stamp duty; and
- (iv) the First Party hereby undertakes to keep the Second Party always indemnified against all or any of the loss or any risk arising out of any mishandling, misconduct,

Form - 4

[see rule 24 & 29]

(For the use of Stamp Duty Payer)**Application For E-Stamp Certificate/additional E-Stamp Certificate**

ACC		ACC Id	
Document Description		Property Description	

Details of Purchaser/Authorised Person

Name & Address of the First Party with Phone No_____.		
Name & Address of the Second Party with Phone No_____.		
Name & Address of the Purchaser/ Authorized Person, if any, with Phone No_____.		
Stamp Duty paid by (✓ Tick)	<input type="checkbox"/> 1st Party	<input type="checkbox"/> 2nd Party

Stamp Duty Payment Details

Consideration Amount (if any) Rs. _____ Stamp Duty Amount Rs. _____	Mode of Payment:		
	<input type="checkbox"/> Cash	<input type="checkbox"/> DD	<input type="checkbox"/> Pay-Order
	<input type="checkbox"/> RTGS	<input type="checkbox"/> ECS	<input type="checkbox"/> Any authorized mode
DD/ Pay-Order, etc. No.			Date: / /20
Name of the Bank Branch			

The above information furnished by me is true to the best of my knowledge, thus, the:

- (i) e-Stamp Certificate of above amount may please be issued/or
- (ii) additional e-Stamp Certificate of the above amount, in continuation of previous No. _____ dated _____ may please be issued.

Date:

Signature of the Purchaser/ Authorised Person.

Acknowledgement of e-Stamp Certificate to be kept by the CRA/ACCs

The e-Stamp Certificate of Rs. _____ has been received by Sh./Smt./ _____ today on _____.

Signature of the Purchaser/ Authorised Person.

Receipt of Payment of Stamp Duty

Name of the Purchaser/Authorized Person			
Date of Application			
Consideration Amount (if any) Rs. _____ Stamp Duty Amount Rs. _____	Mode of Payment:		
	<input type="checkbox"/> Cash	<input type="checkbox"/> DD	<input type="checkbox"/> Pay-Order
	<input type="checkbox"/> RTGS	<input type="checkbox"/> ECS	<input type="checkbox"/> Any authorized mode
DD/ Pay-Order, etc. No.		Date: / /20	
Name of the Bank Branch			

Note: -Once the e-Stamp Certificate has been generated, payment cannot be cancelled or refunded by CRA or ACC. The refund or allowance for 'spoiled' or 'misused' or 'not required for use', e-Stamp Certificate can be made by the Collector of the District in accordance with Chapter-VII of Himachal Pradesh e-Stamping Rules, 2011.

Counter Signature of CRA/ACCs with seal

Form - 5

[see rule 25(3)]


(To be maintained by the ACC or CRA)

Register regarding daily postings of applications for issued e-Stamp Certificates

Sr. No.	Date	Name & address of the Purchaser / Authorised Person	Amount of Stamp duty paid by way of Cash/ DD /PO/Any other authorised mode	e-Stamp Certificate No and date	Signature of the Purchaser or Authorised Person
1	2	3	4	5	6

Appendix-A

[See Rule 11(ixi)]

 INDIA NON JUDICIAL Government of Test State e-Stamp	
Certificate No.	: IN-TS00167539351969H
Certificate Issued Date	: 25-Mar-2009 12:30 PM
Account Reference	: PUBACC/ america2/ Thane Branch/ MH-NK
Unique Doc. Reference	: SUBIN-TSAMERICA200209082216383H
Purchased by	: Manish Bhatnagar
Description of Document	: Article 17 Certificate of Sale- For Testing
Property Description	: 1815 New Shmia
Consideration Price (Rs.)	: 60,00,000 (Sixty Lakh only)
First Party	: Manish Bhatnagar
Second Party	: Ajay Sharma
Stamp Duty Paid By	: Manish Bhatnagar
Stamp Duty Amount (Rs.)	: 34,256 (Thirty Four Thousand Two Hundred And Fifty Six only)

Please write or type below this line

- **THE HIMACHAL PRADESH COURT FEES ACT, 1968.**
- **THE HIAMCHAL PRADESH COURT FEES STAMP RULES, 1973.**
- **THE HIMACHAL PRADESH COURT FEES (E-STAMPING) RULES, 2015**

THE HIMACHAL PRADESH COURT FEES ACT, 1968

ARRANGEMENT OF SECTIONS

Sections:

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II FEES IN THE HIGH COURT

3. Levy of fees in the High Court.
4. Fees on documents filed, etc., in the High Court in its ordinary and extra-ordinary jurisdiction.
5. Procedure in case of difference as to necessity or amount of fee.

CHAPTER III FEES IN OTHER COURTS AND IN PUBLIC OFFICES

6. Fees on documents filed, etc., in Mofussil Courts or in public offices.
7. Computation of fees payable in certain suits.
8. Fee on memorandum of appeal against order relating to compensation.
9. Power to ascertain in net profits or market-value.
10. Procedure where net profits or market-value wrongly estimated.
11. Procedure in suits for mesne profits or account when amount decreed exceeds amount claimed.
12. Decision of questions as to valuation.
13. Refund of fee paid on memorandum of appeal.
14. Refund of fee on application for review of judgement.
15. Refund where Court reverses or modifies its former decision on ground of mistake.
16. Multifarious suits.
17. Written examination of complainants.
18. Exemption of certain documents.

CHAPTER IV PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION

19. Relief where too high a court-fee has been paid.
20. Relief where debts due from a deceased person have been paid out of his estate.
21. Relief in case of several grants.
22. Probates declared valid as to trust property though not covered by court-fees.
23. Provision for case where too low a court-fee has been paid on probates etc.
24. Administrator to give proper security before letters stamped under section 23.
25. Executors, etc. not paying a full court-fee on probates etc., within six months after discovery of under-payment.

26. Notice of applications for probates or letters of administration to be given to Revenue Authorities and procedure thereon.
27. Payment of court-fee in respect of probates and letters of administration.
28. Recovery of penalties etc.
29. Sections 6 and 37 not to apply to probates or letters of administration.

CHAPTER V PROCESS FEES

30. Rules as to costs of processes.
31. Exemption for certain processes.
32. Tables of process fees.
33. Number of peons in District and subordinate Courts.

CHAPTER VI OF THE MODE OF LEVYING FEES

34. Collection of fees by stamps or by e-filing system.
35. Stamps to be impressed or adhesive.
36. Rules for supply, number, renewal and keeping accounts of stamps.
37. Stamping documents inadvertently received.
38. Amended document.
39. Cancellation of stamp.

CHAPTER VII MISCELLANEOUS

40. Admission in criminal cases of documents for which proper fee has not been paid.
41. Sale of stamps.
42. Power to enhance, reduce, remit or refund fees.
- 42A. Special provision regarding suits, appeals, revision etc. filed by or on behalf of the State Government before the Court.
43. Saving of fees to certain officers of the High Court.
44. Repeal and savings.
45. Levy of fees in certain suits etc., instituted before the commencement of this Act.

THE FIRST SCHEDULE

THE SECOND SCHEDULE

THE THIRD SCHEDULE

THE HIMACHAL PRADESH COURT FEES ACT, 1968

(ACT NO. 8 OF 1968)¹

(Received the assent of the President on the 30th April, 1968 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 29th October, 1968, pp. 1099-1130.)

An Act to levy Court Fees, in the ²[State] of Himachal Pradesh.

Amended, repealed or otherwise affected by,-

- (i) The Himachal Pradesh Adaptation of Laws (State and Concurrent Subjects) Order, 1973, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 20th January, 1973, pp. 91-112, effective from 25th January, 1971.
- (ii) H.P. Act No. 1 of 2005³ assented to by the Governor on 23rd January, 2005, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 24th January, 2005, pp. 3539-3542, effective from 26th October, 2004.
- (iii) H.P. Act No. 4 of 2015⁴ assented to by the Governor on 20th January, 2015, published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated 23rd January, 2015, pp. 5759-5760, effective from 14th October, 2014.
- (iv) H.P. Act No. 8 of 2017⁵ assented to by the Governor on 14th May, 2017, published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated 18th May, 2017, pp. 1193-1195, effective from 3rd February, 2017.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

1. **Short title, extent and commencement.-** (1) This Act may be called the Himachal Pradesh Court Fees Act, 1968.

- (2) It extends to the whole of the ⁶[State] of Himachal Pradesh.
- (3) It shall come into force at once.

2. **Definitions.-** In this Act, unless the context otherwise requires,-

- (a) "High Court" means the High Court of ⁷[Himachal Pradesh];
- (b) "Official Gazette" means the Rajpatra, Himachal Pradesh;
- (c) "State Government" means ⁸[the Government of Himachal Pradesh].

¹ For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 30th January, 1968, p. 101.

² Substituted for "Union territory" by A. O. 1973.

³ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 20th December, 2004, pp. 2798 and 2802.

⁴ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh, dated 10th December, 2014, pp. 4874 and 4875-4876.

⁵ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh, dated 7th April, 2017, pp. 106 and 108.

⁶ Substituted for "Union territory" by A. O. 1973.

⁷ Substituted for the words "Delhi," by A. O. 1973.

⁸ Substituted for the words "the Lieutenant Governor of the Union Territory of Himachal Pradesh" by A. O. 1973.

CHAPTER II FEES IN THE HIGH COURT

3. **Levy of fees in the High Court.-** The fees payable for the time being to the clerks and officers of the High Court or chargeable in that Court under No. 9 of the First, and Nos. 7, 10, 11, 16 and 17 of the Second Schedule to this Act annexed shall be collected in the manner hereinafter appearing.

4. **Fees on documents filed, etc., in the High Court in its ordinary and extra-ordinary jurisdiction.-** No document of any of the kinds specified in the First or Second Schedule to this Act annexed, as chargeable with fees, shall be filed, exhibited or recorded in, or shall be received or furnished by the High Court in any case coming before such Court,-

- (a) in the exercise of its ordinary or extra-ordinary original civil jurisdiction; or
- (b) in the exercise of its jurisdiction as regards appeal from the Courts subject to its superintendence; or
- (c) in the exercise of its jurisdiction as a Court of reference or revision; or
- (d) in the exercise of its jurisdiction to issue directions, orders or writs under the Constitution of India; or
- (e) in the exercise of its jurisdiction in any other manner;

unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document.

5. **Procedure in case of difference as to necessity or amount of fee.-** (1) When any difference arises between the officer whose duty it is to see that any fee is paid under this chapter and any suitor or attorney, as to the necessity of paying a fee or the amount thereof, the question shall when the difference arises in the High Court be referred to the Taxing Officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of the High Court or of such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf.

(2) The Chief Justice of the High Court shall declare who shall be the Taxing Officer for the purposes of sub-section (1).

CHAPTER III FEES IN OTHER COURTS AND IN PUBLIC OFFICES

6. **Fees on documents filed, etc., in Mofussil Courts or in public offices.-** Except in the High Court, no document of any of the kinds specified as chargeable in the First or Second Schedule to this Act annexed shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said Schedules as the proper fee for such document.

7. **Computation of fees payable in certain suits.-** The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows:-

- (i) **for money.-** In suits for money (including suits for damages or compensation, or arrears of maintenance, annuities, or of other sums payable periodically)-according to the amount claimed;
- (ii) **for maintenance and annuities.-** (a) In suits for maintenance and annuities or other sums payable periodically- according to the value of the subject matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year;

(b) In suits for reduction or enhancement of maintenance and annuities or other sums payable, periodically- according to the value of the subject matter of the suit and such value shall be deemed to be ten times the amount sought to be reduced or enhanced for one year;

(iii) **for other movable property having a market value.-** In suits for movable property other than money, where the subject matter has a market value-according to such value at the date of presenting the plaint;

(iv) In suits-

- (a) **for movable property of no market value.-** for movable property where the subject-matter has no market-value, as, for instance, in the case of documents relating to title;
- (b) **to enforce a right to share in joint family property.-** to enforce the right to share in any property on the ground that it is joint family property;
- (c) **for a declaratory decree and consequential relief.-** to obtain a declaratory decree or order, where consequential relief is prayed;
- (d) **for an injunction.-** to obtain an injunction;
- (e) **for easements.-** for a right to some benefit (not herein otherwise provided for) to arise out of land; and
- (f) **for accounts.-** for accounts;

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal;

In all such suits the plaintiff shall state the amount at which he values the relief sought:

Provided that the minimum court-fee in each case shall be thirteen rupees:

Provided further that in suit coming under sub-clause (c), in cases here the relief sought is with reference to any property such valuation shall not be less than the value of the property calculated in the manner provided for by paragraph (v) of this section.

(v) **for possession of land, houses and gardens.-** In suits for the possession of land, houses and gardens-according to the value of the subject-matter and such value shall be deemed to be-

where the subject-matter is land, and-

- (a) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government;
 - or forms part of such an estate and is recorded in the Collector's register as separately assessed with such revenue,
 - and such revenue is permanently settled-- ten times the revenue so payable;
- (b) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government or forms part of such estate and is recorded as aforesaid;
 - and such revenue is settled, but not permanently--ten times the revenue so payable;
- (c) where the land pays no such revenue, or has been partially exempted from such payment,
 - or is charged with any fixed payment in lieu of such revenue;
 - and net profits have arisen from the land during the year next before the date of presenting the plaint--fifteen times such net profits, but where no such net profits

have arisen therefrom--the amount at which the Court shall estimate the land with reference to the value of similar land in the neighbourhood;

- (d) where the land forms part of an estate paying revenue to Government, but is not a definite share of such estate and is not separately assessed as above mentioned--the market- value of the land;

Explanation.- The word "estate", as used, in this paragraph means any land subject to the payment of revenue, for which the proprietor or a farmer or ryot shall have executed as separate engagement to Government, or which, in the absence of such engagement, shall have been separately assessed with revenue

- (e) **for houses and gardens.**- Where the subject-matter is house or garden--according to the market-value of the house or garden;
- (vi) **to enforce a right of pre-emption.**- In suits to enforce a right of pre-emption according to the value [computed in accordance with paragraph (v) of this section] of the land, house or garden in respect of which the right is claimed;
- (vii) **for interest of assignee of land revenue.**- In suits for the interest of an assignee of land revenue--fifteen times his net profit as such for the year next before the date of presenting the plaint;
- (viii) **to set aside an attachment.**- In suits to set aside an attachment of land or of an interest in land or revenue- according to the amount for which the land or interest was attached:

Provided that, where such amount exceeds, the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest;

- (ix) **to redeem.**- In suits against a mortgagee for the recovery of the property mortgaged--according to half the principal money expressed to be secured by the instrument of mortgage;
to foreclose.- and in suits by mortgagee to foreclose the mortgage, or, where the mortgage is made by conditional sale, to have the sale declared absolute--according to the principal money expressed to be secured by the instrument of mortgage;
- (x) **for specific performance.**- In suits for specific performance,-
- (a) of a contract of sale--according to the amount of the consideration;
- (b) of a contract of mortgage--according to the amount agreed to be secured;
- (c) of a contract of lease--according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term;
- (d) of an award--according to the amount or value of the property in dispute;
- (xi) **between landlord and tenant.**- In the following suits between landlord and tenant-
- (a) for the delivery by tenant of the counterpart of a lease;
- (b) to enhance the rent of a tenant having a right of occupancy;
- (c) for the delivery by a landlord of a lease;
- (d) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy;
- (e) to contest a notice of ejection;

- (f) to recover the occupancy of immovable property from which a tenant has been illegally ejected by the landlord; and
- (g) for abatement of rent-

according to the amount of the rent of the immovable property to which the suit refers, payable for the year next before the date of presenting the plaint.

8. Fee on memorandum of appeal against order relating to compensation.- The amount of fee payable under this Act on a memorandum of appeal against an order relating to compensation under any Act for the time being in force for the acquisition of land for public purposes, shall be computed according to the difference between the amount awarded and the amount claimed by the appellant.

9. Power to ascertain net profits of market-value.- If the Court sees reason to think that the annual net profits or the market-value of any such land, house or garden as is mentioned in section 7 paragraphs (v) and (vi) have or has been wrongly estimated, the Court, may, for the purpose of computing the fee payable in any suit therein mentioned, issue a commission to any proper person directing him to make such local or other investigation as may be necessary, and to report thereon to the Court.

10. Procedure where net profits or market-value wrongly estimated.- (1) If in the result of any such investigation the Court finds that the net profits or market-value have or has been wrongly estimated, the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee; but, if the estimation has been insufficient, the Court shall require the plaintiff to pay so much additional fee as would have been payable had the said market-value or net profits been rightly estimated.

(2) In such case the suit shall be stayed until the additional fee is paid and if the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

11. Procedure in suits for mesne profits or account when amount decreed exceeds amount claimed.- (1) In suits for mesne profits or for immovable property and mesne profits, or for an account, if the profits or amount decreed are or is in excess of the profits claimed or the amount at which the plaintiff value the relief sought, the decree shall not be drawn up until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits or amount so decreed shall have been paid to the proper officer.

(2) Where the amount of mesne profits is left to be ascertained in the course of the execution of the decree, if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits so ascertained is paid and if the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

12. Decision of questions as to valuation.- (1) Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this Chapter on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit.

(2) But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of sub-section (2) of section 10 shall apply.

13. Refund of fee paid on memorandum of appeal.- If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure 1908 (5 of 1908), is ordered to be received, or if a suit is remanded in appeal under Order XLI, Rule

23, of the First Schedule to that Code for a second decision by the lower Court, the appellate Court shall grant to the appellant a certificate, authorising him to receive back from the Collector the full amount of fee paid on the memorandum of appeal:

Provided that if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorise the appellant to receive back more than so much fees as would have been originally payable on the part or parts of such subject matter in respect whereof the suit has been remanded.

14. Refund of fee on application for review of judgment.- Where an application for a review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorising him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.

15. Refund where Court reverses or modifies its former decision on ground of mistake.- Where an application for review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorising him to receive back from the Collector so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under the Second Schedule to this Act, No. 1, clause (b) or clause (d).

But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

16. Multifarious suits.- Where a suit embraces two or more distinct subjects, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaintiffs or memoranda of appeal in suits embracing separately each of such subjects would be liable under this Act. Nothing in the former part of this section shall be deemed to affect the power conferred by Order II, Rule 6, of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).

17. Written examinations of complainants.- When the first or only examination of person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police officers may arrest without a warrant and who has not already presented a petition on which a fee has been levied under this Act, is reduced to writing under the provisions of the Code of Criminal Procedure, 1898 (5 of 1898), the complainant shall pay a fee of one rupee and twenty-five paise, unless the Court thinks fit to remit such payment.

18. Exemption of certain documents.- Nothing contained in this Act shall render the following documents chargeable with any fee:-

- (i) Power-of-attorney to institute or defend a suit when executed by a member of any of the Armed Forces of the Union not in Civil employment.
- (ii) Written statements called for by the Court after the first hearing of a suit.
- (iii) Probate of a will and letters of administration, where the amount or value of the property in respect of which the probate or letters shall be granted does not exceed one thousand rupees.
- (iv) Application or petition to a Collector or other officer making a settlement of land-revenue, or to a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with the assessment of land, or the ascertainment of rights thereto or interests therein, if presented previous to the final confirmation of such settlement.

- (v) Application relating to a supply for irrigation of water belonging to Government.
- (vi) Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land revenue by a person holding, under direct engagement with Government, land of which the revenue is settled, but not permanently.
- (vii) Application for service of notice of relinquishment of land or of enhancement of rent.
- (viii) Written authority to an agent to distrain.
- (ix) First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.
- (x) Bail-bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.
- (xi) Petition, application, charge or information respecting any offence, when presented, made or laid to or before a police officer.
- (xii) Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.
- (xiii) Complaint of a public servant as defined in the Indian Penal Code, 1860 (45 of 1860), a municipal officer, or an officer or servant of Railway Company.
- (xiv) Application for permission to cut timber in Government forests, or otherwise relating to such forests.
- (xv) Application for the payment of money due by Government to the applicant.
- (xvi) Petition of appeal against any municipal tax.
- (xvii) Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes.
- (xviii) Petitions under the Indian Christian Marriage Act, 1872 (15 of 1872), sections 45 and 48.

CHAPTER-IV

PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION

19. Relief where too high a court-fee has been paid.- Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if within six months after the true value of the property has been ascertained, such person,-

- (a) produces the probate or letters to the Chief Controlling Revenue Authority for the local area in which the probate or letters has or have been granted;
- (b) delivers to such authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation; and

- (c) if such authority is satisfied that a greater fee was paid on the probate or letters than the law required, the said authority may-
 - a) cancel the stamp on the probate or letters, if such stamp has not been already cancelled;
 - b) substitute another stamp for denoting the court-fee which should have been paid thereon; and
 - c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

20. Relief where debts due from a deceased person have been paid out of his estate.-

Whenever it is proved to the satisfaction of the authority referred to in section 19 that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act, such authority may return the difference, provided the same be claimed within three years after the date of such probate or letters.

But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority, may allow such further time for making the claim as may appear to be reasonable under the circumstances.

21. Relief in case of several grants.- (1) Whenever a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

(2) Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

22. Probates declared valid as to trust property though not covered by court-fees.- The probate of the will, or the letters of administration of the effects of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any movable or immovable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a court- fee was paid on such probate or letters of administration.

23. Provision for case where too low a court-fee has been paid on probates etc.- Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterward proved to be, and has in consequence paid too low a court-fee thereon, the Chief Controlling Revenue Authority for the local area in which the probate or letters has or have been granted may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or if it or they is or are produced after one year from such date, of twenty times, such proper court-fee, without any deduction of the court-fee originally paid on such probate or letters:

Provided that, if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a court-fee was at first paid on the probate or letters, and if the said authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the proper court-fee, the said authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

24. Administrator to give proper security before letters stamped under Section 23.- In case of letters of administration on which too low a court-fee has been paid at first, the said authority shall not cause the same to be duly stamped in the manner referred to in section 23 until the Administrator has given such security to the Court by which the letters of administration have been granted as sought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained.

25. Executions, etc., not paying full court-fee on probates etc., within six months after discovery of under-payment.- Where too low a court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, apply to the said authority and pay what is wanting to make up the court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees percent, on the amount of the sum wanting to make up the proper court-fee.

26. Notice of applications for probate or letters of administration to be given to Revenue Authorities and procedure thereon.- (1) Where an application for probate or letters of administration is made to any Court other than the High Court, the Court shall cause notice of the application to be given to the Collector.

(2) Where such an application as aforesaid is made to the High Court, that Court shall cause notice of the application to be given to the Chief Controlling Revenue Authority.

(3) The Collector within the local limits of whose revenue jurisdiction the property of the deceased or any part thereof, is, may at any time inspect or cause to be inspected, and take or cause to be taken copies of, the record of any case in which application for probate or letters of administration has been made; and if, on such inspection or otherwise, he is of opinion that the petitioner has under-estimated the value of the property of the deceased, the Collector may, if he thinks fit, require the attendance of the petitioner (either in person or by agent) and take evidence and inquire into the matter in such manner as he may think fit, and, if he is still of opinion that the value of the property has been under-estimated, may require the petitioner to amend the valuation.

(4) If the petitioner does not amend the valuation to the satisfaction of the Collector, the Collector may move the Court before which the application for probate or letters of administration was made, to hold an inquiry into the true value of the property:

Provided that no such motion shall be made after the expiration of six months from the date of the exhibition of the inventory required by section 317 of the Indian Succession Act, 1925 (39 of 1925).

(5) The Court, when so moved as aforesaid, shall hold, or cause to be held, an inquiry accordingly and shall record a finding as to the true value, as near as may be, at which the property of the deceased should have been estimated and the Collector shall be deemed to be a party to the inquiry.

(6) For the purposes of any inquiry under sub-section (5), the Court or any person authorised by the Court to hold the inquiry may examine the petitioner for probate or letters of administration on oath (whether in person or by commission), and may take such further evidence as may be produced to prove the true value of the property and such person shall return to the Court the evidence taken by him and report the result of the inquiry, and such report and the evidence so taken shall be evidence in the proceeding, and the Court may record a finding in accordance with the report, unless it is satisfied that it is erroneous.

(7) The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment and disposal by the Chief Controlling Revenue Authority of any application under section 23.

(8) The State Government may make rules for the guidance of Collectors in the exercise of the powers conferred by sub-section (3).

27. Payment of court-fee in respect of probates and letters of Administration.- (1) No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in the Third Schedule, and the Court is satisfied that the fee mentioned in No. 9 of the First Schedule has been paid on such valuation.

(2) The grant of probate or letters of administration shall not be delayed by reason of any motion made by the Collector under sub-section (4) of section 26.

28. Recovery of penalties etc.- (1) Any excess fee found to be payable on an inquiry held under sub-section (6) of section 26 and any penalty or forfeiture under section 25 may, on the certificate of the Chief Controlling Revenue Authority, be recovered from the executor or administrator as if it were an arrear of land revenue by any Collector.

(2) The Chief Controlling Revenue Authority may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 23 or of any court-fee under section 23 in excess of the full court-fee which ought to have been paid.

29. Sections 6 and 37 not to apply to probates or letters of administration.- Nothing in section 6 or section 37 shall apply to probates or letters of administration.

CHAPTER-V PROCESS FEES

30. Rules as to costs of processes.- (1) The High Court shall, as soon as may be, make rules as to the following matters, namely:-

- (a) the fees chargeable for serving and executing processes issued by such Court in its appellate jurisdiction, and by the other Civil Courts established within the local limits of such jurisdiction;
- (b) the fees chargeable for serving and executing processes issued by the Criminal Courts established within such limits in the case of offences other than offences for which police officers may arrest without a warrant; and
- (c) the remuneration of the peons and all other persons employed by the leave of a Court in the service or execution of processes.

(2) The High Court may from time to time alter or add to the rules made under sub-section (1).

(3) All rules made under sub-section (1) and all alterations and additions made under sub-section (2) shall, after being confirmed by the State Government, be published in the Official Gazette, and shall thereupon have the force of law.

(4) Until any rules are made and published under this section, the fees leviable immediately before the commencement of this Act for serving and executing processes shall continue to be levied, and shall be deemed to be fees leviable under this Act.

31. Exemption for certain processes.- (1) Notwithstanding anything contained in section 30 or in the rules made thereunder, no fees shall be charged for serving and executing processes on behalf of-

- (a) the prosecution in any criminal proceedings, taken on information presented or complaint made by a public officer acting in his official capacity; and
- (b) a liquidator or an arbitrator appointed under the provisions of the Himachal Pradesh Co-operative Societies Act, 1956 (13 of 1956).

(2) The State Government may by notification in the Official Gazette determine what persons shall be deemed to be public officers for the purpose of sub-section (1).

32. Tables of process fees.- A table in the English and vernacular languages, showing the fees chargeable for serving and executing processes shall be exposed to view in a conspicuous part of each Court.

33. Number of peons in District and subordinate Courts.- (1) Subject to such rules as may be made by the High Court and approved by the State Government every District Judge and every Magistrate of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court and each of the Courts subordinate thereto.

(2) For the purposes of this section, every Court of Small Causes established under section 5 of the Provincial Small Cause Courts Act, 1887, (9 of 1887) shall be deemed to be subordinate to the Court of the District Judge.

CHAPTER-VI OF THE MODE OF LEVYING FEES

¹[**34. Collection of fees by stamps or by e-filing system.-** All fees referred to in section 3 or chargeable under this Act shall be collected by stamps or by way of e-filing system in the manner as may be prescribed.]

35. Stamps to be impressed or adhesive.- The stamps used to denote any fees chargeable under this Act shall be impressed, or adhesive, or partly impressed and partly adhesive, as the State Government may, by notification in the Official Gazette, from time to time direct.

36. Rules for supply, number, renewal and keeping accounts of stamps.- (1) The State Government may from time to time, make rules for regulating-

- (a) the supply of stamps to be used under this Act;
- (b) the number of stamps to be used for denoting any fee chargeable under this Act;
- (c) the renewal of damaged or spoiled stamps; and
- (d) the keeping accounts of all stamp used under this Act:

¹ Section 34 substituted vide Act No. 4 of 2015, effective from 14th October, 2014.

Provided that, in the case of stamps used under section 3 in the High Court, such rules shall be made with the concurrence of the Chief Justice of such Court.

(2) All rules made under sub-section (1) shall be published in the Official Gazette, and shall thereupon have the force of law.

37. Stamping documents inadvertently received.- No document which ought to bear a stamp under this Act shall be of any validity, unless and until it is properly stamped, but if any such document is through mistake or inadvertence received, filed or used in any Court or office, without being properly stamped, the presiding Judge or the head of the office, as the case may be, or in the case of the High Court, any Judge of such Court may, if he thinks fit, order that such document be stamped as he may direct; and, on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

38. Amended document.- Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

39. Cancellation of stamp.- (1) No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

(2) Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

CHAPTER-VII MISCELLANEOUS

40. Admission in criminal cases of documents for which proper fee has not been paid.- Whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the presiding Judge, necessary to prevent a failure of justice, nothing contained in section 4 or section 6 shall be deemed to prohibit such filing or exhibition.

41. Sale of stamps.- (1) The State Government may from time to time make rules for regulating the sale of stamps to be used under this Act, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons.

(2) All such rules shall be published in the Official Gazette, and shall thereupon have the force of law.

(3) Any person appointed to sell stamps who disobeys any rule made under this section, and any person not so appointed who sells or offers for sale any stamp, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

¹[**42. Power to enhance, reduce, remit or refund fees.-** The State Government may, by notification in the Official Gazette, enhance, reduce, remit or refund, all or any of the fees provided in this Act or specified in the First and Second Schedules appended to the Act; or otherwise amend the said Schedules and may in the like manner rescind or amend such notification.]

²[**42A. Special provision regarding suits, appeals, revision etc. filed by or on behalf of the State Government before the Court.-** Notwithstanding anything contained in any other provisions of this Act, where a suit, appeal, revision, review or other pleading or document is filed

¹ Section 42 substituted vide Act No. 1 of 2005, effective from 26th October, 2004.

² Section 42-A inserted vide H.P. Act No. 8 of 2017, effective from 3rd February, 2017.

or presented by or on behalf of the State Government or its officers in their official capacity before any Court, no court-fee shall be chargeable in respect of such suit, appeal, revision, review or other pleading or document under the provisions of this Act.]

43. **Saving of fees to certain officers of the High Court.-** Nothing in Chapters II and VI of this Act shall apply to the fees which any officer of the High Court is allowed to receive in addition to a fixed salary.

44. **Repeal and savings.-** The Court-fees Act, 1870 (7 of 1870) as extended to the Union territory of Himachal Pradesh by the notification of the Government of India in the Ministry of Home Affairs No. GSR-517[F4/4/63- UTL-65], dated 18th March, 1964 and the Court-fees Act, 1870 (7 of 1870) as in force in the territories transferred to that Union territory under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) are hereby repealed:

Provided that such repeal shall not affect-

- (a) the previous operation of the said Acts or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Acts; or
- (c) any penalty, forfeiture or punishment, incurred in respect of any offence committed against the said Acts; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said Acts had not been repealed.

45. **Levy of fees in certain suits etc. instituted before the commencement of this Act.-**

(1) Notwithstanding anything contained in the Acts repealed under section 44, fees shall be levied in suits or other proceedings instituted on or after the 1st day of May, 1967 and pending immediately before the commencement of this Act in the High Court by virtue, and in the exercise, of its ordinary original civil jurisdiction as if this Act had been in force on the respective dates on which any such proceedings were instituted.

(2) Any fees levied in respect of suits or other proceedings instituted before the High Court by virtue, and in the exercise, of its ordinary original civil jurisdiction on or after the 1st day of May, 1967 and disposed of before the commencement of this Act shall be deemed to have been levied in accordance with law.

¹[THE FIRST SCHEDULE]

(See section 3)

Ad valorem Fees

Number 1	2	Proper fee 3
1. Plaint, written statement, pleading a set-off or counter claim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to any Civil or Revenue Court except those mentioned in section 3.	When the amount or value of the subject matter in dispute does not exceed five rupees	One rupee.
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, upto one hundred rupees.	One rupee.
	When such amount or value exceeds one hundred rupees, but does not exceed five hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, upto five hundred rupees.	One rupee.
	When such amount or value exceeds five hundred rupees, for every ten rupees or part thereof, upto one thousand rupees.	Two rupees.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees or part thereof, in excess of one thousand rupees, upto five thousand rupees.	Fifteen rupees.
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, upto five thousand rupees.	Twenty-five rupees.

¹ Schedule I & II revised vide Notification No. Rev. 1-3(Stamp)7/80 dated 21-12-2004.

	When such amount or value exceeds ten thousand rupees, for every five hundred and fifty rupees or part thereof, in excess of ten thousand rupees, upto twenty thousand rupees.	Forty rupees.
	When such amount of value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, upto thirty thousand rupees.	Fifty rupees.
	When such amount or value exceed thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, upto fifty thousand rupees.	Fifty rupees.
	When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof in excess of fifty thousand rupees.	Fifty rupees.
2.	Plaint in a suit for possession under the Specific Relief Act, 1963 (47 of 1963) section 6.	A fee of one-half the amount prescribed in the foregoing scale rounded of to the next higher one rupee.
3.	Application for review of judgement, if presented on or after the ninetieth day from the date of the decree.	The fee leviable on the plaint or memorandum of appeal.
4.	Application for review of judgement, if presented before the ninetieth day from the date of the decree.	One half of the fee leviable on the plaint or memorandum of appeal rounded of to the next higher one rupee.

5. Copy of translation of judgement or order not being, or having the force of a decree.	When such judgment or order is passed by any Civil Court other than the High Court by the presiding officer of any Revenue Court or office, or by any other Judicial or Executive Authority.	Six rupees.
	When such judgment or order is passed by the High Court.	Thirteen rupees.
6. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than the High Court or by any Revenue Court.	Thirteen rupees.
	When such decree or order is passed by the High Court.	Twenty-Six rupees.
7. Copy of any document to stamp duty under the Indian Stamp Act, 1899 (2 of 1899)	(a) When the stamp duty chargeable on the original exceeds seventy-five paise.	One rupee.
When left by any party to a suit or proceeding in place of the original withdrawn, provided such copy is not subject to any duty under the Indian Stamp Act, 1899 (2 of 1899).	(b) In any other case	Five rupees.
8. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy to any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or Office, or from the office of any Chief Officer charged with the executive administration of a Division.	For every three hundred and sixty words or fraction of three hundred and sixty words.	Three Rupees.
9. Probate of a will or letters of administration with or without Will annexed.	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, but does not exceed ten thousand rupees.	Two and one-half per centum on such amount or value.
	When such amount or value exceeds ten thousand rupees	Three and one-quarter per

but does not exceed fifty thousand rupees.

centum on such amount or value.

When such amount or value exceeds fifty thousand rupees:

Four per centum on such amount or value.

Provided that when after the grant of a certificate under Part-X of the Indian Succession Act, 1925 (39 of 1925) or under the Regulation of the Bombay Code No. 8 of 1827 in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.

10. Certificate under Part-X of the Indian Succession Act, 1925 (39 of 1925).

In any case.

Two and one-half per centum on the amount or value of any debt or security specified in the certificate under Section 374 of the Act, and four per centum on the amount or value of any debt or security to which the certificate is extended under Section 376 of the Act, rounded off to the next higher one rupee in case where the fee works out in paise.

Notes.- (1) The amount of a debt in its amount including interest, on the day on which the inclusion of the

debt in the certificate is applied for, so far as such amount can be ascertained.

(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act, and, where such a power has been so conferred, whether the power is for the receiving of interest or dividend on, or for the negotiation or transfer of, the security, or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| <p>11. Application to the High Court for the exercise of its jurisdiction under paragraph 35 of the Himachal Pradesh, (Courts) Order, 1948 or to the Court of the Financial Commissioner, Himachal Pradesh, for the exercise of its revisional jurisdiction under section 118 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 (15 of 1954).</p> | <p>When the amount or value of the subject matter in dispute does not exceed twenty-five rupees.</p> | <p>Three rupees.</p> |
| | <p>When such amount or value exceeds twenty-five rupees.</p> | <p>The fee leviable on memorandum of appeal.</p> |
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TABLE OF RATES OF AD VALOREM FEES LAVIABLE ON THE INSTITUTION OF SUITS

When the amount of value of the subject matter exceeds	But does not exceed	Proper fee
1 Rs.	2 Rs.	3 Rs.
-	05	1.00
5	10	2.00
10	15	3.00
15	20	4.00
20	25	5.00
25	30	6.00
30	35	7.00
35	40	8.00
40	45	9.00
45	50	10.00
50	55	11.00
55	60	12.00
60	65	13.00
65	70	14.00
70	75	15.00
75	80	16.00
80	85	17.00
85	90	18.00
90	95	19.00
95	100	20.00
100	110	21.00
110	120	22.00
120	130	23.00
130	140	24.00
140	150	25.00
150	160	26.00
160	170	27.00
170	180	28.00
180	190	29.00
190	200	30.00
200	210	31.00
210	220	32.00
220	230	33.00
230	240	34.00
240	250	35.00
250	260	36.00
260	270	37.00
270	280	38.00
280	290	39.00
290	300	40.00
300	310	41.00
310	320	42.00
320	330	43.00
330	340	44.00
340	350	45.00
350	360	46.00

360	370	47.00
370	380	48.00
380	390	49.00
390	400	50.00
400	410	51.00
410	420	52.00
420	430	53.00
430	440	54.00
440	450	55.00
450	460	56.00
460	470	57.00
470	480	58.00
480	490	59.00
490	500	60.00
500	510	62.00
510	520	64.00
520	530	66.00
530	540	68.00
540	550	70.00
550	560	72.00
560	570	74.00
570	580	76.00
580	590	78.00
590	600	80.00
600	610	82.00
610	620	84.00
620	630	86.00
630	640	88.00
640	650	90.00
650	660	92.00
660	670	94.00
670	680	96.00
680	690	98.00
690	700	100.00
700	710	102.00
710	720	104.00
720	730	106.00
730	740	108.00
740	750	110.00
750	760	112.00
760	770	114.00
770	780	116.00
780	790	118.00
790	800	120.00
800	810	122.00
810	820	124.00
820	830	126.00
830	840	128.00
840	850	130.00
850	860	132.00
860	870	134.00
870	880	136.00

880	890	138.00
890	900	140.00
900	910	142.00
910	920	144.00
920	930	146.00
930	940	148.00
940	950	150.00
950	960	152.00
960	970	154.00
970	980	156.00
980	990	158.00
990	1,000	160.00
1,000	1,100	175.00
1,100	1,200	190.00
1,200	1,300	205.00
1,300	1,400	220.00
1,400	1,500	235.00
1,500	1,600	250.00
1,600	1,700	265.00
1,700	1,800	280.00
1,800	1,900	295.00
1,900	2,000	310.00
2,000	2,100	325.00
2,100	2,200	340.00
2,200	2,300	355.00
2,300	2,400	370.00
2,400	2,500	385.00
2,500	2,600	400.00
2,600	2,700	415.00
2,700	2,800	430.00
2,800	2,900	445.00
2,900	3,000	460.00
3,000	3,100	475.00
3,100	3,200	490.00
3,200	3,300	505.00
3,300	3,400	520.00
3,400	3,500	535.00
3,500	3,600	550.00
3,600	3,700	565.00
3,700	3,800	580.00
3,800	3,900	595.00
3,900	4,000	610.00
4,000	4,100	625.00
4,100	4,200	640.00
4,200	4,300	655.00
4,300	4,400	670.00
4,400	4,500	685.00
4,500	4,600	700.00
4,600	4,700	715.00
4,700	4,800	730.00
4,800	4,900	745.00
4,900	5,000	760.00

5,000	5,250	785.00
5,250	5,500	810.00
5,500	5,750	835.00
5,750	6,000	860.00
6,000	6,250	885.00
6,250	6,500	910.00
6,500	6,750	935.00
6,750	7,000	960.00
7,000	7,250	985.00
7,250	7,500	1010.00
7,500	7,750	1035.00
7,750	8,000	1060.00
8,000	8,250	1085.00
8,250	8,500	1110.00
8,500	8,750	1135.00
8,750	9,000	1160.00
9,000	9,250	1185.00
9,250	9,500	1210.00
9,500	9,750	1235.00
9,750	10,000	1260.00
10,000	10,500	1300.00
10,500	11,000	1340.00
11,000	11,500	1380.00
11,500	12,000	1420.00
12,000	12,500	1460.00
12,500	13,000	1500.00
13,000	13,500	1540.00
13,500	14,000	1580.00
14,000	14,500	1620.00
14,500	15,000	1660.00
15,000	15,500	1700.00
15,500	16,000	1740.00
16,000	16,500	1780.00
16,500	17,000	1820.00
17,000	17,500	1860.00
17,500	18,000	1900.00
18,000	18,500	1940.00
18,500	19,000	1980.00
19,000	19,500	2020.00
19,500	20,000	2060.00
20,000	21,000	2110.00
21,000	22,000	2160.00
22,000	23,000	2210.00
23,000	24,000	2260.00
24,000	25,000	2310.00
25,000	26,000	2360.00
26,000	27,000	2410.00
27,000	28,000	2460.00
28,000	29,000	2510.00
29,000	30,000	2560.00
30,000	32,000	2610.00
32,000	34,000	2660.06

34,000	36,000	2710.00
36,000	38,000	2760.00
38,000	40,000	2810.00
40,000	42,000	2860.00
42,000	44,000	2910.00
44,000	46,000	2960.00
46,000	48,000	3010.00
48,000	50,000	3060.00
50,000	55,000	3110.00
55,000	60,000	3160.00
60,000	65,000	3210.00
65,000	70,000	3260.00
70,000	75,000	3310.00
75,000	80,000	3360.00
80,000	85,000	3410.00
85,000	90,000	3460.00
90,000	95,000	3510.00
95,000	1,00,000	3560.00
1,00,000	1,05,000	3610.00
1,05,000	1,10,000	3660.00
1,10,000	1,15,000	3710.00
1,15,000	1,20,000	3760.00
1,20,000	1,25,000	3810.00
1,25,000	1,30,000	3860.00
1,30,000	1,35,000	3910.00
1,35,000	1,40,000	3960.00
1,40,000	1,45,000	4010.00
1,45,000	1,50,000	4060.00
1,50,000	1,55,000	4110.00
1,55,000	1,60,000	4160.00
1,60,000	1,65,000	4210.00
1,65,000	1,70,000	4260.00
1,70,000	1,75,000	4310.00
1,75,000	1,80,000	4360.00
1,80,000	1,85,000	4410.00
1,85,000	1,90,000	4460.00
1,90,000	1,95,000	4510.00
1,95,000	2,00,000	4560.00
2,00,000	2,05,000	4610.00
2,05,000	2,10,000	4660.00
2,10,000	2,15,000	4710.00
2,15,000	2,20,000	4760.00
2,20,000	2,25,000	4810.00
2,25,000	2,30,000	4860.00
2,30,000	2,35,000	4910.00
2,35,000	2,40,000	4960.00
2,40,000	2,45,000	5010.00
2,45,000	2,50,000	5060.00
2,50,000	2,55,000	5110.00
2,55,000	2,60,000	5160.00
2,60,000	2,65,000	5210.00
2,65,000	2,70,000	5260.00

2,70,000	2,75,000	5310.00
2,75,000	2,80,000	5360.00
2,80,000	2,85,000	5410.00
2,85,000	2,90,000	5460.00
2,90,000	2,95,000	5510.00
2,95,000	3,00,000	5560.00
3,00,000	3,05,000	5610.00
3,05,000	3,10,000	5660.00
3,10,000	3,15,000	5710.00
3,15,000	3,20,000	5760.00
3,20,000	3,25,000	5810.00
3,25,000	3,30,000	5860.00
3,30,000	3,35,000	5910.00
3,35,000	3,40,000	5960.00
3,40,000	3,45,000	6010.00
3,45,000	3,50,000	6060.00
3,50,000	3,55,000	6110.00
3,55,000	3,60,000	6160.00
3,60,000	3,65,000	6210.00
3,65,000	3,70,000	6260.00
3,70,000	3,75,000	6310.00
3,75,000	3,80,000	6360.00
3,80,000	3,85,000	6410.00
3,85,000	3,90,000	6460.00
3,90,000	3,95,000	6510.00
3,95,000	4,00,000	6560.00

And when the amount or value of the subject-matter exceeds rupees 4,00,000 (four lacs) the proper fee leviable shall be Rs. 6,248 (six thousand two hundred and forty-eight) plus forty-eight rupees eighty paise for each five thousand rupees or part thereof, in excess of rupees 4,00,000 (four lacs).

THE SECOND SCHEDULE

(See section 3)

Fixed Fees

Number 1	2	Proper fee 3
1.	<p>Application or petition</p> <p>(a) When presented to any Officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government and when the subject-matter or such application relates exclusively to those dealings;</p> <p>or when presented to any Officer of Land Revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement;</p> <p>or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;</p> <p>or when presented to any Civil Court other than principal Civil Court of original jurisdiction, or to any Court of Small Causes established under section 5 of the Provincial Small Cause Courts Act, 1887 (9 of 1887), or to a Collector or other Officer of Revenue in relation to any suit or case in</p>	<p>¹[Twenty rupees.]</p>

¹ Substituted vide Notification No. Rev.1-3(Stamp)7/80-V dated 10-5-2023

which the amount or value of the subject-matter is less than fifty rupees;

or when presented to any Civil, Criminal or Revenue Court, or to any Board or Executive Officer for the purpose of obtaining a copy or translation of any judgment, decree, or order passed by such Court, Board or Officer, or of any other document on record in such Court or Office.

(b) When containing a complaint or charge of any offence other than an offence for which police officers may under the Code of Criminal Procedure, 1898 (5 of 1898) arrest without warrant, and presented to any Criminal Court;

¹[Twenty rupees.]

or when presented to a Civil, Criminal or Revenue Court, or to Collector, or any Revenue Officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act;

or to deposit in Court revenue or rent; or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.

(c) When presented to a Chief Controlling Revenue or Executive

¹[Twenty rupees.]

¹ Substituted vide Notification No. Rev.1-3(Stamp)7/80-V dated 10-5-2023

	Authority or to a Commissioner of Revenue or Circuit, or to any Chief Officer charged with the Executive Administration of a Division and not otherwise provided for by this Act.	
	(d) When presented to the High Court-	
	(i) under the Companies Act, 1956 (1 of 1956) for winding up a company;	One Thousand and Three Hundred rupees.
	(ii) under the same Act for taking some other judicial action;	Sixty-Five rupees.
	(iii) under Article 226 of the Constitution of India other than petitions for habeas corpus and petitions arising out of criminal proceedings;	Two Hundred and Fifty rupees.
	(iv) in all other cases.	Thirteen Rupees.
2.	Application to any Civil Court that records may be called for from another Court.	When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.
		Five rupees in addition to any fee levied on the application under-clause (a), clause (b), or clause (d) of article 1 of this Schedule.
3.	Application for leave to sue as a pauper.	Six rupees.
4.	Application for leave to appeal as pauper.	(a) When presented to a District Court.
		Six rupees.
		(b) When presented to a Commissioner or the High Court.
		Thirteen rupees.
5.	Plaint or memorandum of appeal in a suit to establish	----
		Six rupees.

or disprove a right of occupancy.

- | | | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------|
| 6. | Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898 (5 of 1898), or the Code of Civil Procedure, 1908 (5 of 1908) and not otherwise provided for by this Act. | ---- | Three rupees. | |
| 7. | Undertaking under section 49 of the Indian Divorce Act, 1869 (4 of 1869). | ---- | Six rupees. | |
| 8. | Mukhtarnama or Wakalatnama. | When presented for the conduct of any one case,- | | |
| | (a) | to any Civil or Criminal Court other than the High Court, or to any Collector or Magistrate, or other Executive Officer except such as are mentioned in clauses (b) and (c) of this Number; | ¹ [Twenty rupees.] | |
| | (b) | to a Commissioner of Revenue, Circuit or Customs or to any officer charged with the Executive administration of a Division, not being the Chief Revenue or Executive Authority; | ¹ [Twenty rupees.] | |
| | (c) | to the High Court, Board of Revenue, or other Chief Controlling Revenue or Executive Authority. | ¹ [Twenty rupees.] | |
| 9. | Memorandum of appeal, | (a) | to any Civil Court other | ¹ [Twenty rupees.] |

¹ Substituted vide Notification No. Rev.1-3(Stamp)7/80-V dated 10-5-2023

when the appeal is not from a decree or an order having the force of a decree, and is presented.

than High Court or to any Revenue Court or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Authority;

(b) to the High Court or Chief Controlling Executive or Revenue Authority

Twenty-Six rupees.

- | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------|----------------------|
| 10. Caveat | ---- | Thirty-Three rupees. |
| 11. Petition in a suit under the Converts Marriage Dissolution Act, 1866 (21 of 1866). | ---- | Thirty-Three rupees. |
| 12. Every petition or application or memorandum or appeal under the Special Marriage Act, 1954 (43 of 1954) or the Hindu Marriage Act, 1955 (25 of 1955). | ---- | Ninety-Eight rupees. |
| 13. Complaint or memorandum of appeal in each of the following suits: | ---- | Ninety-Eight rupees. |
| (i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court; | | |
| (ii) to alter or cancel any entry in a register of the names of the proprietors of revenue paying estates; | | |
| (iii) to obtain a declaratory decree where no consequential relief is prayed; | | |
| (iv) to set aside an award; | | |
| (v) to set aside an adoption; | | |
| (vi) every other suit where | | |

it is not possible to estimate at a money value the subject matter in dispute and which is not otherwise provided for by this Act.

- | | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-------------------------------------|
| 14. | Application under section 20 of the Indian Arbitration Act, 1940 (10 of 1940). | ---- | Sixty-five rupees. |
| 15. | Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908 (5 of 1908). | ---- | Sixty-five rupees. |
| 16. | Every petition under the Indian Divorce Act, 1899 (4 of 1899) except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act. | ---- | One Hundred and Ninety-Five rupees. |
| 17. | Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1936 (3 of 1936). | ---- | One Hundred and Ninety-Five rupees. |
| 18. | Plaint or memorandum of appeal in a suit by a reversioner under the Himachal Pradesh Customary Law for declaration in respect of an alienation of ancestral land. | ----- | Ninety-Eight rupees. |
| 19. | Application or memorandum of appeal for relief under the East Punjab Urban Rent Restriction Act, 1949 (3 of 1949) as in force in Himachal Pradesh. | ----- | Sixty-five rupees. |
| 20. | Claims for money (whether secured or un-secured) or a claim to set-off made | (a) Where the amount does not exceed Rs. 2,500. | Ninety-Eight rupees. |

against such claims or counter claims under the Banking Regulation Act, 1949 (Act 10 of 1949).	(b) Where the amount exceeds Rs. 2,500 but does not exceed Rs. 10,000.	One hundred and Ninety-five rupees.
	(c) Where the amount exceeds Rs. 10,000.	Three hundred and Twenty-five rupees.
21. Memorandum of appeal from and order or decision passed under the provisions of section 45-B of the Banking Regulation Act, 1949 (Act 10 of 1949).	(a) Where the amount exceeds Rs. 5,000 but does not exceed Rs. 10,000.	Three hundred and Ninety rupees.
	(b) Where the amount exceeds Rs. 10,000.	Six hundred and fifty rupees.

THE THIRD SCHEDULE

(See section 27)

FORM OF VALUATION (TO BE USED WITH SUCH MODIFICATIONS, IF ANY, AS MAY BE NECESSARY)

IN THE COURT OF

1. Re-probate of the Will of (or administration of the property and credits of), deceased.

Solemnly affirm

make oath

and say that I am the executor (or one of the executors or one of the next-of- kin) of deceased, and that I have truly set forth in Annexure `A' to this affidavit all the property and credits of which the above named deceased died possessed or was entitled to at the time of his death, and which have come, or are likely to come, to my hands.

2. I further say that I have also truly set forth in Annexure `B' all the items I am by law allowed to deduct.

3. I further say that the said assets, exclusive only of such last- mentioned items, but inclusive of all rents, interest, dividends and increased values since the date of the death of the said deceased are under the value of-

ANNEXURE 'A'
VALUATION OF THE MOVABLE AND IMMOVABLE PROPERTY
OF DECEASED

Rs.

Cash in the house and at the banks, household goods, wearing apparel, books, plate, jewels, etc.

(State estimated value according to best of Executor's or Administrator's belief)

Property in Government securities transferable at the Public Debt Office.

(State description and value at the price of the day; also the interest separately, calculating it at the time of making the application.)

Immovable property consisting of.....

(State description, giving in the case of houses, the assessed value if any, and the number of years assessment, the market-value is estimated at, and, in the case of land, the area, the market-value and all rents that have accrued).

Lease-hold property.....

(If the deceased held any leases for years, determinable, state the number of year's purchase the profit rents are estimated to be worth and the value of such inserting separately arrears due at the date of death and all rents received or due since that date to the time of making the application).

Property in Public Companies-

(State the particulars and the value calculated at the price of the day; also the interest separately, calculating it to the time of making the application).

Policy of insurance upon life, money out on mortgage and other securities such as bonds, mortgages, bills, notes and other securities for money.

(State the amount of the whole; also the interest separately, calculating it to the time of making the application).

Book debts.....

(Other than bad).

Stock in trade.....

(State the estimated value, if any).

Other property not comprised under the foregoing heads

(State the estimated value, if any).

TOTAL :

Deduct amount shown in Annexure `B' not subject to duty :

NET TOTAL :

ANNEXURE `B'
SCHEDULE OF DEBTS, ETC.

Rs. P.

Amount of debts due and owing from the deceased, payable by law out of the estate

Amount of funeral expenses

Amount of mortgage incumbrances

Property held in trust not beneficially or with general power to confer a beneficial interest

Other property not subject to duty.

TOTAL .. .

THE HIMACHAL PRADESH COURT FEES STAMP RULES, 1973

ARRANGEMENT OF RULES

RULES

1. Number and kind of stamps to be used when fees amount to less than Rs. 25.
2. When fees amount to or exceed Rs. 25.
3. –
4. Certificate given by a stamp vendor when a single stamp is not available.
5. Mode of Stamping and Engrossing Instruments for which a single stamp is not available.
6. Directions for the use of plain paper with impressed stamps.

REVENUE DEPARTMENT

NOTIFICATION

Simla-2, the 29th March, 1974

No. 17-3/67-Rev. I.- In exercise of the powers conferred by section 35 and 36 (b) of the Himachal Pradesh Court Fees Act, 1968, the Governor, Himachal Pradesh is pleased to make rules as specified in the Annexure appended to this notification, for regulating the kind and number of stamps to be used for denoting fees chargeable under the said Act.

These Rules may be called “The Himachal Pradesh Court Fees Stamp Rules 1973” and shall come into force with immediate effect in supersession of the Himachal Pradesh Court Fees Stamp rules, 1956, as in force in the old areas of Himachal Pradesh and the Punjab Court Fees Stamp Rules, 1934, as in force in the areas merged with Himachal Pradesh w.e.f. 1st November, 1966.

ANNEXURE

HIMACHAL PRADESH COURT FEES STAMP RULES, 1973

1. Number and kind of stamps to be used when fees amount to less than Rs. 25. – When in any case the fee chargeable under the Act is less than Rs. 25 and the amount can be denoted by a single adhesive stamp, such fee shall be denoted by a single adhesive stamp of the required value bearing the words “Court Fee”. But if the amount cannot be denoted by a single adhesive stamp, or if a single adhesive stamp of the required value is not available a stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower values which may be required to make up the exact amount of the fee.

2. When fees amount to or exceed Rs. 25.- When in any case the fee chargeable under the Act amounts to or exceeds Rs. 25 and the amount can be denoted by a single impressed stamp it shall be denoted by a single impressed stamp of the required value bearing the words “Court Fee”. But if the amount cannot be denoted by single impressed stamp, or if a single impressed stamp of the required value is not available an impressed stamp of the next lower value available shall be used and the deficiency shall be required to make up the exact amount of the fee, in combination with adhesive stamp to make up of less than Rs. 25.

3. If in any case the amount of the chargeable involves a fraction of 5 paise, such fraction shall be remitted.

4. **Certificate given by a stamp vendor when a single stamp is not available.-** Where a stamp of the required value is not available, the purchaser shall obtain a certificate from the vendor to that effect in the form below. This certificate shall be affixed to the document and filled with it :-

(FORM OF CERTIFICATE)

“Certified that a single stamp of the value of Rs.....required for this document is not available, but in lieu thereof, I have furnished a stamp of the next lower value available and made up the deficiency by the use of one or more adhesive/impressed stamps of the next lower values available required to make up the exact amount of the fees.

Dated.....Signature of Stamp Vendor.”

5. **Mode of stamping and engrossing instruments for which a single stamp is not available.-** An adhesive stamp which may be used under rule 2 shall be affixed to the impressed stamp of the highest value employed in denoting the fee, or to the first sheet of the document to be inscribed in such manner as not to conceal the value of the stamp thereon.

6. **Directions for the use of plain paper with impressed stamps.-** When one or more impressed stamps used to denote a fee are found insufficient to admit of the entire document being written on the side of the paper which bears the stamp, so much plain paper may be joined thereto as may be necessary for the complete writing of the document, and writing on the impressed stamps and on the plain paper shall be attested by the signature of the person or persons executing the document.

(R.H.P. Extra., dated the 5th April, 1974, P. 637 to 639).

[Authoritative English Text of this department notification No. Rev. 1-3(stamp)7/80-III dated 9-7-2015 as required under clause (3) of article 348 of the Constitution of India.]

THE HIMACHAL PRADESH COURT FEE (E-STAMPING) RULES, 2015.

GOVERNMENT OF HIMACHAL PRADESH REVENUE DEPARTMENT (STAMP & REGISTRATION)

NOTIFICATION

No. Rev. 1-3(stamp)7/80-III.

Shimla-02, the 9th July, 2015

In exercise of the powers conferred by sections 34 of the Himachal Pradesh Court Fees Act, 1968 (Act No. 8 of 1968) the Governor of Himachal Pradesh is pleased to make the following rules, namely:—

CHAPTER-I PRELIMINARY

1. **Short title and commencement.**—(1) These rules may be called the Himachal Pradesh Court Fee (e-stamping) Rules, 2015.

(2) They shall come into force from the date of publication in the e-Gazette, Himachal Pradesh.

2. **Definitions.**—(1) In these rules unless the context otherwise requires.—

- (a) “**Act**” means the Himachal Pradesh Court Fees Act, 1968 (Act No. 8 of the 1968);
- (b) “**agreement**” means the Agreement executed under rule 6;
- (c) “**Appointing authority**” means the Government of Himachal Pradesh;
- (d) “**Authorised Collection Centre**” means centre notified under rules 12 and 13 of these rules, to act as an intermediary between the Central Record Keeping Agency and the court fee payer, for collection of court fee and issuing the e-Court fee Certificate;
- (e) “**Central Record Keeping Agency**” means an agency notified under rules 3 and 4 of these rules for the computerized court fee administration system;
- (f) “**Chief Controlling Authority**” means Financial Commissioner (Revenue), Government of Himachal Pradesh and shall include the Inspector General of Registration, Himachal Pradesh appointed under section 3 of the Registration Act, 1908 if so authorized by him in this behalf;
- (g) “**Department**” means the Revenue Department of the State Government;
- (h) “**e-Court Fee Certificate**” means the impression or tamper proof certificate, electronically generated by the Central Record Keeping Agency, on the paper as specified under rule 27 to denote the payment of court fee chargeable under the act;
- (i) “**form**” means a form appended to these rules;
- (j) “**Grievance Redressal Officer**” means the officer as specified in rule 39 of these rules;
- (k) “**High Court**” means the High Court of Himachal Pradesh;

- (l) “**section**” means a section of the Act;
- (m) “**State Government**” means the Government of Himachal Pradesh; and
- (n) “**State**” means the State of Himachal Pradesh;

(2) The words and expressions used in these rules but not defined shall have the same meanings as assigned to them in the Act and the Indian Stamp Act, 1899 and the rules framed thereunder.

CHAPTER-II

CENTRAL RECORD KEEPING AGENCY

3. Eligibility for notifying Central Record Keeping Agency.—Any Public Financial Institution or Nationalized or Scheduled Bank controlled by Reserve Bank of India or Body Corporate or Organization or any Company engaged in providing depository service appointed by Central Government and recognized by the State Government or any Body Corporate where not less than fifty one percent of equity capital is held by any of the above entities, either solely or in consortium, shall be eligible for notifying as Central Record Keeping Agency.

4. Central Record Keeping Agency.— The appointing authority, on the recommendations of the Chief Controlling Authority shall, by notification an agency by notification which has been specified under clause (26) of section 2 of the Indian Stamp Act, 1899 to function as Central Record Keeping Agency for the State Government or for the specified district(s) or places in the State by adopting any of the following orders of preference, namely:—

- (a) on the basis of recommendations, if any, of the Central Government regarding notifying of Central Record Keeping Agency;
- (b) In the absence of such recommendation by inviting technical and commercial bids through a duly constituted expert selection committee by the appointing authority.

5. Term of Central Record Keeping Agency.— The term of the Central Record Keeping Agency shall be five years or such period as may be decided by the appointing authority.

6. Agreement and Undertaking-cum-Indemnity Bond.—(1) The Central Record Keeping shall execute an agreement with the Chief Controlling Authority or his duly authorized officer in form-I.

(2) The terms and conditions of the agreement may be modified by mutual consent of both the parties.

(3) The Central Record Keeping Agency shall executive an undertaking-cum-indemnity bond in favour of the State Government in form-2.

7. Renewal of term.—(1) The term of Central Record Keeping Agency may be renewed by the appointing authority on the recommendations of the Chief Controlling Authority. The application for renewal of term shall be made to the appointment authority by the Central Record Keeping Agency well in time before the expiry of the validity period of its term.

(2) The Chief Controlling Authority or appointing authority before taking decision on the application for renewal may call for any information or record from the concerned offices of Central Record Keeping Agency or Authorised Collection Centre for the purpose of renewal of term.

(3) The appointing authority, if satisfied, may renew the term and a fresh agreement and undertaking-cum-indemnity bond shall be executed as per rule 6.

8. Termination of term of Central Record keeping Agency.- (1) The term of the central Record Keeping Agency shall be terminated by the appointing authority before the stipulated period, on the ground(s) of any breach of any of the obligations or terms of agreement or provisions of these rules or the Act or financial irregularity or for any other sufficient reason, as the case may be.

(2) The term under sub-rule(1) shall not be terminated until,—

- (a) the Central Record Keeping Agency has been given one month's notice specifying the grounds for such termination; and
- (b) the Central Record Keeping Agency has been given a reasonable opportunity of being heard.

(3) The appointing authority, if it is of the opinion that the provisions of the Act and the rules made thereunder have been contravened after following the procedure under sub-rule(2), may impose a penalty in accordance with the provisions of Chapter VII of the Indian Stamp Act, 1899 and Chapter-V of these rules, as the case may be.

(4) On termination of term under this rule, the Central Record Keeping Agency shall transfer all the data generated during the period of its term to the State Government. After the termination of its term the Central Record Keeping Agency, shall not use or cause to be used the data generated during the period of its term for its business or any other purpose whatsoever.

9. Duties of Central Record Keeping Agency.- The Central Record Keeping Agency shall be responsible for,—

- (a) providing hardware for hosting e-Court fee stamping application in the data centre and software infrastructure, in consultation with the Chief Controlling Authority, including its connectivity with the main server, in the offices of Inspector General of Registration, High Court, District and Session Courts, Sub Divisional Civil Courts and Authorised Collection Centres, i.e. point of contract for payment of Court fee and at other designated places or offices in the state, as specified by the Chief Controlling Authority;
- (b) providing suitable and adequate training for operation and the use of the system to the manpower and the personnel of the Department as appointed by the Chief Controlling Authority;
- (c) facilitating in selection of Authorised Collection Centre for collection Court fee and issuing e-Court fee certificate;
- (d) coordination between and Central Server of Central Record Keeping Agency, Authorised Collection Centre (bank, etc.) and the offices of the Inspector General of Registration, High Court, District and Session Courts, Sub- Divisional Civil Courts or any other office or place in the State, as specified by the Chief Controlling Authority.;
- (e) collecting Court Fees and remitting it to the prescribed Head of Account of the State in accordance with the provisions of Chapter-IV of these rules;

- (f) preparing and providing various reports as required under these rules and as directed by the Chief Controlling Authority from time to time;
- (g) ¹[The Central Record Keeping Agency shall not provide, transfer or share any hardware, software and any other technology or details with respect to the Himachal Pradesh Court Fee (e-stamping) undertaken by it in the State to anybody without written permission of the Chief Controlling Authority.]
- (h) the Central Record Keeping agency shall deploy the e-Court fee application after getting the security audit of the same conducted by an empanelled agency of CERT-In. The security audit shall also be required whenever there is any change in the e-Court Fee application software subsequently; and
- (i) the central Record Keeping Agency shall maintain the logs of all the activities on the server dedicated for e-stamping and shall also follow the security guidelines of CERT-In on regular basis. All the system logs shall be properly stored and archived for regular analysis, troubleshooting and for the purpose of recovery and investigation of data.

10. Commission or Discount to be paid to the Central Record Keeping Agency.—

(1) The Central Record Keeping Agency shall be entitled to such agreed percentage of commission or discount on the amount of Court fee collected through e-stamping system. The rate of Commission or discount shall be notified by the State Government in the Official Gazette.

(2) The commission or discount to the Central Record Keeping Agency shall be subject to the conditions of rule 20 of these rules.

¹[11. **Specification of software to be used by Central Record Keeping Agency.-** (1) The Central Record Keeping Agency, in consultation with the Chief Controlling Authority, shall design and use specified software for including the following minimum details of e-court fee certificate.—

- (a) distinguished serial number or unique identification number (UIN) for each e-court fee certificate;
- (b) date and time of issue of the e-court fee certificate;
- (c) code and location of the ‘e-court fee certificate issuing branch’ or the Central Record Keeping Agency or Authorized Collection Centre;
- (d) amount of court fee paid through the e-court fee certificate in words and figures;
- (e) name of the litigant obtaining the e-court fee certificate for value exceeding Rs. 500/- ;
- (f) any other distinguishing mark of the e-court fee certificate, i.e bar code; and
- (g) the e-court fee certificate shall be in Form-6 to these rules.

(2) The Central Record Keeping Agency in addition to sub-rule(1) shall also make following provisions:—

- (a) user-id of the official issuing the e-court fee certificate;
- (b) web based facility to access the e-court fee certificate.
- (c) passwords and codes for locking of the e-court fee certificate by the High Court, District and Session Courts, Sub-Divisional Civil Courts or any other authorized

¹ Substituted vide H.P Court Fee (e-stamping) Amendment Rules, 2016.

- officer appointed by the Chief Controlling Authority to prevent the reuse of any e-court fee certificate;
- (d) facility to cancel the ‘spoiled or unused’ or ‘not required for use’ e-court fee certificate;
 - (e) passwords and codes to the authorized officials of the department to search and view any e-court fee certificate and to access Management Information System (MIS) and Decision Support System Reports (DSSR);
 - (f) details of the issued e-court fee certificate on the e-stamping Server (e-SS) maintained by the Record Keeping Agency; and
 - (g) availability of different transaction details and reports relating to e-stamping as specified in rules 43 on the website of the Central Record Keeping Agency which shall be accessibly only to the officers authorized by the Chief Controlling Authority.]

CHAPTER-III

AUTHORIZED COLLECTION CENTRES (ACCs)

12. Authorized Collection Centres.—The Central Record Keeping Agency shall notify Authorized Collection Centres with the prior approval of the Chief Controlling Authority to act as an intermediary between the Central Record Keeping Agency and the court fee payer for collection of court fee and for issuing e-court fee certificate. The service charges or commission or fee etc. Payment to the Authorized Collection Centres shall be decided between the Central Record Keeping Agency and the Authorized Collection Centres at their own level as per their agreed terms.

13. Eligibility for notifying Authorized Collection Centre.—Any Nationalized or Scheduled Bank controlled by Reserve Bank of India or Financial Institutions or Undertaking controlled by Central or State Government or Post Offices or offices or branches of the Central Record Keeping Agency or such other Agencies ¹[or persons] as approved by the Chief Controlling Authority shall be eligible for notifying as Authorized Collection Centre.

14. Termination of agency of Authorised Collection Centre.—The Chief Controlling Authority may at any time, for reasons to be recorded in writing, direct the Central Record Keeping Agency for terminating the agency of any Authorized Collection Centre and upon such direction, the central Record Keeping Agency shall terminate the agency of such Authorized Collection Centre.

15. Collection of Court Fee by Central Record Keeping Agency and Authorized Collection Centres.— (1) All the offices or branches of the Central Record Keeping Agency or Authorized Collection Centres shall collect the amount of court fee from the court fee payer, at High Court, District and session Courts, Sub-Divisional Civil Courts and the places as specified by the Chief Controlling Authority, as the case may be.

(2) All the branches of Central Record Keeping Agency and Authorized Collection Centres shall access the main server through internet by using a distinguished identification number and a confidential password allotted by Central Record Keeping Agency. The password shall be kept

¹ Substituted vide H.P Court Fee (e-stamping) Amendment Rules, 2016.

strictly confidential and the concerned Authorized Collection Centres shall change it immediately after its allotment to maintain the confidentiality.

16. Stationery Charges for issuing e-court fee certificate.- The Authorized Collection Centres shall charge a fee for stationery, etc., from the purchaser of e-court fee certificate as per the following slab:—

Amount of court fee in Rupees	Stationery Charges
1. Upto Rs. 100/-	Rs. 3/- per e-court fee certificate.
2. More than 100/- and upto Rs 1000/-	Rs 5/- per e-court fee certificate
3. More than Rs. 1000/-	Rs 10/- per e-court fee certificate

17. Infrastructure,—The Authorised Collection Centres shall be equipped with the required computer systems, printers, internet connectivity and other related infrastructure which are necessary to implement the court fee e-stamping as specified by the Central Record Keeping Agency in consultation with the chief Controlling Authority. The configuration of the computer system and connectivity shall meet the specification of Central Record Keeper Agency and which may be subject to change with prior intimation to the Chief Controlling Authority.

18. Cost of infrastructure.—The cost of providing equipment and infrastructure referred to in rule 17 shall be borne by the concerned Authorised Collection Centres.

19. Hardware and infrastructure in the office of the Department,—The State Government shall provide necessary hardware and infrastructure at the office of the Inspector General of Registration, High Court, District and Session Courts, Sub-Divisional Civil Courts and such other offices as authorised in the behalf, which includes a Personal Computer, Printer, Bare Code Scanner, Internet Connection as required for implementing the e-court fee stamping.

CHAPTER-IV

REMITTANCE OF THE E-COURT FEE TO THE STATE GOVERNMENT ACCOUNT

20. Procedure the depositing the amount of e-court fee to State Government Account.—The Central Record Keeper Agency shall be responsible to reconcile and deposit the consolidated amount of e-court fee, collected by its own office and branches or through Authorised Collection centres, in the head of account of “0030- Court Fees Realised in Stamps or any other notified head of account of the State in the manner specified thereunder,—

- (a) the Central Record Keeping Agency shall deposit the consolidated amount of e-court fee, so collected through Court fee e-stamping to the aforesaid head of account, after deducting the agreed commission or discount, not later than the closure of the business hours of the next working day for the date of such collection.
- (b) the method to deposit the amount of the e-court fee by the Central Record Keeping Agency to the head of account of the State shall be through Electronic Clearing System (ECS) or online Banking Fund Transfer or Challan or otherwise as may be directed in writing by the Chief Controlling Authority.
- (c) the deposits referred to in the rule shall be made to the State Government treasury or the Authorized Banks(s) and the Central Record Keeping Agency shall maintain the daily account of such deposits in the Register as specified in form-3.

CHAPTER-V
PENALTY FOR OMISSION AND VIOLATIONS

21. Penalty for delay in remittance to Government account.—In case, the Central Record Keeping Agency fails to deposit the amount collected on account of e-court fee in the Government treasury, within the period as stipulated in clause (a) of rules 20, the Central Record Keeping Agency shall be liable to pay penalty for delay, alongwith the collected amount of Court fee according to the following scale:—

Period of delay	Penalty
(1) When amount of e-court fee collected is deposited on third day or after from the date of collection;	entire amount of the commission or discount payable to the Central Record Keeping Agency.
(2) When the amount of e-court fee so collected is deposited after closing of the eighth day from the date of collection.	Compound penalty of one percent ¹ [per month] of the amount of collected e-Court Fee shall be imposed. The first day for this purpose shall be day of transaction.

22. Power to relax or remit penalty.—The Chief Controlling Authority may relax or remit whole or part of the penalty under rule 21, in unavoidable circumstances or any cause arising beyond the reasonable control, including acts of God, acts of civil or military authority, fires, epidemics, wars, terrorist acts, riots, earthquakes, storms, typhoons, floods. In the event of any such delay, the time for the Central Record Keeping Agency to perform their part shall be extended for a period equal to the time lost by reason of the delay.

23. Resolution of disputes.—In case of any dispute on any issue arising between the parties under these rules, shall be referred to the Chief Controlling Authority and his decision thereon shall be final.

CHAPTER-VI
PROCEDURE FOR ISSUING OF E-COURT FEE CERTIFICATE

¹[24. **Getting of e-Court fee Certificate.**—Any person paying court fee shall approach any of the branch of Central Record Keeping Agency or Authorised Collection Centres and furnish the requisite details or use online platform in form 4 (for value exceeding Rs. 500/-) alongwith payment of Court fee for getting e-Court fee Certificate.]

25. Mode of payment of Court fee.—(1) The payment for purchase of e-Court fee Certificate shall be made by means of cash, Pay Order, Bank Draft, Electronic Clearing System, Real Time Gross Settlement or by any other mode of transferring the fund as authorised by the Chief Controlling Authority.

(2) The Authorised Collection Centre shall issue e-Court fee Certificate for the amount received under sub-rule(1)

¹[(3) The Authorised Collection Centre or Central Record Keeping Agency shall keep a daily account of issued e-Court fee certificates Form-5 in electronic form.]

¹ Substituted vide H.P Court Fee (e-stamping) Amendment Rules, 2016.

¹[26. **Conditions and method for issuing the e-Court Fee Certificate.**—(1) The Central Record Keeping Agency and the Authorised Collection Centre shall ensure that the person, who has been authorised to issue e-Court fee Certificate, have suitable credentials.

(2) The Authorised Official of the Authorised Collection Centre or central Record Keeping Agency, as the case may be, shall on the payment made under rule 25, enter the requisite information and details in the computer system, as provided by the applicant in the application in Form-4 (for value exceeding Rs. 500/-) and get the correctness of such entered details verified by the applicant, download the e-Court fee Certificate, take out its print and issue the same to the applicant.

(3) The non washable permanent black ink or such other appropriate colour and shade as may be determined by the Chief Controlling Authority shall be used for issue the e-Court fee Certificate. The print of every e-court fee certificate shall be bright, clear and distinct and shall not be overlapped.]

27. Size of paper and printed area of e-Court Fee Certificate.—The e-Court fee Certificate, as specified under clause (1) of sub-rule (1) of rule 11, shall be printed or generated in Legal Size Paper of the size 21.5X34.5 cms. with a margin of 3.5 cms. on the left side 1.5 cms. on the right side and 2.0 cms. on top of the paper or such other size or margin paper, as may be determined by the Chief Controlling Authority.

28. Details of e-Court fee Certificate on website.— The details of every issued e-Court Fee Certificate shall be made available on the e-stamping Server (e-SS) maintained by the Central Record Keeping Agency and shall be accessible to any person authorized by the Chief Controlling Authority in this behalf, including the Inspector General of Registration, High Court, District and Session Courts, Sub-Divisional Civil Courts holding a valid code or password which shall be provided by the central Record Keeping Agency.

29. Payment of additional Court fee.—If a person for any reason, who has e-Court fee Certificate of certain denomination issued for a document, needs to pay an additional court fee on the same document, they shall make an application in the form-4 alongwith additional court fee to the Authorized Collection Centre, in accordance with the provisions of the rule 25.

30. Procedure for issuing of additional e-Court fee Certificate.—The Authorized Collection Centre or Central Record Keeping Agency shall issue additional e-Court fee Certificate on separate sheet of paper in accordance with rules 26 and 27.

31. Use of e-Court fees Certificate.—In all kinds of Court cases such as plaint, writ petitions/appeals, etc written upon stamped and impressed paper with impressed paper with an e Court fees Certificate, shall be written in such manner that the e-Court fee Certificate may appear on the top face of such plaint writ petitions etc..

32. The distinguished unique identification number (UIN) of the e-Court fee Certificate.— The distinguished unique identification number of e-Court fee Certificate shall be written or typed at the top right corner of front page of plaint/writ petition/appeals etc.

¹ Substituted vide H.P Court Fee (e-stamping) Amendment Rules, 2016.

33. Verification and locking the details of e-Court fee Certificate.— (1) The authorised Officer shall verify the correctness or authenticity of the e-Court fee Certificate by accessing the relevant website of the Central Record Keeping Agency and entering the Unique Identification Number (UIN) or with the help of using the Bar Codes Scanner. The Authorised Office, after such verification, shall further proceed to file court cases/appeal, etc. and after accepting the court cases/appeal etc. shall lock the said e-Court fee Certificate by using the code and password provided by the Central Record Keeping Agency to prevent re-use of such e-Court fee Certificate.

(2) The e-Court fee Certificate required to be used for optional fileable court cases/appeal or any other purpose may preferably be got verified or authenticated and locked from the authorised officer of High Court, District and Session Courts, Sub-Divisional Civil Courts or any other officer as authorized by the Chief Controlling Authority.

(3) It shall be the responsibility of the authorised officer of High Court, District and Session Courts, Sub-Divisional Civil Courts or any other officer as authorized by the Chief Controlling Authority to verify the authenticity or correctness of any e-Court fee Certificate.

CHAPTER-VII

REFUND OR ALLOWANCES FOR E-COURT FEE CERTIFICATE

34. Procedure for refund of e-Court Fee.—(1) procedure for refund of ‘fee paid on memorandum of appeal’, ‘on application for review of judgement’, and ‘where Court reverses or modifies its former decision on ground of mistake’, an application alongwith e-court fee Certificate shall be made to the District Collector within the stipulated period in accordance with Chapter III of the Act. The application shall be accompanied with the original ‘fee paid on memorandum of appeal’ ‘on application for review of judgment’, and ‘where Court reverses or modifies its former decision on ground of mistake’ e-Court fees Certificate.

(2) The District Collector after verification, by accessing the relevant website of the Central Record Keeping Agency, shall cancel and lock and verified e-Court fee Certificate, endorse the fact of cancellation and shall mark “CANCELLED” on the original e-Court fee Certificate with their signature and seal and refund the entire amount of the court fee paid.

(3) The District Collector shall maintain a record of cancelled e-Court fee Certificates in its office and original cancelled e-Court Fee Certificate shall be kept for office record in a guard file. The report of the same shall be sent to the Chief Controlling Authority in the first week of every month.

(4) The refund, if allowed under sub-rule (2), shall be made by the District Collector by means of refund voucher or cheque drawn in favour of the person, in whose name the e-Court fee Certificate was issued.

CHAPTER-VIII

INSPECTIONS, AUDIT AND APPRAISAL OF THE PERFORMANCE OF THE SYSTEM

35. Inspection.— (1) The District Collector or any authorized officer of his office, not below the rank of District Revenue Officer appointed under the Act, shall inspect all or any of the branch(s) or office(s) of the Central Record Keeping Agency and Authorized Collection Centres located within their jurisdiction, at least twice in a year.

(2) The Chief Controlling Authority may, however, at any time on receipt of a complaint or suo-motu, direct any officer of the Department to inspect any branch or office of the Central Record Keeping Agency or Authorized Collection Centre and shall ask the officer so directed to submit a report.

(3) The Accountant General, Himachal Pradesh may also conduct regular annual audit of the receipts and remittances made by the Central Record Keeping Agency.

(4) The Chief Controlling Authority or its duly authorized officer shall have the powers to inspect the relevant records of any branch(s) or office(s) of the Central Record Keeping Agency situated within the State or outside the State including the branch(s) of the Authorized Collection Centres located within the State, who are looking after the work of e-stamping System relating to the State, at any time convenient to them, without assigning any notice.

36. Providing of information.—The Office-in-charge of the Central Record Keeping Agency and Authorized Collection Centre shall provide information to the inspecting officer on soft or hard copy of any electronic or digital record with regard to the collection and remittance of court fee relating to any period and the concerned Central Record Keeping Agency or Authorised Collection Centre shall be bound to provide such information.

37. Inspection report.—The inspecting officer shall within two weeks from the date of inspection, submit his inspection report to the Chief Controlling Authority.

38. Chief Controlling Authority to take appropriate action.—The Chief Controlling Authority on receipt of such inspection report may take appropriate action including imposition of penalty in accordance with Chapter-V of these rules and may terminate the appointment of Central Record Keeping Agency or the Authorised Collection Centre, if so warranted, after giving an opportunity of being heard.

CHAPTER-IX

ARBITRATION AND PUBLIC GRIEVANCE REDRESSED SYSTEM

39. Grievance Redressal Officer.—The District Collectors and District Revenue Officers shall be the ‘Grievance Redressal Officers’ for conducting an inquiry into the complaint received against the misconduct or irregularities of the Central Record Keeping Agency or its Authorised Collection Centres or any other official in the implementation of the e-Stamping system.

40. Complaint to Grievance Redressal Officer.—Any person who has any grievance against the services of the Central Record Keeping Agency or any of its Authorised Collection Centre or any other official relating to the implementation of these rules, may make a complaint to the concerned Grievance Redressal Officer.

41. Opportunity of being heard.—The Grievance Redressal Officer shall conduct an inquiry with regard to complaints received under rule 40, by giving an opportunity of being heard to the parties concerned and submit the enquiry report to the Chief Controlling Authority with full facts and findings.

42. Action on enquiry reports.—The Chief Controlling Authority shall take appropriate action on enquiry report against the Central Record Keeping Agency or Authorized Collection

Centre or shall make suitable recommendation to the employer of the concerned official for taking appropriate action.

CHAPTER-X

MANAGEMENT INFORMATION SYSTEM (MIS)/DECISION SUPPORT SYSTEM (DSS)

43. Central Record Keeping Agency to furnish reports to the Department.—(1) All the details of court fee collected through Court fee e-stamping system and remitted to the Government account shall be recorded on day-to-day basis by the Central Record Keeping Agency and it shall furnish the following information and reports to the Chief Controlling Authority and to any other authorized officer:—

- (h) audit reports;
- (ii) payment reports;
- (iii) additional Court fee Certificate reports;
- (iv) locked e-Court fee Certificate report;
- (v) remittance reports;
- (vi) cancelled e-Court fee Certificates report; and
- (vii) Any other report or information as may be required by Chief Controlling Authority from time to time.

(2) The extract or reports of Management Information System (MIS) or Decision Support System (DSS) under rule (1) shall be provided by Central Record Keeping Agency from the data captured on e-stamping system server via internet.

CHAPTER-XI

SCOPE, EXTENT AND USE OF E-COURT FEE CERTIFICATE

44. Scope, Extent and use of e-Court Fee certificate.— e-Court fee Challan to be used, in addition to fees by Court fee and stamps to be impressed or adhesive, for all kinds of Court cases such as plaint / writ petition / appeal, etc. of which Court fees are payable under the Act and rules made thereunder.

By order,

Tarun Shridhar,
Addl. Chief Secretary (Revenue).

¹[Form-1
[see rule 6(1)]

AGREEMENT

THIS AGREEMENT is executed and entered into at SHIMLA on this _____ day of _____ BETWEEN the Governor of Himachal Pradesh through the Inspection General of Registration, having his office at 28th Block, SDA Complex, Kasumpti, Shimla-171009, Himachal Pradesh, duly authorised by the Financial Commissioner (Revenue) to the Government of Himachal Pradesh to act as a Chief Controlling Authority on his behalf (hereinafter referred to as the First Party, which expression unless repugnant to the context of meaning thereof shall include his successors in the office and assigns) of the FIRST PART AND THE (..... name of the Central Record keeping Agency.....) having its Registered office at through Shri..... who is duly authorized by the said agency to execute this agreement (hereinafter referred to as the Second Party, which expression, unless repugnant to the context of meaning thereof, shall include its successors) of the SECOND PART.

The First Party and the Second Party are together referred to as the Parties.

“WHEREAS, on the recommendations of the Central Government or after due bidding process the Second Party has been appointed vide Government Notification No.-----date-----by the First Party for the computerized Himachal Pradesh Court fee (e-Stamping) System to denote the payment of Court fee to the Government of Himachal Pradesh issuing the e-Court fee Certificate through its own branches or offices and through the Authorized Collection Centres (hereinafter called as ACCs) or using online platform against a payment of commission or discount @ _____ percent plus applicable taxes, levies, cess etc. of the amount of Court fee so collected through Himachal Pradesh Court fee (e-stamping) System.

AND WHEREAS, the Second Party has agreed to work as a Central Record Keeping Agency within the State of Himachal Pradesh and to develop a system for the collection of the eCourt fee on behalf of the Government of Himachal Pradesh from ultimate purchaser of e-Court fee Certificate.

NOW IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:-

1. That the Second Party agrees to create need based software infrastructure in consultation with the First Party including its connectivity with the main server in the offices of the Inspection General of Registration, Himachal Pradesh High Court, District and Session Courts, Sub-Divisional Civil Courts and Authorized collection Centres, i.e. point of contact for payment of Court fee and at other designated places or offices in the State as specified by the Chief Controlling Authority.
2. That the Second Party shall facilitate in selection of Authorized Collection Centre for collection of Court fee and issuing e-court Fee Certificate.
3. The Second Party shall act as a co-coordinator between the Central Server, Authorized Collection Centres (hereinafter referred as ACCs) and the office of the Inspector General of Registration, Himachal Pradesh High Court, District and Session Courts and Sub-Divisional

¹ Form-1 to Form-6 substituted vide H.P Court Fees (e-stamping) Amendment Rules, 2016.

Civil Courts or any other office or place in the State, as specified by the Chief Controlling Authority.

4. That the Second Party shall collect Court fee on behalf of First Party and generate eCourt fee certificates through the computer system by designated branches of Central Record Keeping Agency, Authorised Collection Centres or the Chief Controlling Authority online platform. Payment gateway charge for online platform will be collected from the purchaser of e-court fees receipt.
5. That the Second Party shall be bound to remit the consolidated amount of Court fee collected by its branches or by its Authorized Collection Centre to relevant head of account of the State Government, in accordance with rule 20 of the Himachal Pradesh Court fee (e-stamping) system (hereinafter called the Rules).
6. That the Second Party shall prepare and provide such reports as may be desired by the First Party from time to time.
7. That the Second Party shall not provide, transfer or share and hardware, software any other technology or details with respect to the e-court fee project undertaken by it in the State to anybody without written permission of the First Party, except the duly appointed ACCs.
8. That the Second Party shall not charge commission or discount exceeding the agreed rate of _____Percent plus applicable taxes, levies, cess etc. of the amount of Court Fee collected through Himachal Pradesh Court Fee (e-stamping) System. The Second Party shall deduct such commission plus taxes from the collected amount of court fee and shall remit the balance amount into the State Exchequer. Further that the commission or discount to the Second Party shall be subject to the condition of clause (a) of rule 20 of these rules.
9. That in case of Second Party fails to remit the amount of collected court fee in the State head of account, within stipulated period, the Second Party shall be liable to pay penalty for delay as provided in Chapter-V of the Rules.
10. That the Second Party shall be liable to compensate any loss caused to the State of Himachal Pradesh due to violations of any terms and conditions of this Agreement or any of the provisions of these rules.
11. That the Second Party shall not change the location or increase the number of ACCs without prior written permission of the First Party.
12. That the First Party shall have the power to inspect the relevant records of the Second Party or its ACCs without assigning any notice.
13. That the terms and conditions of the agreement may be altered or supplemented by the Parties depending upon the circumstances which may Warrant any such change for the smooth operations of the court fee payment or collections.
14. That the Second Party shall ensure that service of Computerized Court Fee System (CCFS) shall be operational and accessible to any person during Monday to Saturday during banking hours.
15. That the Second Party shall ensure that the system shall have the logging capacity for at least four hundred user at a time.
16. That the training for operation and the use of the system, to the identified manpower or personnel's of the Department shall be provided by the Second Party at the place decided by the First Party. Further that the Second Party shall be responsible for arranging and providing all the necessary facilities, equipment and premises required for conducting the training at their own cost.

17. That the periodic intervals to be mutually decided by the Parties the refresher courses on any up-gradation, modification to the system shall be provided by the Second Party.
18. That notwithstanding anything contained in the Agreement, the failures or delay in performing the obligations hereunder arising from any cause beyond the reasonable control including acts of God, acts of civil or military authority, fires, epidemics, wars, terrorist acts, riots, earthquakes storms, typhoons, floods and such other circumstances beyond the control of Parties in the event of any delay, the time for the Second Party's to perform their part shall be extended for a period of equal to the time lost by reason of such delay. Further that if the contingency cannot be removed permanently or by extending the period beyond two months, the Agreement, upon notice, served by the First Party, the Second Party shall be relieved from the contractual obligations by terminating the agreement, except to the rights to which they may be entitled to a settlement and final accounting.
19. That in the event of any dispute or difference or controversy or claim arising between the parties in connection with or under the agreement, shall as far as possible, be settled amicably and failing which all such disputes shall be referred to Chief Controlling Authority and his decision thereon shall be final.

IN WITNESS WHEREOF, the parties hereunto have set their hand on the first above written and Sh.the Inspector General of Registration, Himachal Pradesh acting on behalf of the First Party and Sh.....for and on behalf of the Second Party.

(FIRST PARTY)

In the presence of Witnesses:

(1) Signature:
Name:
Address:

(2) Signature:
Name:
Address:

(SECOND PARTY)

In the presence of Witnesses

(1) Signature:
Name:
Address:

(2) Signature:
Name:
Address:

Place: SHIMLA

Dated:.....

**“Form – 2
[See rule 6-(3)]**

(To be executed by the Central Record keeping Agency on Court Fee of Rs 50/-)

Undertaking–cum-Indemnity Bond

This Undertaking is made and executed at _____ on this _____ day of _____, 2015 by Shri _____ S/o _____ acting as (official designation in the Central Record Keeping Agency) and Authorised Signatory for and on behalf of (name of the Central Record Keeping Agency) having its registered office at _____ (hereinafter referred to as the First Party, which expression shall, unless repugnant to the context or meaning thereof shall mean and include their successors, or legal representatives, or assigns, Heirs, etc.) and IN FAVOUR OF THE Government of Himachal Pradesh (hereinafter referred to as the Second Party, which expression shall, unless repugnant to the context or meaning thereof shall mean and include their successors, or legal representatives, or assigns, Heirs, etc.).

The First Party and the Second Party are together referred to as the Parties.

WHEREAS, the First Party has appointed by the Government of Himachal Pradesh vide notification No. _____ dated _____, to act as “Central Record Keeping Agency” and has thus been authorised by the Government for the Computerized Court Fee Administration System to denote the payment of Court fee to the Government of Himachal Pradesh and issuing the e-Court Fee Certificate through its own branches or offices or through the Authorised Collection Centres or using online platform.

AND WHEREAS, THE First Party has agreed to fulfil all the terms and conditions as provided in the agreement executed by the parties on dated _____ and also to undertake and keep indemnified the Second Party against all or any loss suffered by the Second Party due to any mishandling, misconduct, negligence or any irregularity of any kind whatsoever caused by the First Party or its Authorised Collection Centres.

AND WHEREAS, the First Party has agreed to the obedience and observance of terms and conditions of the agreement ibid and provisions of the Himachal Pradesh Court fee (e-stamping) Rules, 2015 and any other order issued by the Government or the Department under these rules.

AND WHEREAS, in order to fulfil the aforesaid requirements the First Party by executing this present Bond, undertakes to indemnify the Second Party as follows.-

- (i) the First Party has carefully read and understood the Himachal Pradesh Court Fee (estamping) Rules, 2015 and the terms of the Agreement executed on _____ and hereby undertakes that the provisos of the aforesaid Rules and the conditions of the said Agreement shall not be violated at any level;
- (ii) the First Party hereby undertakes that the Authorised Collection Centers shall not be notified without and prior approval of the Second Party;
- (iii) the First Party undertakes that any of its employee(s) or the employee(s) of its Authorised Collection Centers directly or indirectly shall not misuse or cause to be misused the authorization of Court Fee; and

- (iv) the First Party hereby undertakes to keep the Second Party always indemnified against all or any of the loss or any risk arising out of any mishandling, misconduct, negligence or any irregularity of any kind whatsoever caused by the First Party or its Authorised Collection Centers.

IN WITNESS WHEREOF THE FIRST PARTY HEREIN HAS SET AND SUBSCRIBED ITS RESPECTIVE HANDS AND SEALS ON THE ABOVE WRITTEN UNDERTAKING BOND.

SIGNED, SEALED AND DELIVERED BY
(With name and address of First Party)

In the presence of :

- (1) Signature:
Name:
Address:
- (2) Signature:
Name:
Address:

“Form-4**[See rule 24]**

(For the use of Court fee payer)
Application For e-Court Fee Certificate
(For Value above Rs. 500/-)

Part-1

e-Court fee Receipt Application Form

Date of Application-


SHCIL e-Court fee		(To be filled in by the client)	
Name of the Litigant(s)		Phone No.	Mobile
e-court fee Amount		Type of payment	<input type="checkbox"/> cheque <input type="checkbox"/> DD <input type="checkbox"/> Pay-Order <input type="checkbox"/> NEFT <input type="checkbox"/> RTGS <input type="checkbox"/> Account to Account Transfer
Details of Cheque/DD/PO/UTR/RTGS/NEFT/Funds Transfer Account No.			Date: / / 20
Bank Name		Branch Name	
Signature of the applicant			

Part II


SHCIL e-Court fee		Acknowledgement		(To be filled in by the client)	
Name of the Litigant(s)		Phone No.	Mobile		
e-court fee Amount		Type of payment	<input type="checkbox"/> cheque <input type="checkbox"/> DD <input type="checkbox"/> Pay-Order <input type="checkbox"/> NEFT <input type="checkbox"/> RTGS <input type="checkbox"/> Account to Account Transfer		
Details of Cheque/DD/PO/UTR/RTGS/NEFT/Funds Transfer Account No.				Date: / / 20	
Bank Name		Branch Name			
Signature and Seal of SHCIL					

Note:-- At the time of applying for e-court fee the applicant shall be given an acknowledgement as per part II of this form and the applicant shall have to produce and surrender the same to called the e-court fee receipt.

Part-B

GOVERNMENT OF HIMACHAL PRADESH e-Court Fee		 सत्यमेव जयते
DATE & TIME:	-----	
NAME OF THE ACC/REGISTERED USER:	-----	
LOCATION:	-----	
e-COURT RECEIPT NO:	-----	
e-COURT FEE AMOUNT:	-----	
	(Rs. in words) -----	
<p> </p> <p>TSCT032811555L645</p>		
Statutory Alert:	the authenticity of this e-Court fee receipt should be varified at w.w.w.shcilestamp.com. any discrepancy in the details on this receipt and as available on the website renders it invalid. In case of any discrepancy please inform the competent Authority. This receipt is valid only after varification & locking by the court official.	

Part-C

GOVERNMENT OF HIMACHAL PRADESH e-Court Fee		 सत्यमेव जयते
DATE & TIME:	-----	
NAME OF THE ACC/REGISTERED USER:	-----	
LOCATION:	-----	
e-COURT RECEIPT NO:	-----	
e-COURT FEE AMOUNT:	-----	
<p> </p> <p>TSCT034811555L646</p>		
Statutory Alert:	the authenticity of this e-Court fee receipt should be varified at w.w.w.shcilestamp.com. any discrepancy in the details on this receipt and as available on the website renders it invalid. In case of any discrepancy please inform the competent Authority. This receipt is valid only after varification & locking by the court official.	

- **THE INDIAN REGISTRATION ACT, 1908.**
- **THE INDIAN REGISTRATION (H.P. AMENDMENT) ACT, 1968**
- **THE HIMACHAL PRADESH DOCUMENT WRITERS LICENSING RULES, 1971**
- **THE HIMACHAL PRADESH REGISTRATION MANUAL.**

THE INDIAN REGISTRATION ACT, 1908

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THE REGISTRATION ACT, 1908

ACT NO. 16 OF 1908¹

(18th December, 1908)

An Act to consolidate the enactments relating to the Registration of Documents.

Whereas it is expedient to consolidate the enactments relating to the registration of documents; it is hereby enacted as follows:—

PART I PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the ²[***]Registration Act, 1908.

³(2) It extends to the whole of India ⁴[***]:

Provided that the State Government may exclude any districts or tracts of country from its operation

(3) It shall come into force on the first day of January, 1909.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

- (1) “Addition” means the place of residence, and the profession, trade, rank and title (if any) of a person described, and, in the case of ⁵[an Indian], ⁶[***] his father's name, or where he is usually described as the son of his mother, then his mother's name;
- (2) “Book” includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book;
- (3) “District” and “sub-district” respectively mean a district and sub-district formed under this Act;
- (4) “District Court” includes the High Court in its ordinary original civil jurisdiction;

¹ It has been amended in its application to West Bengal by Ben. Act 5 of 1942 and West Ben. Acts 29 of 1950 and 31 of 1951; to Maharashtra by Bombay Acts 5 of 1929, 17 of 1930, 18 of 1933, 24 of 1939, 10 of 1939, 10 of 1942 and 6 of 1960, Maharashtra Acts 19 of 1960 and 20 of 1971; to the C.P. Act 1 of 1937 and M.P. Act 8 of 1965; to Madras and Andhra by Madras Acts 3 of 1935 and 17 of 1952; to Orissa by Orissa Act 3 of 1933; to the Punjab by Punjab Act 8 of 1941 and 19 of 1961; to Bihar by Bihar Acts 14 of 1947 and 24 of 1952; to Kerala by Kerala Act 7 of 1968; to Himachal Pradesh by H.P. Act 2 of 1969; to Pondicherry by Pondicherry Act 17 of 1970; to Uttar Pradesh by U.P. Acts 14 of 1971, 48 of 1975 and 57 of 1976; to Haryana by Haryana Act 36 of 1973; to Maharashtra by Maharashtra Acts 29 of 1974 and 49 of 1975; to Tamil Nadu by T.N. Act 31 of 1974; to Orissa by Orissa Act 11 of 1976 and to West Bengal by West Ben. Act 17 of 1978.

This Act has been extended to—

Dadra and Nagar Haveli by Reg. 6 of 1963, s.2 and First Schedule, Goa, Daman and Diu by Reg. 11 of 1963, s. 3 and Schedule and the whole of the Union territory of Lakshadweep by Reg. 8 of 1965, s.3 and Schedule. Pondicherry by Act 26 of 1968, s. 3 and Schedule.

² The word “Indian” omitted by Act 45 of 1969, s. 2. (w.e.f. 26-12-1969)

³ Subs. by Act 3 of 1951, s. 3 and the Schedule, for sub-section (2)

⁴ The words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

⁵ Subs. by A.O. 1950, for “a Native of India”.

⁶ The words and brackets “his cast (if any) and” omitted by Act 17 of 1956, s.2.

- (5) “Endorsement” and “endorsed” include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act;
- (6) “Immovable Property” includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth, or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops nor grass;
- ¹[(6A) “India” means the territory of India excluding the State of Jammu and Kashmir;]
- (7) “Lease” includes a counterpart, kabuliyat, and undertaking to cultivate or occupy, and an agreement to lease;
- (8) “Minor” means a person who, according to the personal law to which he is subject, has not attained majority;
- (9) “Movable Property” includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immovable property; and
- (10) “Representative” includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot.

²[* * * * *]

PART II OF THE REGISTRATION-ESTABLISHMENT

3. **Inspector-General of Registration.**—(1) The ³[State Government] shall appoint an officer to be the Inspector-General of Registration for the territories subject to such Government:

Provided that the ²[State Government] may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector-General shall be exercised and performed by such officer or officers, and within such local limits, as the ³[State Government] appoints in this behalf.

(2) Any Inspector-General may hold simultaneously any other office under the ⁴[Government].

4. [*Branch Inspector-General of Sindh.*]—*Rep. by the Government of India (Adaptation of Indian Laws) Order, 1937.*

5. **Districts and sub-districts.**—(1) For the purposes of this Act, the ³[State Government] shall form districts and sub-districts, and shall prescribe, and may alter, the limits of such districts and sub-districts.

(2) The districts and sub-districts formed under this section, together with the limits thereof, and every alternation of such limits, shall be notified in the ⁵[Official Gazette].

(3) Every such alternation shall take effect on such day after the date of the notification as is therein mentioned.

¹ Ins. by Act 3 of 1951, s. 3 and the Schedule.

² Clause (11) omitted by Act 3 of 1951, s. 3 and Schedule. Earlier it was inserted by the A.O. 1950.

³ Subs. by the A.O. 1950, for “Provincial Government”.

⁴ Subs., *ibid.*, for “the Crown”.

⁵ Subs. by the A.O. 1937, for “Local Official Gazette”.

6. **Registrars and Sub-Registrars.**—The ¹[State Government] may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively.

²[* * * * *]

7. **Offices of Registrar and Sub-Registrar.**—(1) The ¹[State Government] shall establish in every district an office to be styled the office of the Registrar and in every sub-district an office or offices to be styled the office of the Sub-Registrar or the offices of the Joint Sub-Registrars.

(2) The ¹[State Government] may amalgamate with any office of a Registrar, any office of a Sub-Registrar subordinate to such Registrar, and may authorise any Sub-Registrar whose office has been so amalgamated to exercise and perform, in addition to his own powers and duties, all or any of the powers and the duties of the Registrar to whom he is subordinate:

Provided that no such authorisation shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act.

8. **Inspectors of Registration offices.**—(1) The ¹[State Government] may also appoint officers to be called Inspectors of Registrations offices, and may prescribe the duties of such officers.

(2) Every such Inspector shall be subordinate to the Inspector-General.

9. *[Military cantonments may be declared sub-districts or districts.]Rep.by the Repealing and Amending Act, 1927 (10 of 1927), s. 3 and Second Schedule.]*

10. **Absence of Registrar or vacancy in his office.**—(1) When any Registrar, other than the Registrar of a district including a Presidency-town, is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector-General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, shall be the Registrar during such absence or until the ¹[State Government] fills up the vacancy.

(2) When the Registrar of a district including a Presidency-town is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector-General appoints in this behalf shall be the Registrar during such absence, or until the ¹[State Government] fills up the vacancy.

11. **Absence of Registrar on duty in his district.**—When any Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district to perform, during such absence, all the duties of a Registrar except those mentioned in sections 68 and 72.

12. **Absence of Sub-Registrar or vacancy in his office.**—When any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be Sub-Registrar during such absence, or until ³[the vacancy is filled up].

¹ Subs. by the A.O. 1950, for "Provincial Government".

² The proviso rep. by the A.O. 1937. Earlier it was inserted by Act 4 of 1914, s. 2 and the Schedule.

³ Subs. by Act 4 of 1914, s. 2 and the Schedule, for "the Local Government fills up the vacancy".

13. Report to State Government of appointments under sections 10, 11 and 12.—(1)
^{1***} All appointments made under section 10, section 11 or section 12 shall be reported to the
²[State Government] by the Inspector-General.

(2) Such report shall be either special or general, as the ²[State Government] directs.

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14. Establishments of registering officers.—^{4***}

(2) The ²[State Government] may allow proper establishments for the several offices under this Act.

15. Seal of registering officers.—The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the ²[State Government] directs:—"The seal of the Registrar (or of the Sub-Registrar) of".

16. Register, books and fire-proof boxes.—(1) The ²[State Government] shall provide for the office of every registering officer the books necessary for the purposes of this Act.

(2) The books so provided shall contain the forms from time to time prescribed by the Inspector-General, with the sanction of the ¹[State Government], and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

(3) The ²[State Government] shall supply the office of every Registrar with a fire-proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such district.

⁵[16A. **Keeping of books in computer floppies, diskettes, etc.—**(1) Notwithstanding anything contained in section 16, the books provided under sub-section (1) of that section may also be kept in computer floppies or diskettes or in any other electronic form in the manner and subject to the safeguards as may be prescribed by the Inspector-General with the sanction of the State Government.

(2) Notwithstanding anything contained in this Act or in any other law for the time being in force, a copy or extracts from the books kept under sub-section (1) given by the registering officer under his hand and seal shall be deemed to be a copy given under section 57 for the purposes of sub-section (5) of that section.]

PART III OF REGISTRABLE DOCUMENTS

17. Documents of which registration is compulsory.—(1) The following documents shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or the Indian Registration Act,

¹ The words and figure "All appointments made by the Inspector-General under section 6 and" rep. by the A.O. 1937. Earlier these words and figure were ins. by Act 4 of 1914, s. 2 and the Schedule.

² Subs. by the A.O. 1950, for "Provincial Government".

³ Sub-section (3) rep. by the A.O. 1937.

⁴ Sub-section (1) rep., *ibid.*

⁵ Ins. by Act 48 of 2001, s. 2 (w.e.f. 24-9-2001).

1866, or the Indian Registration Act, 1871, or the Indian Registration Act, 1877, or this Act came or comes into force, namely:—

- (a) instruments of gift of immovable property;
- (b) other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property;
- (c) non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and
- (d) leases of immovable property from year to year, or for any term exceeding one year, or reserving a yearly rent;
- ¹[(e) non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property:]

Provided that the ²[State Government] may, by order published in the ³[Official Gazette], exempt from the operation of this sub-section any lease executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

⁴[(1A) The documents containing contracts to transfer for consideration, any immovable property for the purpose of section 53A of the Transfer of Property Act, 1882 (4 of 1882) shall be registered if they have been executed on or after the commencement of the Registration and Other Related laws (Amendment) Act, 2001 (48 of 2001) and if such documents are not registered on or after such commencement, then, they shall have no effect for the purposes of the said section 53A.]

(2) Nothing in clauses (b) and (c) of sub-section (1) applies to—

- (i) any composition deed; or
- (ii) any instrument relating to shares in a joint stock Company, notwithstanding that the assets of such Company consist in whole or in part of immovable property; or
- (iii) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest, to or in immovable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or
- (iv) any endorsement upon or transfer of any debenture issued by any such Company; or

¹ Ins. by Act 21 of 1929, s. 10.

² Subs. by the A.O. 1950, for “Provincial Government”.

³ Subs. by the A.O. 1937, for “Local Official Gazette”.

⁴ Ins. by Act 48 of 2001, s. 3 (w.e.f. 24-9-2001).

- (v) ¹[any document other than the documents specified in sub-section (1A)] not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest of the value of one hundred rupees and upwards to or in immovable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest; or
- (vi) any decree or order of a Court ²[except a decree or order expressed to be made on a compromise and comprising immovable property other than that which is the subject-matter of the suit or proceeding]; or
- (vii) any grant of immovable property by ³[Government]; or
- (viii) any instrument of partition made by a Revenue-Officer; or
- (ix) any order granting a loan or instrument of collateral security granted under the Land Improvement Act, 1871 (26 of 1871), or the Land Improvement Loans Act, 1883 (19 of 1883); or
- (x) any order granting a loan under the Agriculturists, Loans Act, 1884 (12 of 1884), or instrument for securing the repayment of a loan made under that Act; or
- ⁴[(xa) any order made under the Charitable Endowments Act, 1890 (6 of 1890), vesting any property in a Treasurer of Charitable Endowments or divesting any such Treasurer of any property; or]
- (xi) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage; or
- (xii) any certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue-Officer.

⁵[*Explanation.*—A document purporting or operating to effect a contract for the sale of immovable property shall not be deemed to require or ever to have required registration by reason only of the fact that such document contains a recital of the payment of any earnest money or of the whole or any part of the purchase money.]

(3) Authorities to adopt a son, executed after the 1st day of January, 1872, and not conferred by a will, shall also be registered.

18. Documents of which registration is optional.—Any of the following documents may be registered under this Act, namely:—

- (a) Instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property;
- (b) instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest;
- (c) leases of immovable property for any term not exceeding one year, and leases exempted under section 17;

¹ Subs. by Act 48 of 2001, s. 3, for “any document” (w.e.f. 24-9-2001)

² Subs. by Act 21 of 1929, s. 10, for “and any award”.

³ Subs. by the A.O. 1950, for “Crown”.

⁴ Ins. by Act 39 of 1948, s. 2.

⁵ Ins by Act 2 of 1927, s. 2.

- ¹[(cc) instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property;]
- (d) instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in movable property;
- (e) wills; and
- (f) all other documents not required by section 17 to be registered.

STATE AMENDMENT

Himachal Pradesh

3. **Insertion of new section 18A.**- In the Indian Registration Act, 1908 (16 of 1908) (hereinafter referred to as the principal Act), after section 18, the following section shall be inserted, namely;

“18-A. Documents for registration to be accompanied by a true copy.- Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document presented to him for registration unless such document is accompanied by a true copy thereof.”

[*Vide* Himachal Pradesh Act 2 of 1969, s. 3]

19. **Documents in language not understood by registering officer.**—If any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in the district, he shall refuse to register the documents, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy.

STATE AMENDMENT

Himachal Pradesh

Amendment of section 19.- In section 19 of the principal Act, for the words "a true translation", the words "two copies of the true translation" shall be substituted.

[*Vide* Himachal Pradesh Act 2 of 1969, s. 4]

20. **Documents containing interlineations, blanks, erasures or alterations.**—(1) The registering officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration.

(2) If the registering officer registers any such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.

21. **Description of property and maps or plans.**—(1) No non-testamentary document relating to immovable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

¹ Ins. by Act 33 of 1940, s. 2.

(2) Houses in towns shall be described as situate on the north or other side of the street or road (which should be specified) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered.

(3) Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

(4) No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it is accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.

22. Description of houses and land by reference to Government maps or surveys.-(1) Where it is, in the opinion of the ¹[State Government], practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the ¹[State Government] may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.

(2) Save as otherwise provided by any rule made under sub-section (1), failure to comply with the provisions of section 21, sub-section (2) or sub-section (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property.

PART IV OF THE TIME OF PRESENTATION

23. Time for presenting documents.—Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution:

Provided that a copy of a decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final.

²[23A. **Re-registration of certain documents.**—Notwithstanding anything to the contrary contained in this Act, if in any case a document requiring registration has been accepted for registration by a Registrar or Sub Registrar from a person not duly empowered to present the same, and has been registered, any person claiming under such document may, within four months from his first becoming aware that the registration of such document is invalid, present such document or cause the same to be presented, in accordance with the provisions of Part VI for re-registration in the office of the Registrar of the district in which the document was originally registered; and upon the Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to the re-registration of the document as if it has not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the time allowed therefore under Part IV, and all the provisions of this

¹ Subs. by the A.O. 1950, for "Provincial Government".

² Ins. by Act 15 of 1917, s. 2.

Act, as to registration of documents, shall apply to such registration; and such document, if duly re-registered in accordance with the provisions of this section, shall be deemed to have been duly registered for all purposes from the date of its original registration:

Provided that, within three months from the twelfth day of September, 1917, any person claiming under a document to which this section applies may present the same or cause the same to be presented for registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid.]

24. Documents executed by several persons at different times.—Where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

25. Provision where delay in presentation is unavoidable.—(1) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in ¹[India] is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that, on payment of a fine not exceeding ten times the amount of the proper registration-fee, such document shall be accepted for registration.

(2) Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

26. Documents executed out of India.—When a document purporting to have been executed by all or any of the parties out of ²[India] is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied—

(a) that the instrument was so executed, and

(b) that it has been presented for registration within four months after its arrival in ²[India], may, on payment of the proper registration-fee accept such document for registration.

27. Wills may be presented or deposited at any time.—A will may at any time be presented for registration or deposited in manner hereinafter provided.

PART V OF THE PLACE OF REGISTRATION

28. Place for registering documents relating to land.—Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1), clauses (a), (b), (c) ²[(d) and (e), section 17, sub-section (2), insofar as such document affects immovable property,] and section 18, clauses (a), (b) ³[(c) and (cc),] shall be presented for registration in the office of a Sub-Registrar within whose sub district the whole or some portion of the property to which such document relates is situate.

29. Place for registering other documents.—(1) Every document ⁴[not being a document referred to in section 28 or a copy of a decree or order], may be presented for registration either in

¹ Subs. by Act 3 of 1951, s. 3 and the Schedule, for “the State”.

² Subs. by Act 33 of 1940, s. 3, for “and (d)”.

³ Subs. by Act 33 of 1940, s. 3, for “and (c)”.

⁴ Subs. by Act 32 of 1940, s. 3 and the first Schedule, for certain words.

the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub Registrar under the ¹[State Government] at which all the persons executing and claiming under the document desire the same to be registered.

(2) A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or, where the decree or order does not affect immovable property, in the office of any other Sub-Registrar under the ²[State Government] at which all the persons claiming under the decree or order desire the copy to be registered.

30. Registration by Registrars in certain cases.—(1) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

5* * * *

31. Registration or acceptance for deposit at private residence.—In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer authorised to accept the same for registration or deposit:

Provided that such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

PART VI OF PRESENTING DOCUMENTS FOR REGISTRATION

32. Persons to present documents for registration.—Except in the cases mentioned in ³[sections 31, 88 and 89], every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration-office,—

- (a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or
- (b) by the representative or assign of such person, or
- (c) by the agent of such person, representative or assign, duly authorised by power-of-attorney executed and authenticated in manner hereinafter mentioned.

⁴[32A. **Compulsory affixing of photograph, etc.**—Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and fingerprints to the document:

Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph and fingerprints of each buyer and seller of such property mentioned in the document shall also be affixed to the document.]

33. Power-of-attorney recognisable for purposes of section 32.—(1) For the purposes of section 32, the following powers-of-attorney shall alone be recognized, namely:—

¹ Subs. by the A.O. 1950, for “Provincial Government”.

² Sub-section (2) omitted by Act 48 of 2001, s. 4 (w.e.f. 24-9-2001).

³ Subs. by Act 39 of 1948, s. 3, for “section 31 and section 89”.

⁴ Ins. by Act 48 of 2001, s. 5 (w.e.f. 24-9-2001).

- (a) if the principal at the time of executing the power-of-attorney resides in any part of ¹[India] in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides;
- (b) if the principal at the time aforesaid ²[resides in any part of India in which this Act is not in force], a power-of-attorney executed before and authenticated by any Magistrate;
- (c) if the principal at the time aforesaid does not reside in ³[India], a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, ⁴[Indian] Consul or Vice-Consul, or representative ^{5***} of the Central Government: Provided that the following persons shall not be required to attend at any registration-office or Court for the purpose of executing any such power-of-attorney as is mentioned in clauses (a) and (b) of this section, namely:—
 - (i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;
 - (ii) persons who are in jail under civil or criminal process; and
 - (iii) persons exempt by law from personal appearance in Court.

⁶[*Explanation.*—In this sub-section “India” means India, as defined in clause (28) of section 3 of the General Clauses Act, 1897 (10 of 1897).]

(2) In the case of every such person the Registrar or Sub-Registrar or Magistrate, as the case may be, if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court aforesaid.

(3) To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

(4) Any power-of-attorney mentioned in this section may be proved by the production of it without further proof when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

34. Enquiry before registration by registering officer.—(1) Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorised as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26:

Provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may

¹ Subs. by Act 3 of 1951, s. 3 and the Schedule, for “the State”.

² Subs. by Act 3 of 1951, s. 3 and the Schedule, for “resides in any other part of the States”.

³ Subs. by s. 3, *ibid.*, and the Schedule, for “the State”.

⁴ Subs. by the A.O. 1950, for “British”.

⁵ The words “of His Majesty or” omitted, *ibid.*

⁶ Ins. by Act 3 of 1951, s. 3 and the Schedule.

direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, in addition to the fine, if any, payable under section 25, the document may be registered.

(2) Appearances under sub-section (1) may be simultaneous or at different times.

(3) The registering officer shall thereupon—

- (a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;
- (b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and
- (c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

(4) Any application for a direction under the proviso to sub-section (1) may be lodged with a Sub Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

(5) Nothing in this section applies to copies of decrees or orders.

35. Procedure on admission and denial of execution respectively.—(1) (a) If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the person they represent themselves to be, and if they all admit the execution of the document, or

(b) if in the case of any person appearing by a representative, assign or agent, such representative, assign or agent admits the execution, or

(c) if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution, the registering officer shall register the document as directed in sections 58 to 61 inclusive.

(2) The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

(3)(a) If any person by whom the document purports to be executed denies its execution, or

(b) if any such person appears to the registering officer to be a minor, an idiot or a lunatic, or

(c) if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution, the registering officer shall refuse to register the document as to the person so denying, appearing or dead:

Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII:

¹[Provided further that the ²[State Government] may, by notification in the ³[Official Gazette], declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, be deemed to be a Registrar for the purposes of this sub-section and of Part XII.]

¹ Ins. by Act 13 of 1926, s. 2.

² Subs. by the A.O. 1950, for “Provincial Government”.

³ Subs. by the A.O. 1939, for “Local Official Gazette”.

PART VII
OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES

36. **Procedure where appearance of executant or witness is desired.**—If any person presenting any document for registration or claiming under any document, which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such Officer or Court as the ²[State Government] directs in this behalf to issue a summons requiring him to appear at the registration office, either in person or by duly authorised agent, as in the summons may be mentioned, and at a time named therein.

37. **Officer or Court to issue and cause service of summons.**—The officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

38. **Persons exempt from appearance at registration-office.**—(1) (a) A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration-office, or

(b) a person in jail under civil or criminal process, or

(c) person exempt by law from personal appearance in Court, and who would but for the provisions next hereinafter contained be required to appear in person at the registration-office, shall not be required so to appear.

(2) In the case of every such person the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him or issue a commission for his examination.

39. **Law as to summonses, commissions and witnesses.**—The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.

PART VIII
OF PRESENTING WILLS AND AUTHORITIES TO ADOPT

40. **Persons entitled to present wills and authorities to adopt.**—(1) The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub Registrar for registration.

(2) The donor, or after his death the donee, of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

41. **Registration of wills and authorities to adopt.**—(1) A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

(2) A will or authority to adopt presented for registration by any other person entitled to present it shall be registered if the registering officer is satisfied—

(a) that the will or authority was executed by the testator or donor, as the case may be;

(b) that the testator or donor is dead; and

- (c) that the person presenting the will or authority is, under section 40, entitled to present the same.

PART IX OF THE DEPOSIT OF WILLS

42. Deposit of wills.—Any testator may, either personally or by duly authorised agent, deposit with any Registrar his will in a sealed cover supercribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document.

43. Procedure on deposit of wills.—(1) On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his Register-book No. 5 the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

(2) The Registrar shall then place and retain the sealed cover in his fire-proof box.

44. Withdrawal of sealed cover deposited under section 42.—If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorised agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

45. Proceedings on death of depositor.—(1) If, on the death of a testator who has deposited a sealed cover under section 42, application be made to the Registrar who holds it in deposit to open the same, and if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence, open the cover, and, at the applicant's expense, cause the contents thereof to be copied into his Book No. 3.

(2) When such copy has been made, the Registrar shall re-deposit the original will.

46. Saving of certain enactments and powers of Courts.—(1) Nothing hereinbefore contained shall affect the provisions of section 259 of the Indian Succession Act, 1865 (10 of 1865), or of section 81 of the Probate and Administration Act, 1881 (5 of 1881), or the power of any Court by order to compel the production of any will.

(2) When any such order is made, the Registrar shall, unless the will has been already copied under section 45, open the cover and cause the will to be copied into his Book No. 3 and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

PART X OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION

47. Time from which registered document operates.—A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

48. Registered documents relating to property when to take effect against oral agreements.—All non-testamentary documents duly registered under this Act, and relating to any property, whether movable or immovable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been

accompanied or followed by delivery of possession ¹[and the same constitutes a valid transfer under any law for the time being in force:

Provided that a mortgage by deposit of title-deeds as defined in section 58 of the Transfer of Property Act, 1882 (4 of 1882), shall take effect against any mortgage-deed subsequently executed and registered which relates to the same property.]

49. Effect of non-registration of documents required to be registered.—No document required by section 17 ¹[or by any provision of the Transfer of Property Act, 1882 (4 of 1882)], to be registered shall—

- (a) affect any immovable property comprised therein, or
- (b) confer any power to adopt, or
- (c) be received as evidence of any transaction affecting such property or conferring such power, unless it has been registered:

¹[Provided that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act, 1882 (4 of 1882), to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877 (1 of 1877)², ^{3***} or as evidence of any collateral transaction not required to be effected by registered instrument.]

50. Certain registered documents relating to land to take effect against unregistered documents.—(1) Every document of the kinds mentioned in clauses (a), (b), (c) and (d) of section 17, sub-section (1), and clauses (a) and (b) of section 18, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

(2) Nothing in sub-section (1) applies to leases exempted under the proviso to sub-section (1) of section 17 or to any document mentioned in sub-section (2) of the same section, or to any registered document which had not priority under the law in force at the commencement of this Act.

Explanation.—In cases, where Act No. 16 of 1864 or the Indian Registration Act, 1866 (20 of 1866), was in force in the place and at the time in and at which such unregistered document was executed, “unregistered” means not registered according to such Act, and, where the document is executed after the first day of July, 1871, not registered under the Indian Registration Act, 1871 (8 of 1871), or the Indian Registration Act, 1877 (3 of 1877), or this Act.

PART XI OF THE DUTES AND POWERS OF REGISTERING OFFICERS

(A) As to the Register-books and Indexes

51. Register-books to be kept in the several offices.—(1) The following books shall be kept in the several offices hereinafter named, namely:—

A—In all registration offices—

Book 1, “Register of non-testamentary documents relating to immovable property”;

¹ Ins. by Act 21 of 1929, s. 10.

² See now the Specific Relief Act, 1963 (47 of 1963).

³ The words, figures and letter “or as evidence of part performance of a contract for the purposes of section 53A of the Transfer of Property Act, 1882 (4 of 1882)” omitted by Act 48 of 2001, s. 6 (w.e.f. 24-9-2001).

Book 2, “Record of reasons for refusal to register”;
 Book 3, “Register of wills and authorities to adopt”; and
 Book 4, “Miscellaneous Register”.

B—In the offices of Registrars—

Book 5, “Register of deposits of wills”;

(2) In Book 1 shall be entered or filed all documents or memoranda registered under sections 17, 18 and 89 which relate to immovable property, and are not wills.

(3) In Book 4 shall be entered all documents registered under clauses (d) and (f) of section 18 which do not relate to immovable property.

(4) Nothing in this section shall be deemed to require more than one set of books where the office of the Registrar has been amalgamated with the office of a Sub-Registrar.

52. Duties of registering officers when document presented.—(1) (a) The day, hour and place of presentation, ¹[the photographs and finger prints affixed under section 32A], and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it;

(b) a receipt for such document shall be given by the registering officer to the person presenting the same; and

(c) subject to the provisions contained in section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriated therefore according to the order of its admission.

(2) All such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector-General.

STATE AMENDMENT

Himachal Pradesh

Amendment of section 52.- In section 52 of the principal Act, for clause (c) of sub-section (1), the following clause shall be substituted, namely:-

“(c) subject to the provisions contained in section 62, a copy of every document admitted to registration shall, without unnecessary delay be pasted in the book appropriated therefore according to the order of admission of the document.”

[*Vide* Himachal Pradesh Act 2 of 1969, s. 5]

53. Entries to be numbered consecutively.—All entries in each book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

54. Current indexes and entries therein.—In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, immediately after the registering officer has copied, or filed a memorandum of, the document to which it relates.

¹ Ins. by Act 48 of 2001, s. 7 (w.e.f. 24-9-2001)

55. Indexes to be made by registering officers, and their contents.—(1) Four such indexes shall be made in all registration offices, and shall be named, respectively, Index No. I, Index No. II, Index No. III and Index No. IV.

(2) Index No. I shall contain the names and additions of all persons executing and of all persons claiming under every document entered or memorandum filed in Book No. 1.

(3) Index No. II shall contain such particulars mentioned in section 21 relating to every such document and memorandum as the Inspector-General from time to time directs in that behalf.

(4) Index No. III shall contain the names and additions of all persons executing every will and authority entered in Book No. 3, and of the executors and persons respectively appointed there under, and after the death of the testator or the donor (but not before) the names and additions of all persons claiming under the same.

(5) Index No. IV shall contain the names and additions of all persons executing and of all persons claiming under every document entered in Book No. 4.

(6) Each Index shall contain such other particulars, and shall be prepared in such form, as the Inspector-General from time to time directs.

56. [Copy of entries in Indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar and filed.] Rep. by the Indian Registration (Amendment) Act, 1929 (15 of 1929), s. 2.

57. Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.—(1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies or entries in such books shall be given to all persons applying for such copies.

(2) Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies.

(3) Subject to the same provisions, copies of entries in Book No. 4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.

(4) The requisite search, under this section for entries in Book Nos. 3 and 4 shall be made only by the registering officer.

(5) All copies given under this section shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents.

(B) As to the procedure on admitting to registration

58. Particulars to be endorsed on documents admitted to registration.—(1) On every document admitted to registration, other than a copy of a decree or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars, namely:—

- (a) the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;
- (b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and
- (c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

(2) If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

59. Endorsements to be dated and signed by registering officer.—The registering officer shall affix the date and his signature to all endorsements made under sections 52 and 58, relating to the same document and made in his presence on the same day.

60. Certificate of registration.—(1) After such of the provisions of sections 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word “registered”, together with the number and page of the book in which the document has been copied.

(2) Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section 59 have occurred as therein mentioned.

61. Endorsements and certificate to be copied and document returned.—(1) The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the margin of the Register-book, and the copy of the map or plan (if any) mentioned in section 21 shall be filed in Book No. 1.

(2) The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section 52.

62. Procedure on presenting document in language unknown to registering officer.—(1) When a document is presented for registration under section 19, the translation shall be transcribed in the register of documents of the nature of the original, and, together with the copy referred to in section 19, shall be filed in the registration office.

(2) The endorsements and certificate respectively mentioned in sections 59 and 60 shall be made on the original, and, for the purpose of making the copies and memoranda required by sections 57, 64, 65 and 66, the translation shall be treated as if it were the original.

STATE AMENDMENT

Himachal Pradesh

Amendment of section 62.— In section 62 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) When a document is presented for registration under section 19, a copy of the translation shall be pasted in the register of documents of the nature of the original, and the second copy of the translation, together with the true copy referred to in Section 19, shall be filed in the registration office.”

[*Vide* Himachal Pradesh Act 2 of 1969, s. 6]

63. Power to administer oaths and record of substance of statements.—(1) Every registering officer may, at his discretion, administer an oath to any person examined by him under the provisions of this Act.

(2) Every such officer may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and, if he admits the correctness of such note, it shall be signed by the registering officer.

(3) Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

(C) Special duties of Sub-Registrar

64. Procedure where document relates to land in several sub-districts.—Every Sub-Registrar on registering a non-testamentary document relating to immovable property not wholly situate in his own sub-district shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose sub-district any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1.

65. Procedure where document relates to land in several districts.—(1) Every Sub-Registrar on registering a non-testamentary document relating to immovable property situate in more districts than one shall also forward a copy thereof and of the endorsement and certificate (if any) thereon, together with a copy of the map or plan (if any) mentioned in section 21, to the Registrar of every district in which any part of such property is situate other than the district in which his own sub-district is situate.

(2) The Registrar on receiving the same shall file in his Book No. 1 the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub Registrars subordinate to him within whose sub-district any part of such property is situate; and every Sub-Registrar receiving such memorandum shall file in his Book No. 1.

(D) Special duties of Registrar

66. Procedure after registration of documents relating to land.—(1) On registering any non-testamentary document relating to immovable property, the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose sub-district any part of the property is situate.

(2) The Registrar shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section 21, to every other Registrar in whose district any part of such property is situate.

(3) Such Registrar on receiving any such copy shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose sub-district any part of the property is situate.

(4) Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.

67. [Procedure after registration under section 30, sub-section (2).]Omitted by the Registration and Other Related Laws (Amendment) Act, 2001 (48 of 2001), s. 8 (w.e.f. 24-9-2001).

(E) Of the Controlling powers of Registrar and Inspector-General

68. Power of Registrar to superintend and control Sub-Registrars.—(1) Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.

(2) Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub Registrar subordinate to him or in respect of the rectification of any error regarding the book or the office in which any document has been registered.

69. Power of Inspector-General to superintend registration offices and make rules.—

(1) The Inspector-General shall exercise a general superintendence over all the registration offices in the territories under the ¹[State Government], and shall have power from time to time to make rules consistent with this Act—

- (a) providing for the safe custody of books, papers and documents; ²***
- ³[(aa) providing the manner in which and the safeguards subject to which the books may be kept in computer floppies or diskettes or in any other electronic form under sub-section (1) of section 16A;]
- (b) declaring what language shall be deemed to be commonly used in each district;
- (c) declaring what territorial divisions shall be recognized under section 21;
- (d) regulating the amount of fines imposed under sections 25 and 34, respectively;
- (e) regulating the exercise of the discretion reposed in the registering officer by section 63;
- (f) regulating the form in which registering officers are to make memoranda of documents;
- (g) regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section 51;
- ⁴[(gg) regulating the manner in which the instruments referred to in sub-section (2) of section 88 may be presented for registration;]
- (h) declaring the particulars to be contained in Indexes Nos. I, II, III and IV, respectively;
- (i) declaring the holidays that shall be observed in the registration offices; and
- (j) generally, regulating the proceedings of the Registrars and Sub-Registrars.

¹ Subs. by the A.O. 1950, for "Provincial Government".

² The words "and also for the destruction of such books, papers and documents as need no longer be kept" rep. by Act 5 of 1917, s. 6 and the Schedule.

³ Ins. by Act 48 of 2001, s. 9 (w.e.f. 24-9-2001).

⁴ Ins. by Act 39 of 1948, s. 4.

(2) The rules so made shall be submitted to the ¹[State Government] for approval, and, after they have been approved, they shall be published in the ¹[Official Gazette], and on publication shall have effect as if enacted in this Act.

STATE AMENDMENT

Himachal Pradesh

Amendment of section 69.—

In section 69 of the principal Act, in sub-section (1), after clause (b), the following clause shall be inserted, namely:-

"(bb) providing for the grant of licenses to document writers, the revocation of such licenses, the terms and conditions subject to which, and the authority by whom such licenses shall be ranted and generally for all purposes connected with the writing of the documents to be presented for registration."

[*Vide* Himachal Pradesh Act 2 of 1969, s. 7]

70. Power of Inspector-General to remit fines.—The Inspector-General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section 25 or section 34, and the amount of the proper registration fee.

PART XII OF REFUSAL TO REGISTER

71. Reasons for refusal to register to be recorded.—(1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

72. Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution.—(1) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar 41 is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order.

(2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

73. Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution.—(1) When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its

¹ Subs. by the A.O. 1937, for "Local Official Gazette".

execution, any person claiming under such document, or his representative, assign or agent authorised as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered.

(2) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

74. Procedure of Registrar on such application.—In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall, as soon as conveniently may be, enquire.—

- (a) whether the document has been executed;
- (b) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

75. Order by Registrar to register and procedure thereon.—(1) If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.

(2) If the document is duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

(3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

(4) The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witness, and compel them to give evidence, as if he were a Civil Court and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908 (5 of 1908).

76. Order of refusal by Registrar.—(1) Every Registrar refusing—

- (a) to register a document except on the ground that the property to which it relates is not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or
- (b) to direct the registration of a document under section 72 or section 75, shall make an order of refusal and record the reasons for such order in his Book No. 2, and, on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

(2) No appeal lies from any order by a Registrar under this section or section 72.

77. Suit in case of order of refusal by Registrar.—(1) Where the Registrar refuses to order the document to be registered, under section 72 or section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in 42 which the document is sought to be registered, a suit for a decree directing

the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.

(2) The provisions contained in sub-sections (2) and (3) of section 75 shall, *mutatis mutandis*, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the documents shall be receivable in evidence in such suit.

PART XIII OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES

78. **Fees to be fixed by State Government.**—^{1***} The ²[State Government] shall prepare a table of fees payable—

- (a) for the registration of documents;
- (b) for searching the registers;
- (c) for making or granting copies of reasons, entries or documents, before on or after registration; and of extra or additional fees payable—
- (d) for every registration under section 30;
- (e) for the issue of commissions;
- (f) for filing translations;
- (g) for attending at private residences;
- (h) for the safe custody and return of document; and
- (i) for such other matters as appear to the Government necessary to effect the purposes of this Act.

79. **Publication of fees.**—A table of the fees so payable shall be published in the Official Gazette, and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration office.

80. **Fees payable on presentation.**—All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

STATE AMENDMENT

Himachal Pradesh

Insertion of new section 80-A.- In the Registration Act, 1908 (16 of 1908) after section 80, the following new section along with its heading shall be inserted and shall be deemed always to have been inserted, namely:-

“80-A. Recovery of registration fee as arrears of land revenue and provision for refund.- (1) If on inspection, or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may, after failure to pay the same on demand within a specified period, on a certificate of the registering authority concerned, be recovered from the person who presented such document for registration under section 32 as an arrear of land revenue.

¹ The words “Subject to the control of the Governor-General in Council” omitted by Act 38 of 1920, s. 2, and the First Schedule.

² Subs. by the A.O. 1950, for “Provincial Government”.

(2) Where the Registrar finds the amount of fee in excess of that which is legally chargeable has been charged and paid under the provisions of this Act, he may, upon an application in writing or otherwise, refund the excess.”

[*Vide* Himachal Pradesh Act 1 of 1982, s. 2]

PART XIV OF PENALTIES

81. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.—Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause, injury, as defined in the Indian Penal Code (45 of 1860), to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

82. Penalty for making false statements, delivering false copies or translations, false personation, and abetment.—Whoever—

- (a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; or
- (b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or
- (c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or
- (d) abets anything made punishable by this Act,

shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

83. Registering officers may commence prosecutions.—(1) A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector-General,^{1***} the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

(2) Offences punishable under this Act shall be triable by any Court or officer exercising powers not less than those of a Magistrate of the second class.

84. Registering officers to be deemed public servants.—(1) Every registering officer appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

(2) Every person shall be legally bound to furnish information to such registering officer when required by him to do so.

¹ The words "the Branch Inspector-General of Sindh" omitted by the A.O. 1937.

(3) In section 228 of the Indian Penal Code (45 of 1860), the words “judicial proceeding” shall be deemed to include any proceeding under this Act.

PART XV
MISCELLANEOUS

85. Destruction of unclaimed documents.—Documents (other than wills) remaining unclaimed in any registration office for a period exceeding two years may be destroyed.

86. Registering officer not liable for thing bona fide done or refused in his official capacity.—No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

87. Nothing so done invalidated by defect in appointment or procedure.—Nothing done in good faith pursuant to this Act or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

¹[**88. Registration of documents executed by Government officers or certain public functionaries.**—(1) Notwithstanding anything contained in this Act, it shall not be necessary for,—

- (a) any officer of Government, or
- (b) any Administrator-General, Official Trustee or Official Assignee, or
- (c) the Sheriff, Receiver or Registrar of a High Court, or
- (d) the holder for the time being of such other public office as may be specified in a notification in the Official Gazette issued in that behalf by the State Government,

to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him or in his favour, in his official capacity, or to sign as provided in section 58.

(2) Any instrument executed by or in favour of an officer of Government or any other person referred to in sub-section (1) may be presented for registration in such manner as may be prescribed by rules made under section 69.

(3) The registering officer to whom any instrument is presented for registration under this section may, if he thinks fit, refer to any Secretary to Government or to such officer of Government or other person referred to in sub-section (1) for information respecting the same and, on being satisfied of the execution thereof, shall register the instrument.]

89. Copies of certain orders, certificates and instruments to be sent to registering officers and filed.—(1) Every officer granting a loan under the Land Improvement Loans Act, 1883 (19 of 1883), shall send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file the copy in his Book No. 1.

(2) Every Court granting a certificate of sale of immovable property under the Code of Civil Procedure, 1908 (5 of 1908), shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such officer shall file the copy in his Book No. 1.

¹ Subs. by Act 39 of 1948, s. 5, for section 88.

(3) Every officer granting a loan under the Agriculturists' Loans Act, 1884 (12 of 1884), shall send a copy of any instrument whereby immovable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also or that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies as the case may be, in his Book No. 1.

(4) Every Revenue Officer granting a certificate of sale to the purchaser of immovable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1.

Exemption from Act

90. Exemption of certain documents executed by or in favour of Government.—(1) Nothing contained in this Act or in the Indian Registration Act, 1877 (3 of 1877), or in the Indian Registration Act, 1871 (8 of 1871), or in any Act thereby repealed, shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps, namely:—

- (a) documents issued, received or attested by any officer engaged in making a settlement or revision or settlement of land-revenue, and which form part of the records of such settlement; or
- (b) documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey; or
- (c) documents which, under any law for the time being in force, are filed periodically in any revenue office by patwaris or other officers charged with the preparation of village records; or
- (d) sanads, inam, title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land; or
- (e) notices given under section 74 or section 76 of the Bombay Land-Revenue Code, 1879 (Bomb. 5 of 1879), or relinquishment of occupancy by occupants, or of alienated land by holders of such land.

(2) All such documents and maps shall, for the purposes of sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.

91. Inspection and copies of such documents.—¹[(1)] Subject to such rules and the previous payment of such fees as the ²[³State Government], by notification in the Official Gazette, prescribes in this behalf], all documents and maps mentioned in section 90, clauses (a), (b), (c), and (e), and all registers of the documents mentioned in clause (d), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

⁴[(2) Every rule prescribed under this sub-section or made under section 69 shall be laid, as soon as it is made, before the State Legislature.]

¹ Section 91 renumbered as sub-section (1) thereof by Act 20 of 1983, s. 2 and Schedule

² Subs. by the A.O. 1950, for "Provincial Government".

³ Subs., *ibid.*, for "State Government prescribes in this behalf".

⁴ Ins. by Act 20 of 1983, s. 2 and Schedule (w.e.f. 15-3-1984).

92. [Burmese registration-rules confirmed] Rep. by the Government of India (Adaptation of Indian Laws) Order, 1937.

93. [Repeals] Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and Schedule.

THE SCHEDULE. [Repeal of Enactments].Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and the Schedule.

THE INDIAN REGISTRATION (HIMACHAL PRADESH AMENDMENT) ACT, 1968

ARRANGEMENT OF SECTIONS

SECTIONS:

1. Short title, extent and commencement.
2. Repeal and savings.
3. Insertion of new section 18-A.
4. Amendment of section 19.
5. Amendment of section 52.
6. Amendment of section 62.
7. Amendment of section 69.

THE INDIAN REGISTRATION (HIMACHAL PRADESH AMENDMENT) ACT, 1968

(ACT NO. 2 OF 1969)¹

(Received the assent of the President on 19th February, 1969 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 1st April, 1969, pp. 302-304.)

An Act to amend the Indian Registration Act, 1908 (16 of 1908) in its application to Himachal Pradesh.

Amended, repealed or otherwise affected by-

The Himachal Pradesh Adoption of Laws (State and Concurrent Subjects) Order, 1973, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 20th January, 1973, pp. 91-112.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Indian Registration (Himachal Pradesh Amendment) Act, 1968.

(2) It extends to the whole of the ²[State of Himachal Pradesh].

(3) It shall come into force at once.

2. Repeal and Savings.- (1) The Indian Registration (Punjab Amendment) Act, 1941 (8 of 1941) and the Indian Registration (Punjab Amendment) Act, 1961 (19 of 1961), hereinafter referred to as the said Acts), as in force in the territories added to the Union territory of Himachal Pradesh by sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966), are hereby repealed and the amendments made in the principal Act by the said Acts, shall cease to have operation in the said territories.

(2) Nothing contained in sub-section (1) shall affect

¹For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 9th December, 1968, p. 1235.

²Substituted for "Union Territory of H.P." by A.O. 1973.

- (a) the previous operation of the said Acts or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Acts; or
- (c) any penalty, forfeiture or punishment, incurred in respect of an offence committed against the said Acts; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said Acts had not been repealed.,

3. **Insertion of new section 18A.-** In the Indian Registration Act, 1908 (16 of 1908) (hereinafter referred to as the principal Act), after section 18, the following section shall be inserted, namely;

“18-A. Documents for registration to be accompanied by a true copy.-
Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document presented to him for registration unless such document is accompanied by a true copy thereof.”

4. **Amendment of section 19.-** In section 19 of the principal Act, for the words "a true translation", the words "two copies of the true translation" shall be substituted.

5. **Amendment of section 52.-** In section 52 of the principal Act, for clause (c) of sub-section (1), the following clause shall be substituted, namely:-

“(c) subject to the provisions contained in section 62, a copy of every document admitted to registration shall, without unnecessary delay be pasted in the book appropriated therefore according to the order of admission of the document.”

6. **Amendment of section 62.-** In section 62 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) When a document is presented for registration under section 19, a copy of the translation shall be pasted in the register of documents of the nature of the original, and the second copy of the translation, together with the true copy referred to in Section 19, shall be filed in the registration office.”

7. **Amendment of section 69.-** In section 69 of the principal Act, in sub-section (1), after clause (b), the following clause shall be inserted, namely:-

“(bb) providing for the grant of licenses to document writers, the revocation of such licenses, the terms and conditions subject to which, and the authority by whom such licenses shall be granted and generally for all purposes connected with the writing of the documents to be presented for registration.”

THE HIMACHAL PRADESH DOCUMENT WRITERS LICENSING RULES, 1971

**GOVERNMENT OF HIMACHAL PRADESH
REGISTRATION DEPARTMENT**

NOTIFICATION

Shimla-4, the 19th January, 1972

No. 8-5/Reg./67.- In exercise of the powers conferred by clause (bb) of sub-section (1) of section 69 of the Indian Registration Act, 1908 (Act No. XVI of 1908), the Inspector General of Registration Himachal Pradesh with the previous approval of the Govt. of Himachal Pradesh hereby makes the following rules for carrying out the purposes of the said Act, namely:-

RULES

1. **Short title, application and commencement.-** (1) These rules may be called the Himachal Pradesh Document Writers Licensing Rules, 1971.

(2) Nothing in these rules shall apply to the legal practitioners.

(3) They shall come into force at once.

2. **Definitions.-** In these rules, unless the subject or context otherwise requires,-

(a) 'Act' means the Registration Act, 1908.

(b) 'document' means the document written for presentation to a Registering Officer and includes an application for copy, inspection, search, extension of period and issue of summons or warrants, and an application under section 73 of a memorandum of appeal under section 72 of the Act;

(c) 'document-writer' means a person holding a license for practising as a writer of documents for hire;

a. 'form' means a form appended to these rules;

b. 'Inspector General of Registration' means the Inspector General of Registration, Himachal Pradesh;

c. 'License' means a license granted under these rules;

d. 'Licensing Authority' means the Registrar of the Registration District in which the applicant desires to practice as a document writer;

e. 'Registering Officer' means Registrar or a Sub-Registrar appointed under the Act.

3. **Person by whom documents may be written.-** (1) After a month of the publication of these rules in the Official Gazette no person shall practice as a document writer except under license granted by the Licensing Authority.

(2) No Registering Officer shall accept any document for registration which is not written by a licensed document writer or the executants himself.

4. **Eligibility for license.-** No person shall be eligible for being licensed as a document-writer of, if licensed, to continue as a document writer, if such person-

- (a) is less than 18 years of age; or
- (b) is in the employment of Government or local authority or any other person; or
- (c) is of unsound mind; or
- (d) is an undischarged insolvent; or
- (e) has been dismissed from the service of Government or any local Authority; or
- (f) has been convicted of any offence involving moral turpitude; or
- (g) he is not a bonafide resident of Himachal Pradesh.

5. **Academic qualification for obtaining License.-** No person shall be licensed under these rules unless he has passed Matriculation or Higher Secondary Examination or any other examination of an equivalent standard and has qualified in the special examination held under rule 6;

Provided that-

- (a) the provision of this rule shall not apply to a person who has ordinarily practiced as a document-writer on the date of enforcement of these rules;
- (b) the Licensing Authority may, in deserving cases of candidates belonging to any backward class or scheduled caste or scheduled tribe, relax the minimum educational qualification prescribed above and allow any such candidate who has passed the Middle School Examination to sit in the special examination referred to in this rule,.

6. **Special Examination.-**¹[(1) Inspector General of Registration shall from time to time hold special examination for issuing fresh licences to document writers to practice in different registration district of the State.]

(2) The date of examination shall be notified in the Official Gazette and also in a daily newspaper having wide publicity in the State.

7. **Application for taking special examination.-** (1) An application for permission to sit in the special examination shall be made to the Licensing Authority and shall contain the following particulars filled in by the applicant in his own hand:-

- (a) The applicant's name, father's name, date of birth (according to the British Calendar, residence and present occupation, if any;
- (b) The names of the two responsible persons to whom reference may be made as to the applicant's character;
- (c) Whether the applicant was ever convicted of any offence involving moral turpitude;
- (d) The place where the applicant desires to practice as a document writer;
- (e) Academic qualification of the applicant.

(2) Every application presented under sub-rule (1) shall be accompanied by-

¹ Subs. by amended rule vide Notification No. Rev.(LR)A-5(9)/90-II-5310 dated 27-08-2011.

- (a) a treasury challan in proof of a deposit of Rupees five as fee;
- (b) an attested copy of the Matriculation or Higher Secondary certificates;
- (c) an attested copy of the Character Certificate obtained from a respectable person or from the Head of Institution which the applicant last attended.

(3) The fee shall be deposited in the treasury under Head “XV-Registration Miscellaneous”.

8. Scrutiny of application.- (1) On receipt of an application under rule 7, the licensing authority may accept the same and send an intimation to the applicant accordingly or may reject it if the applicant is not eligible for obtaining a license under rule 4 or does not fulfill the academic qualification prescribed by rule 5.

(2) The name of each applicant whose application is accepted by the Licensing Authority shall be entered by him in a register maintained for the purpose.

9. Syllabus for special Examination.- (1) Each candidate whose name is entered in the register referred to in sub-rule (2) of rule 8 shall be examined in the following subjects:-

- | | |
|---------------------------------------------------------------------|------------|
| (a) Document Writing | 100 marks |
| (b) Legal Procedure | 100 marks |
| (i) The Registration Act, 1908; | |
| (ii) The Punjab Registration Manual as applied to Himachal Pradesh; | |
| (iii) The Indian Stamp Act, 1899; | |
| (iv) Section 54, 197 and 123 of the Transfer of Property Act, 1882; | |
| (v) The Indian Stamp (Himachal Pradesh Amendment) Act, 1970; | |
| (c) Dictation and Calligraphy in Hindi and Urdu (.....) | 100 marks. |

(2) No candidate shall be deemed to have qualified in the special examination unless he obtained ¹[40%] marks in each of the three subjects and 50% marks in aggregate.

(3) The result of the special examination shall be notified in the Official Gazette and shall also be published in one of the daily newspapers having wide publicity in the State.

10. Preparation of merit list.- After the result of the special examination has been published under sub-rule (3) of rule 9, the Inspector General of Registration shall ¹[declare all the candidates qualified to held the licence document writers who have obtained atleast 40% marks in each of three subjects specified in rule 9 and 50% marks in aggregate.]

11. Issue of Licences.- (1) The Licensing Authority shall, on receipt of the merit list under rule 10 send an intimation to such candidates who are eligible to obtain Licence in the order of merit keeping in view the number of document-writers to be licensed for that district and shall require them to deposit a license fee of rupees five each within a month of the receipt of such intimation.

¹ Subs. by amended rule vide Notification No. Rev.(LR)A-5(9)/90-II-5310 dated 27-08-2011.

¹[(a) The candidate who has declared qualified to hold the document writer licence under rule 9 of the said rule shall apply to the Licencing Authority for issue the licence. A fee of Rs. 500/- shall be deposited as a licence fee by the candidate. Licencing Authority on receipt of such application shall issue licence to the candidate for the Division/Sub-Division in which the candidate is ordinarily residing; and

(b) A duplicate copy of the licence may be issued to the licensee on payment of Rs. 50/- only if the Licencing Authority is satisfasied that the original licence has been lost or damed.]

(2) The License fee shall be deposited in the treasury under Head “XV-Registration” and an intimation regarding such deposit shall be sent to the Licensing Authority immediately after the deposit is made.

(3) If any candidate to whom an intimation is sent under sub-rule (20 fails to deposit the License fee within the time fixed for that purpose, the Licensing Authority may require the candidate appearing next on the merit list to deposit the license fee.

(4) Any person who has ordinarily practiced as a document writer on the date of enforcement of these rules, may apply to the Licensing Authority for issue of a license giving true and correct particulars regarding his age, commencement of practice/continuance as a document writer, and if he was previously in service, the date of his leaving service and the date of his re-employment, if any and the date of termination of his re-employment and the Licensing Authority may, on being satisfied that the applicant is eligible for the grant of License, issue him a license after the applicant has deposited a license fee of rupees five.

(5) A license under these rules shall be issued in form ‘A’.

(6) A duplicate copy of the license may be issued to a licensee on payment of a fee of rupee one only if the licensing authority is satisfied, that the original license has been lost or damaged.

12. Validity of License.- A license issued under these rules shall be valid till the 31st December of the year in which the same is issued and shall be renewable on payment of a fee of rupees five by making an application for the same to the Licensing Authority at least fifteen days before the date of expiry of the license:

Provided that the Licensing Authority may, if satisfied that the licensee was prevented from applying for renewal for sufficient cause, entertain an application for renewal of license made after the expiry of the prescribed period and renew the same.

¹[**13. Fees for writing documents.-** (1) No document-writer shall charge fee for writing documents in excess of the fee in respect of the original or copy thereof as specified below:-

Serial No.	Nature of Document	Approved Scale of Fee
1.	An application for copy, inspection or search or other simple application.	Twenty rupees.
2.	An application for the issue of process	Twenty rupees.

¹ Substituted by notification No. Rev. (LR) A-5(9)/90-II-5310 dated 27-08-2011 issued by I.G.R. H.P.

3.	An application for the extension of period under Section 25 of Section 34 of the Act.		Twenty rupees.
4.	An appeal under section 72 of the Act.		Twenty rupees.
5.	A document in which the value of the property or the amount of consideration is specified as:		Twenty rupees.
		<u>Original</u>	<u>Copy</u>
	i. 1 to 1,000	Thirty rupees.	Twenty rupees.
	ii. 1,000 to 10,000	Thirty rupees.	Twenty rupees.
	iii. 10,000 to 20,000	Thirty rupees.	Twenty rupees.
	iv. 20,000 to 50, 00	Thirty rupees.	Twenty rupees.
	v. 50,000 or above	Thirty rupees.	Twenty rupees.
6.	A document certifying or amending a previously registered document	Thirty rupees.	Twenty rupees.
7.	A special power of attorney	Thirty rupees.	Nil
8.	An agreement	Thirty rupees.	Nil
9.	A counterpart or duplicate drawn up under Article 25 of Schedule 1-A of the Indian Stamp Act, 1899.	Thirty rupees.	Nil
10.	A consent deed without consideration	Fifty rupees.	Nil
11.	Will, authority to adopt, adoption deed general power of attorney or divorce deed.	Hundred rupees.	Nil
12.	A document in which no value or amount of consideration is given	Fifty rupees.	Nil
13.	A document for which no scale has been prescribed above	Fifty rupees.	Nil

Note:- The value of the property of the amount of consideration for the purpose of writing charges shall be the same as for stamp duty.]

(2) A table indicating the fees prescribed under sub-rule (1) shall be exhibited at a conspicuous place in every registration office. A similar table of fee shall be exhibited conspicuously by each Document Writer; at the place where he carries on the business of writing documents.

(3) Each document Writer shall maintain a printed receipt book containing foils and counterfoils and shall give a receipt for the amount of fee received by him for writing any document.

14. Condition of License.-A Document Writer-

- (a) shall maintain a register in form 'B' and shall on demand produce the same for inspection by the Registering officer;
- (b) shall provide at his own expenses, with a seal on which shall be engraved in the regional language of the district where he carries on his business, his name and the year in which he was licensed;

- (c) shall write documents briefly, properly, plainly and legibly.
- (d) shall sign every document written by him, affix his seal and enter therein the number which it bears in his register and also the fee charges for writing the same.
- (e) shall not dictate any document or cause a document written by any other person;
- (f) shall not write or cause to be written by any other document-writer any document which he knows to be unnecessary or fraudulent in nature;
- (g) shall be responsible to see that the document is written on a stamp paper of proper value and that the document is classified according to its substance;
- (h) shall not act as a recognised agent or witness in respect of the execution of any document written by him;
- (i) shall not charge fees in excess of those prescribed in these rules;
- (j) shall not engage himself in any other trade or business without the previous permission in writing of the Inspector General of Registration:

Provided that in the case of a petition writer-cum-document writer such a permission shall be accorded only with the approval of the High Court of Himachal Pradesh;

- (k) shall not change his place for which he holds the license without the previous permission of the Inspector General of Registration;
- (l) shall re-write free of charge the document written by him in an incomplete and defective manner and indemnify the party concerned for the loss suffered by it as a result of the document being re-written;
- (m) shall surrender to the Licensing Authority his license if it is suspended or cancelled;
- (n) shall exhibit the table of fees prescribed in rule 13 (1) conspicuously at the place where he carries on the business of writing documents;
- (o) shall maintain the printed receipt book in form "C" containing foils and counterfoils and give a receipt for the amount of fee received by him for writing any document;
- (p) shall furnish to the licensing Authority or any officer of the Registration Department truly and correctly whatever information is called for from him.

15. Grant of License to the Government employees serving in the registration district.-

(1) Notwithstanding anything contained in clause (b) of rule 4 or in rules 5, 6, 7, 8, 9, 10 and 11, the Inspector General of Registration may on an application recommended by the Local Registrar grant to any Government employee serving in the aforesaid registration district a license to practice as a document writer in that district. No fee shall be charged for the grant or renewal of such a license.

(2) A government employee to which a license is granted under sub-rule (1) shall not charge any remuneration or fee from any person for writing any document.

(3) A license issued under sub-rule (1) may be cancelled by the Inspector General of Registration when in his opinion the services of such a document writer are not required and such a license shall be deemed to have been cancelled on his quitting Government service or on his transfer from the aforesaid registration district to any other place in the State of Himachal Pradesh.

16. Penalty for breach of conditions of License.- (1) The Licensing Authority or the Inspector General of Registration may, after giving the document-writer an opportunity of being

heard, suspend his license or cancel the same if he is found to have committed a breach of any of the conditions of his license.

(2) Without prejudice to the provisions of sub-rule (1) the Licensing Authority or the Inspector General of Registration may, on an application made to it or him in writing get the fee charged by a Document Writer in excess of the prescribed scale refunded to the applicant.

(3) Any action taken under sub-rule (1) and sub-rule (2) shall be recorded on the license by the Licensing Authority.

17. Authority to hear appeals manner of presentation of appeals and period of limitation.- (1) Any person aggrieved by an order of the Licensing Authority or the Inspector General of Registration, suspending or cancelling the license under these rules, may within a period of six months from the date on which the order is communicated to him prefer an appeal to the Divisional Commissioner, Himachal Pradesh. The memorandum of appeal shall be submitted through the authority from whose order the appeal is preferred

(2) A memorandum of appeal shall be written in a respectful proper language and it shall contain the following particulars:-

- (a) the date of the order appealed against.
- (b) the name and designation of the officer who passed the orders.
- (c) all material statements and arguments relied upon by the appellant.

18. Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order, for the reasons to be recorded in writing, relax any of the provisions of these Rules with respect to any class or category of persons, or any deserving individual cases.

FORM 'A'

(See Rule 11)

Form of License for a Document Writer

In the office of the Registrar District

Certified Shri Son of Shri resident of has this day been licensed as a Document Writer and is hereby permitted to practice as such, in the office of the Sub-Registrar subject to the provisions of the Himachal Pradesh Document-Writers Licensing Rules, 1971 till the 31st day of December, 20.....

Given under my hand and seal of this office, this day of 20 at

(Seal)

Date of renewal of the Licence.....

Registrar of the Registration

District

Renewing Officer.

FORM 'B'

(See Rule 14)

Register to be maintained by a Document Writer

Sr. No. of document	Date on which document was written	Name and address of executants	Nature of value document	Brief abstract of the document	
1	2	3	4	5	
Value of Judicial stamp on which the document was written	Non- stamp the document was written	Fee charged for writing the document	Signature of the document writer	Signature or thumb marks of the executant	Remarks
6	7	8	9	10	

FORM 'C'
 (See Rule 13(3) & 14)
 RECEIPT BOOK TO BE MAINTAINED BY A DOCUMENT WRITER

Serial No.....	Serial No.....										
Date.....	Date.....										
Received Rs.....	Received Rs.....										
From Shri.....	From Shri.....										
As writing charges of the..... Document.	As writing charges of the..... Document.										
Fee	of	Fee	of	Total	fee	Fee	of	Fee	of	Total	fee
writing		writing		charged		writing		writing		charged	
original		duplicate				original		duplicate			
document		copy				document		copy			

Date.....

Signature of Document Writer.

REGISTRATION MANUAL

CHAPTER I

APPOINTMENT, REMUNERATION AND RETIREMENT OF REGISTERING OFFICERS

APPOINTMENT

1. **Permanent appointments.-** Under section 6 of the Indian Registration Act, 1908 (hereinafter referred to as the Act) all permanent appointments to the office of Registrar, Sub-Registrar, or Joint Sub-Registrar, are made by the State Government. In some cases the persons appointed are public officers who perform registration duties by virtue of their office in addition to their other duties; in other cases persons specially selected are nominated to the office.

2. **Classes of registering officers.-** The following are the classes of registering officers employed in the Himachal Pradesh:-

(a) Registering officers who are required to perform their duties without any additional remuneration.-

the ex-officio Registrar of each district, that is, the Deputy Commissioner, in administrative charge of the district for the time being, or any officer appointed to act temporarily as Registrar in his place under the provisions of paragraph 11. He is required to perform this duties without remuneration.

(b) Registering offices who are public officers but are entitled to additional remuneration for performing their duties.

(i) Civil officers of and above the rank of Naib-Tehsildar, holding office either as Sub-Registrars or Joint Sub-Registrar. They are paid an extra allowance as may be prescribed from time to time.

(ii) The Tehsildars and Naib-Tehsildars, shall be paid honorarium at the rate as may be prescribed from time to time for doing Registration work, in addition to their normal duties.

3. **Sub-Registrars at headquarters, sub-districts and elsewhere.-** (1) In a headquarters sub-district, the Tehsildar or Naib-Tehsildar is ordinarily Joint Sub-Registrar, and the Sub-Registrar may be the General Assistant to the Deputy Commissioner deputed by the Registrar to act for the time being or another officer of Government deputed by the Registrar to act for the time being.

(2) In a Sub-district which is not a headquarters sub-district, the Tehsildar is ordinarily sub-registrar until a departmental sub-Registrar is appointed at the headquarters of the tehsil, and, upon such appointment occurring, the Tehsildar becomes joint Sub-Registrar.

(3) When it is proposed to appoint a second sub-Registrar in one sub-district, it is desirable that the incumbent, who holds, or is to hold, office at the headquarters of the sub-district, should be Sub-Registrar and the other incumbent should be Joint Sub-Registrar, the two incumbents working with concurrent jurisdiction, throughout the sub-district. This is desirable, because experience has shown that administrative difficulty generally arises from the creation of separate sub-districts within one tehsil.

4. **Amalgamation of office of Sub-Registrar with that of Registrar.-** Section 7 of the Act allows the Local Government to amalgamate the office of a Sub-Registrar, and to authorize the Sub-Registrar to exercise and perform, in addition to his own powers and duties, all or any of the

powers of the Registrar. The Sub-Registrar, at the headquarters of certain districts have accordingly been authorized exercise and perform such powers and duties, with the exception of those specified in sections 68 and 72 of the Act. The Local Government may also declare that a Sub-Registrar shall be deemed to be Registrar for the purpose of sub-section (3) of section 35 and of part XII of the Act.

5. **Temporary appointments.-** Provision is made in section 11 and 12 of the Act for temporary appointments in cases where the registering officer is absent from his office for a short time only; and here it is necessary to remind registering officers that the “office” contemplated in sub-section (1) of section 7 is a fixed place, and not a movable establishment; that except in the cases otherwise specially provided for in the Act, all registrations must be made at such office; and that consequently when a registering officer proceeds into the interior of his district or sub-district, he cannot take his office with him. In such cases it becomes necessary for the Registrar to provide a substitute, in doing which he will be guided by the following general instructions.

6. **When a Registrar is absent.-** Section 11 of the Act provides that when a Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district to perform during such absence, all the duties of a Registrar, except those mentioned in sections 68 and 72. In such cases, the person so appointed may, in the discretion of the district officer, be either the General Assistant to the Deputy Commissioner or any other civil officer at the headquarters of the district.

7. **When a Sub-Registrar is absent.-** Section 12 of the Act provides for temporary vacancies in the office of Sub-Registrar. When a subordinate registering officer proceeds on leave of absence, or is otherwise temporarily away from his office, the Registrar will provide for the performance of his duties during his absence in the following manner:-

- (a) when the absent officer is General Assistant to the Deputy Commissioner, the Officer who succeeds him should take over his registration duties also, except where the Deputy Commissioner himself takes charge of his General Assistant in which case the registration duties should be made over to some civil officer at headquarters. It is incompatible with the provisions of the Act for a Registrar to perform the duties of a Sub-Registrar, except where the two offices have been amalgamated under section 7 of the Act; moreover, such an arrangement might be productive of inconvenience in cases where a party wished to appeal against an order issued by the Deputy Commissioner in capacity of Sub-Registrar;
- (b) save as provided above, where there are two subordinate registering officers at the same place, during the temporary absence of one the other should ordinarily be required to perform the duties of both offices;
- (c) save as provided above, when the absent officer is a Tehsildar, the Naib-Tehsildar, if available, should be placed in charge of the registration duties;
- (d) in all other cases, the Registrar should make such arrangements as appear to him to be most suitable in the circumstances for maintain the continuity of the business of the office.

8. **One Sub-Registrar cannot be appointed to two sub-districts at the same time.-** It must be borne in mind that although the Act permits the appointment of two or more Joint Sub-Registrars in the same sub-districts, it now however allows one Sub-Registrar being in charge of two separate sub-districts at the same time. This can only be affected by a separate notification

under section 5 of the Act, directing the temporary amalgamation of the two sub-districts concerned.

9. **Reports of changes of incumbency.**- Section 13 of the Act requires that temporary appointments of the nature treated of in paragraphs 11 and 12 shall be reported by the Inspector-General to the Local Government and such report may be either special or general. Changes of incumbency in ex-officio appointments made in accordance with ordinary rule may be deemed to have been made under the order of Government, and no special report thereof is necessary, but all exceptional arrangements, and all changes in offices filled by Joint Sub-Registrars, must be communicated to the Inspector-General's office, for report to Government under section 13 of the Act, in quarterly schedules in the form given in Appendix III, which should be submitted with the other monthly returns. At the foot of the return for 31st March and 30th September will be entered a certificate of the dates on which the iron safe, for deposit of sealed wills, etc., was opened and its contents examined during the half-year, as required by paragraph 26. If no such examination has been made, the certificate should set this forth and state the reason.

10. **Payment of commission.**- When a commission is issued under section 33 or 33 of the Act, half of the fee prescribed in Article V of Appendix I is payable to the person by whom the commission is executed. When a registering officer himself proceeds to a private residence or a jail, under sections 31, 33 or 38 of the Act, he is entitled to half the fee prescribed in article V of Appendix I in addition to any other registration fee to which he may be entitled; but this rule does not apply to the officers mentioned in paragraph 2(a) and (b) who will be entitled only to the travelling allowance admissible under ordinary rules.

CHAPTER II ESTABLISHMENTS AND CONTIGENCIES

11. **Budget provision for temporary establishment.**- The Inspector-General will provide in his budget a sum over and above the cost of the permanent district establishment as a reserve from which to meet the cost of temporary establishment. This reserve will not be distributed over districts but allotted by the Inspector-General as occasion arises. The Inspector-General has full authority to regulate and sanction charges on account of the temporary establishment of registering officers, so long as the annual allotment for these charges is not exceeded'

Provided that the pay of a temporary muharrir and of a peon shall not exceed the minimum of the time scale of pay of a permanent clerk and a permanent peon, respectively, admissible from time to time and the period of employment of such temporary staff shall not extend beyond the current financial year without the express sanction of Government.

12. **Cost of permanent muharrirs.**- All permanent Registration muharrirs are members of the ordinary district office establishment and their pay is regulated according to the scale of the grade to which they belong as members of that establishment.

13. **Establishment for Registrars.**- To each Registrar, a muharrir will be allowed either separately or in connection with the establishment of the Sub-Registrar at the headquarters of the district according to locality and the amount of work in the district.

14. **Establishment for Sub-Registrars.**- (1) The strength of the establishments of Sub-Registrars will vary according to the amount of work to be performed in each office. As a general

rule (which however will not be rigidly enforced, liberal allowance being made for special circumstances and localities) these establishments will be regulated according to the following scale:-

- (a) Where the number of registrations does not exceed 1,000 per annum a single muharrir should suffice;
- (b) Where the number exceeds 1,000 but does not exceed 3,000 per annum one head muharrir and from 1 to 3 muharrir may be employed;
- (c) Where the number exceeds 3,000 per annum special arrangements will be made in each case.

(2) In the case of small offices where the number of registrations does not exceed 400 per annum the registration muharrir's work may be made over with the previous sanction of the Inspector-General of Registration to a muharrir employed on any other work in addition to his own. If the muharrir to whom the registration muharrir's work is made over in addition to his own is a member of the district office establishment no allowance will be given to him for that work.

15. Temporary establishment.- When, in any office owing to special or temporary causes, it is beyond the power of the permanent staff to cope with the number of registrations in any one month, the Registrar of the district may appoint an additional muharrir at a pay not exceeding the minimum of the time scale of pay of a permanent clerk admissible from time to time to that officer, as a temporary arrangement, reporting it at once for the confirmation of the Inspector-General. This additional muharrir shall be retained only so long as may be absolutely necessary.

16. Registration muharrirs to be employed solely on registration work.- Registration muharrirs are not to be employed on other work without the approval of the Inspector-General of Registration, Himachal Pradesh, which should be obtained by the Deputy Commissioner before they are given any such work. Registration muharrirs are also strictly prohibited from drawing up or engrossing instrument in the registration of which they may subsequently be required to take part.

17. Appointments, Transfers and Dismissals.- The power of appointment, transferring and dismissing Registration Muharrirs is vested in the Registrar of the district, subject however, in the case of appointment and transfers, to the general control of Inspector-General of Registration who has authority for sufficient reasons, to disallow any arrangement which is made by Registrar. This power of interference by the Inspector-General will, however, be cautiously exercised and must not be taken as limiting, in any way, the responsibility of the Registrar for the employment of fit and proper persons as Registration Muharrirs. Appeals against punishments or dismissals ordered by the Registrar lie to the Commissioner of the Division.

18. Qualifications of muharrirs.- Registrars in appointing clerks to their own offices and the offices subordinate to them should select men who have knowledge of both the regional languages and qualified the departmental examination of Registration clerks, held by the Inspector General of Registration, H.P. once a year.

19. Chaprasis for Sub-Registrars.- As a general rule and if funds permit one chaprasi should be allowed for each Sub-Registrar. But where such officer is also an ex-officio Sub-Registrar, before sanction to the entertainment of a chaprasi is applied for, it should be ascertained whether a chaprasi is not already entertained, as there is no need that more than one should be employed.

CONTIGENCIES

20. **Registrar's contingencies.**- (1) The contingencies of the Registration Department have been declared to be contract contingencies and Registrar have been given fixed grants for this purpose.

(2) The powers of Registrars to incur expenditure from these grants are given in the H.P. General Financial Rules, Vol. I.

(3) The contract contingent grant does not cover expenditure on the purchase of strong boxes, padlocks and seals which are supplied by the Inspector General and paid for out of his office contingencies.

21. **Postage charges.**- Service labels and post cards should be supplied by the Registrar to Sub-Registrars from time to time as required. An account of them should be kept in columns added for the purpose in the despatch register of each sub-registration office, the balance being struck in red ink at the close of each month. Registrars should see that economy is used in the transmission of papers by post; and when extra postage has to be paid owing to the omission on the part of any Sub-Registrar to affix his signature to a cover, or by an irregularity in its subscription, such extra payment and the postage entailed by consequent correspondence should be recovered from the officer concerned, and should not be allowed to appear in the Registrar's contingent accounts.

22. **Sub-Registrars contingencies.**- All the contingent expenses of the offices of Sub-Registrars, excepting stationery, hot and cold weather charges and other charges incurred for their personal convenience, should be defrayed from provincial funds. Expenditure chargeable to Government should be defrayed by the Sub-Registrars in the first instance and recouped by contingent bills. It is not necessary to make a separate advance to a tehsildar Naib-Tehsildar incharge of a registration office for expenses connected with that office, as such expenses can be defrayed out of the permanent advance held in the tehsil for general expenses. Scrutiny of details will be left to the Registrar who will see that no unnecessary expenditure is incurred on contingent.

CHAPTER III

CUSTODY, PRESERVATION AND DESTRUCTION OF RECORDS

CUSTODY AND PRESERVATION

23. **Responsibility for preservation and safe custody of records.**- Registering officers are responsible for the preservation and safe custody of all registration records, including those of previous years, which have accumulated in their offices or have been transferred thereto. This responsibility applies not only to the registers and records maintained under the Act, but also to those under the previous Indian Registration Acts, III of 1877, VIII of 1871, and XX of 1866, as well as to those maintained under local rules before the extension of the last named Act to the H.P.

24. **Strong boxes.**- (1) The offices of all registering officers have been supplied with one or more strong, tin-lined boxes or almirahs secured by locks of approved pattern; in these boxes the registration books and all papers and documents connected therewith shall be kept; and no money or valuable of any kind shall be deposited therein. The boxes shall be placed in the room where the registering officer transacts his public business, and shall be opened and closed by that officer himself, or in his presence and he shall retain the keys of the locked boxes in his own possession. The duplicate keys of the locks supplied to Sub-Registrars shall remain in the custody of the

Registrar of the district who should label each with the name of the sub-district to which it belongs, and deposit it in some safe place.

(2) The locks and duplicate keys of a registration office which has been permanently closed should be returned to the Inspector-General's office, unless a new registration office has been simultaneously opened in the same district.

(3) The boxes or almirahs of a registration office which has been permanently closed, if not required for the purposes of any other registration office in the district, should be auctioned and the proceeds credited to the head '030-Stamps and Registration-Miscellaneous Receipts'.

25. Weekly examination of records.- To prevent injury occurring to the older records by damp, white ants, etc., the boxes should be thoroughly emptied out and their contents examined once a week and all Sub-Registrars should submit alongwith their monthly returns, a certificate to the Registrar of their district to the effect that the records in their charge have been examined according to rule. Should any injury happen to any of the records, whether by white-ants, fire, flood or otherwise, or should any of them be lost, an immediate report should be made to the Inspector-General by the Registrar of the district, who should record at the same time his opinion as to whether any one, and if so who, is to blame, and as to the measures to be taken to repair the injury or loss so far as may be possible.

26. Preservation of wills and authorities to adopt.- (1) The Registrar of every district has been supplied with a fire-proof safe. In this safe shall be kept wills in sealed covers, and authorities to adopt, which may have been deposited under the provisions of the Indian Registration Act, 1866, and authorities to adopt executed before the 1st January, 1872, which may have been deposited under section 2 of the Indian Registration Act, 1871; also wills in sealed cover which have been deposited or may be prescribed for deposit under section 43, and wills which have been or may be opened under section 45 of the Indian Registration Act, 1871, the Indian Registration Act, 1877, or the Indian Registration Act, 1908. It shall not be used for any other purpose whatever. The key of the safe shall remain in the personal custody of the Registrar who alone shall open and close it; "The duplicate key should be carefully labelled and deposited in the Treasury strong room for safe custody in securely sealed covers". The safe shall be placed where it cannot be affected by damp, and it shall be opened and examined once in every six months with a view to ascertaining that its contents (if any) are correct and in good conditions, and that the lock is in order; and on the 1st April and 1st October every year the Registrar shall report to the Inspector-General the result of this examination, or if owing to some unavoidable cause no such examination has been made, the reason why no examination has been made.

(2) If any will through age or damp has been subjected to such decomposition that it appears likely to become useless, the depositor-or his legal representative, if the depositor is dead-should be called upon to replace it, and informed that unless he does so, it will be destroyed when no longer legible. Such destruction should be carried out in the presence of a gazetted officer, who should record a note thereof in his own handwriting in the register.

(3) When several wills are kept together arranged one above the other the seals are apt to wear out and the inscription thereon to become effaced owing to constant contact. It has also been observed that in some cases the inscriptions on the seals fade with the advance of years. In order therefore to prevent damage such covers should, before they are deposited in the safe, be placed in outer transparent covers with eyeleted flaps and a string should be passed through the eyelets and

tied and sealed. The outer cover should not be opened unless there is a permanent change in the personnel of the Registrar or unless an occasion arises for the opening of the inner sealed cover for its removal to court.

27. No need for verification of existence of testators.- The Government of India have decide that it is not incumbent on Registrars to verify from time to time the existence of testators, whose wills have been deposited with them for safe custody. All depositors of wills should, therefore, be informed that no steps will be taken by Government to ascertain when they die, and to communicate after their death with the beneficiaries.

GENERAL RECORD OFFICE

28. Opening of Central record offices.- In some of Himachal Pradesh districts a central record office for registered documents has been opened, and the system should be extended to the remaining districts circumstances permit. The following paragraphs prescribe how such an office should be constituted and administered.

29. Central office to be in Registrar's office.- The Registrar's office shall contain the central office of record for each district and such registers of his own and those of subordinate offices as are to be preserved in perpetuity, shall be transferred to it from time to time.

30. Catalogue of permanent records.- (1) A catalogue shall be kept up in every registration office, so may pages being set apart for entering up serially the volumes of each species of register, where necessary, year by year. Only permanent records shall be entered, such records being of the following character:-

(a) for the period prior to the year 1847-

- (i) such filed copies or documents, along with relevant indexes and diaries, as may still exist;
- (ii) any register books that there may be into which deeds were copied along with relevant indexes;

(b) for the period 1847-1856-

- (i) the single register books into which deeds were copied;
- (ii) the indexes to such registers if any;

(c) for the period 1850-1867-

- (i) the file books of the copies or the bundles of the copies which were taken from presneters and which, after comparison with original, were filed;
- (ii) the register books in which record was made of the names, etc., of the persons who presented the copies and of the nature of the transaction;
- (iii) the annual indexes to these register books;

(d) for the period 1868 to date-

all volumes of books ¹1,2,3,4 and 6 and all indexes I, II, III, and IV (vide sections 51, 54, and 55 of the Act).

(2) In future, when a new catalogue has to be prepared, the following form should be adopted. Existing catalogue need not be altered:-

Book or Index No.....

¹ Note-book includes also supplementary book-1 (paragraph 47)

Sr. No.	Vol. No.	Date of Commencement		
		Date	Month	Year
1	2	3	4	5

Date of Completion			Date of despatch to Central record room				
Date	Month	Year	Date	Month	Year	Signature of registering officer	Remarks
6	7	8	9	10	11	12	13

31. **Transfer of records to central office.**- When a central office has been opened no time should be lost in transferring to it from the Registrar's and Sub-Registrar's offices the records mentioned in clauses (a), (b) and (c) of the proceeding paragraph, if there are any such, and at the beginning of each calendar year such of the records mentioned in clause (d) as are completely filled up and in which the last entry dates back over 12 years, or such period as the Inspector-General may approve, should be transferred to the central office. All records so transferred shall be accompanied by an invoice in duplicate (vide form 3, Appendix III). One copy of the invoice shall, after careful verification be receipted and returned to the office from which it was received with as little delay as possible. Despatching officers will be responsible for seeing that the records are securely packed before dispatch, and that every precaution is taken to guard against their loss or damage in transit.

32. **Special record-room.**- Where possible, a special record-room for these records shall be provided in the Registrar's office, and shall be supplied with racks and presses or with strong wooden or sheet iron almirahs fastened by secure locks.

33. **Supervision of central office.**- The central office may, with the sanction of the Inspector-General, be placed directly under the supervision of the Sub-Registrar at headquarters, but in any case it shall remain in the charge of the Registrar's muharrir who shall keep a catalogue as prescribed in paragraph 30.

34. **Catalogue to be signed on changes of personnel.**- Whenever there is a change of registering officers or of registration muharrirs or of head, registration muharrirs where there is more than one muharrir, the catalogue of permanent records referred to in paragraphs 30 and 33 shall be signed by the relieved and relieving registering officers or muharrirs or head muharrirs, as the case may be.

INSPECTION AND PRODUCTION IN COURT

35. **Inspection of registers, etc., by applicants under section 57.**- Inspections of registration books and indexes allowed to applicants under section 57 of the Act shall be made in the presence of the registering officer, and without pen and ink. "Pencil and paper may be used for the purpose of taking notes in order to identify the document or record which is being examined. These notes shall be confined to particulars, such as the names of parties, the area of land demised or the amount of the consideration money, if any, the number of document and book, volume and

page of register in which it has been copied and the date of the registration. No mark shall, however, be made on any record or paper inspected.'

36. Production of registers, etc., in court.- If the production of a register book, or of any document in the custody of a registering officer is required by any court, it shall be forwarded under the charge of a member of the registration establishment, and application shall be made to the court for recovery of his expenses from the party at whose instance the record has been summoned in accordance with the Travelling Allowance Rules in force in the Himachal Pradesh.

DESTRUCTION

37. Annual destruction of useless records.- Each Sub-Registrar, and the Registrar's muharrir for the Registrar's office, shall, as soon as possible after the close of each calendar year, submit in Hindi or in English to the Registrar of the district a statement, prepared according to form E, appendix II, containing proposals for the destruction of documents and records which, in accordance with the instructions contained in appendix VII, need no longer be preserved. The Registrar, after examining all such statements, shall pass orders for the destruction of such documents and records as he may consider necessary. These statements should be disposed of by Registrars by the first March in each year at the latest. Among the olders records, the following should not be preserved;

- (a) Old Book V which was kept in the years 1866-72 and contains summaries of decrees in land-suits sent to Sub-Registrars by civil courts;
- (b) the serial register books or diaries of the years 1856-68, provided copies of the deeds entered in these books are forthcoming (with the indexes), and have registration endorsement on them signed by the Sub-Registrar;-vide paragraph 30(c) (ii).

38. Destruction of registered documents.- When a registered document is destroyed under section 85 of the Act a note to that effect shall be made in the column for remarks opposite the copy in the book in which it was registered. When a document, the registration of which has been refused, is destroyed under the same section, a similar note shall be made in the column of remarks opposite the record of refusal in book 2.

CHAPTER IV BOOKS AND RECORDS

39. Registers to be kept in offices of Registrars and Sub-Registrars.- (1) In the office of ever Registrar and Sub-Registrar the following registers shall be maintained:-

- Book 1.
- Supplementary Book 1.
- Book 2.
- Book 3.
- Book 4.
- Book 6.

(2) Each Registrar shall also keep an additional register called Book 5.

(3) Where the Sub-Registrar and Joint Sub-Registrar are located in the same building and use the same muharrir, only one set of registers shall be kept.

40. Supply of registers.- (1) The books shall consist of printed forms containing the headings hereinafter described, and paged consecutively, bound in volumes of convenient size, the number of pages in each volume being certified on the title page. Ordinarily they shall be in the regional language. The volumes shall be numbered consecutively (a separate series for each book for each office), and the number shall not terminate with the calendar year, but shall run on perpetually.

(2) Every registering officer, on receiving a volume from the Registrar's office, shall immediately examine it to see that it contains the certified number of pages, and that these have been numbered in proper consecutive order; and he shall note the result on the title page. A similar certificate shall be entered by the Registrar in any volume brought into use in his own office.

41. Indents for forms and books.- (1) All indents for registration forms and books shall be sent to the Controller, Printing & Stationery, Himachal Pradesh through the Inspector-General of Registration. Indents for Hindi forms and books should reach the Inspector-General's office not later than the 2nd January each year. The Registrar's indents should specify the books and forms likely to be require in their own offices and in those subordinate to them during the next calendar year. The number of forms to be printed each year will be calculated on the average consumption of the three previous years with an addition of 50 per cent less the number of forms in hand. For this purpose Sub-registrars should submit to Registrars reports as to their requirements not later than the 15th December each year. Indents should be prepared in duplicate, one copy being retained in the indenting office and the other forwarded to the Inspector-General of Registration.

(2) The forms and books duly bound will be supplied to Registrars by the end of August. Registrars will stock them and distribute them when required to sub-office.

(3) As soon as supplies are received, their number should be carefully checked by the indenting officer, who should satisfy himself that they are in accordance with the indent before signing the receipt for them.

(4) To prevent wastage of registration books and forms, a register should be kept in each Registrar's office in the form given below. Receipts should be entered up in this register in red ink, and issues in ordinary ink, the signature of the person to whom the forms are issued being taken in the remarks column.

STOCK REGISTER OF REGISTRATION BOOKS AND FORMS							
STANDARD NO. OF FORM OR REGISTER OR ENVELOPE							
Date	Opening balance	Receipts		Issues		Balance after each transaction	Initials of receiving or issuing official
		Number received	No. and date of invoice with which received	No. issued	To whom issued		
1	2	3	4	5	6	7	8

42. Certificate of examination when a volume is filled up.- When a volume is filled up, the registering officer shall certify, after the last entry, the number of entries made therein during

the current calendar year, and the number of pages on which they are written; he shall also examine these entries, and note in his certificate any errors or defects that he may discover.

43. **Consecutive numbers to be by the calendar year-Certificate at close of year.-** The consecutive numbers of entries in each book prescribed in section 53 of the Act shall commence and terminate with the calendar year, and at the close of each such year, the registering officer shall certify, after the last entry of each current volume, the number of entries made in that volume during the year, and the number of pages on which they are written; he shall also examine these entries, and note in his certificate any errors or defects that he may discover. If no entries have been made during the year in any volume he shall certify to that effect.

44. **Concurrent volume of same register.-** If in any office the number of documents to be registered be so large that there is difficulty in entering them day by day in the appropriate registers, the registering officer may, with the previous sanction of the Inspector-General, keep up concurrently two volumes of any register book, the documents bearing even numbers being entered in one volume, and those bearing odd numbers in the other. In special cases three or more concurrent volumes may be maintained.

45. **Book. 1.-** Book 1 is a file book with numbered butts, of non-testamentary documents which relate to immovable property registered under section 17 and 18 of the Act and which are not Wills. In this book shall be filed duplicate copies of all documents, duly signed by the parties and the witnesses and endorsed by the registering officer like the original. Each sheet of the duplicate copy thus signed by the parties and the witnesses and endorsed by the registering officer shall then be pasted on a separate numbered butt in book No. 1 immediately on receipt, otherwise there is a danger of its being lost or injured and the registering officer shall scribe his signature and shall affix the seal of his office in such a way that both the signature and the seal are partly on each butt so used and partly on the duplicate pasted thereon. Endeavour should be made to return the original document to the presenter before he leaves the office. This book and the indices relating thereto are open to public inspection, and the copies of entries therein shall be given to an applicant on payment of prescribed fees. The heading of each butt shall be in the following form :-

Value of Stamp	S. No. of entry, nature and value of transaction and amount of registration and other fee and fine levied.	Remarks
1	2	3

46. **References to other documents affecting the same property.-** When any document is registered in Book 1 affecting some other document previously registered in it, a note referring to the later document shall be entered in the column of remarks opposite the entry of the earlier document, and shall be signed by the registering officer of the day. A note of compliance with this rule signed by the muharrir shall always be entered on the copies of documents in which the references to previous documents occur, as without such a note it cannot be easily ascertained whether the rule has been carried out. Where entries have to be made in registers transferred from Sub-Registrar's offices to a central record-room, Sub-registrars shall maintain lists of all such references and send them to the Registrar's office at the end of every month. The Registrar's clerks

shall then enter the notes in the appropriate registers in the record room, have them signed by the supervising officer, and return the lists duly endorsed to the Sub-Registrars who shall have the requisite notes of compliance entered against the copies of the later documents in their offices.

47. Supplementary Book 1.- (1) Besides the ordinary entries in Book 1, the Act requires that the following documents shall be “filed in Book 1”:-

- (a) Copies of maps and plans (section 61);
- (b) Copies and memoranda of documents received from other registering officers (section 64 to 67);
- (c) Copies of certificates granted by revenue officers under the Land Improvement Loans Act, 1883, or the Agriculturists Loans Act, 1884, and of certificates of sale granted by courts under the Code of Civil Procedure or by revenue officers in regard to immovable property sold by public auction (section 89).

(2) To prevent injury to the binding and the disturbance of paging which would result if these documents were filed in the bound volumes, a separate file book called “Supplementary Book 1” shall be kept in each office and in it the documents above-mentioned shall be pasted. It shall contain printed slips paged in consecutive order and having columns headed as follows:-

- (a) date of receipt of copy of memorandum;
- (b) date on which document was executed;
- (c) name and addition of executants.

(3) As regards the copies of maps and plans, it will be sufficient to note thereon the registration number and date of registration of the document to which they appertain, and the volume and page where the entry will be found; but all other copies and memoranda filed in this book shall be numbered consecutively and the necessary particulars shall be given of them in indexes Nos. 1 and II. All documents should be pasted in immediately on receipt otherwise there is danger of their being lost or injured. All notes recorded on the documents filed in this book should be signed and dated by the registering officer. In all cases the three printed columns on the paged slips should be filled up. The certificates at the beginning and end of each volume prescribed in paragraph 40 and 42 and the annual certificates prescribed in paragraph 43, must be recorded in this book in the same manner as in all the other registers.

48. Copies of certificates of sale under the C.P.C.- The High Court has arranged that all copies of certificates of sale granted under the Code of Civil Procedure shall be prepared by the courts on printed forms of a prescribed size and shape, suitable to the size and shape of the registers in which they are to be filed, and that blank copies of these forms shall be supplied on application to the office of the Controller, Printing & Stationery, H.P. Sub-Registrars should not file any copies of sale certificates sent to them unless these are prepared upon the prescribed forms, copies not so prepared being returned to the courts sending them.

49. Copies of orders granting loans under the Land Improvement or Agriculturists Loans Act.- Copies of orders granting loans under the Land Improvement Loans Act, 1883 or the Agriculturists Loans Act, 1884, should be prepared upon paper the pages of which are of foolscap size. If the whole document cannot be copied into a single half sheet, whole sheet or more than one sheet may be used, but the paper should be limited to the size of foolscap.

50. Filing translations and maps.- When a document is registered under section 62 of the Act a note of the pages of the supplementary file book on which the translation and copy have been

filed, shall be made in the column for remarks. A similar note shall be made when a copy of a map or plan is filed in Supplementary Book 1 under section 61.

51. **Book 2.-** (1) Book 2 is the record of reasons for refusal to register. It also is open to public inspection and copies of entries in it shall be given to all persons applying for them; in the event of the applicants being persons executing or claiming under the document, registration of which has been refused, or their representative or agents, the copies shall be given free of charge for copying, though the copy must be stamped. This book shall contain the following headings:-

1. Serial number;
2. date of order of refusal;
3. name of person presenting document;
4. nature and value of transaction;
5. reasons for refusal;
6. remarks.

(2) A brief description of the rejected document is sufficient, and there is no need to copy it into the book in extenso.

(3) The record of the reasons for refusal should be sufficiently full to enable an appellate or inspecting officer to judge of their sufficiency, but need not contain a summary of any evidence which the registering officer may have taken; such evidence should be recorded on separate sheets of paper and filed in the office. When a document, the registration of which was originally refused, is subsequently registered by order of Registrar, under section 72 or 75 of the Act, or of a Civil Court under section 77, a note of such order shall be made in column (6) of this register opposite the original record of refusal.

(4) In his copy of this book the Registrar, as required by section 76 of the Act must record his reasons, not only for refusing to register a document, but also for rejecting an appeal from the order of a Sub-Registrar subordinate to him.

52. **Book 3.-** Book 3 is the register in which Wills and authorities to adopt are to be copied after they have been accepted for registration under section 41 of the Act; also such Wills as have been opened by the Registrar under sections 45 and 46. This book is not open to public inspection, nor are its indexes; but copies of entries in it or them shall, on payment of the prescribed fees, be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies. The necessary search shall be made by the registering officer in person. When a Will entered in this book affects immovable property situate in districts or sub-districts other than that where the entry has been made, no copy or memorandum of such Will need be sent to the registering officers of those districts or sub-district. This register shall contain the headings as under:-

- (a) value of stamps and copy of all endorsements made in the registry office;
- (b) serial number of entry, nature and value of transaction and amount of registration and other fees and fines levied;
- (c) copy of document registered;
- (d) remarks.

53. Description of “Will”.- To prevent mistakes, it may be explained that every document making posthumous disposition of property is a “Will” and should, when registered, be entered in Book 3. Further, that a document which merely declares the fact of having adopted a son, or given a son for adoption is not an “authority to adopt” and should not be entered in this book unless it contains testamentary dispositions which bring it within the definition of “Will” given above.

54. Book 4.- Book 4 is the miscellaneous register, in which are pasted duly endorsed and signed duplicate of all documents registered, under clauses (d) and (f) of section 18 which do not relate to immovable property. It is not open to public inspection, nor are its indexes; and copies of entries in it or them shall be given, on payment of the prescribed fees, only to the parties executing or claiming under the documents to which such entries relate, or to the agents or representatives of such persons. The necessary search shall be made by the registering officer in person. This register shall contain the same headings as Book 1.

55. Separate file book for documents in languages not in use in the Himachal Pradesh.- A separate file book should be opened in every registration office in the same form as Supplementary Book No. 1 (paragraph 47 ante); and all copies and translations of documents written in languages not in common use in the Himachal Pradesh and registered in Books 1, 3 and 4 should be filed in it. The number and date of registration of the document to which they copy and translation appertain should be noted thereon along with the volume and page where the entry of the document will be found. Translations and copies should be pasted in the file book immediately after the documents to which they appertain, have been copied in the appropriate books as otherwise there is a danger of their being lost or injured. In all cases the three printed columns of the paged slips should be filled up. The certificates at the beginning and end of each volume and the annual certificates must be recorded in this book in the same manner as in all other registers.

56. Book 5.- (1) Book 5 is the register of deposit of Wills, and is to be kept only in the offices of Registrars, who alone can receive Wills in sealed covers for deposit. It shall contain the following headings:-

1. serial number;
2. superscription on the sealed cover;
3. inscription on the seal of the cover;
4. time of presentation and receipt of the sealed cover-
Year, Month, Day, Hour;
5. name of depositor;
6. names of persons testifying to the identity of depositor;
7. time of delivery of the sealed cover to applicant for withdrawal-
Year, Month, Day, Hour;
8. names of persons, testifying to the identity of the applicant at the time of delivery;
9. times of opening the sealed cover-
Year, Month, Day, Hour.

(2) Columns (1) to (6) shall be filled in when Will is first deposited under section 43 of the Act; columns (7) and (8) shall be filled up in the event of the Will being subsequently withdrawn; and column (9) shall be filled up when a Will is opened, after the death of the testator, under section 45 or 46 of the Act. All these several must be verified by the signature of the Registrar for the time being. When a Will has been removed by order of court under section 46(1) of the Act the fact shall

be noted in red ink across the entry, and the note shall be authenticated by the signature of the Registrar.

57. Book 6.- (1) In addition to the books specified above, there shall be kept in every registry office a memorandum book, to be called Book 6 for the purpose of recording brief abstracts of powers of attorney authenticated under Clause(1) of section 33 of the Act. It shall contain the following headings:-

1. Serial number;
2. date (year, month, day);
3. name and addition of principal executing the power;
4. name and addition of attorney;
5. names of persons identifying the principal;
6. value of stamp; amount of fees levied; and brief abstract of contents of power.

(2) In the last of these columns it shall be noted amongst other things, whether the instrument gives express or implied authority to the attorney to present a document for registration; whether the power is a special or a general one; and if special, in what registration office it is intended to be used. It is not necessary to copy out the document in extenso.

58. Authentication of powers of attorney by registering officer.- To prevent mistakes it may be explained that the only description of power of attorney, which a registering officer is competent to authenticate under section 33 of the Act is one which contains authority to present for registration a document executed by the principal, and this is the only kind of power of which entries should be made in Book 6. Such a power of attorney may, of course, be registered like any other document, but it will not be valid for registration purposes, unless it has been authenticated under section 33 of the Act. Accordingly, when a power of attorney is presented by a person who presumably does not understand the distinction between registration and authentication, and it is not a power which the registering officer can authenticate, he shall register the document in his Book 4. If, however, the power contains authority to present for registration a document executed by the principal, the registering officer shall explain the difference between authentication and registration, and ascertain the presenter's exact wishes in respect of the document. There is nothing, of course, to prevent such a document being registered as well as authenticated if the principal wishes it, but in that case the two operations shall be treated as separate transactions, and the usual fees shall be levied for both. If the power of attorney confers other powers besides an authority to present for registration a document executed by the principal, it must be registered in Book 4 and will also be authenticated and entered in Book 6, if the presenter wishes.

BOOKS IN WHICH CERTAIN CLASSES OF DOCUMENTS SHOULD BE REGISTERED

59. Instructions as to books in which documents should be registered.- (1) When a document is admitted to registration the registering officer has to determine in which book, it should be registered. This is a very important matter, not only because some of the books are open to public inspection while others are not, and because the rates of fee diff, but also because questions of jurisdiction and limitation are involved. Ordinarily no difficulty will be experienced in determining, for the purposes of the Act, what is and what is not "immovable property", but as occasionally doubts may arise, the following rulings are noted for the guidance of registering officers.

- (a) In letter No. 49-1814, dated the 31st October, 1884, the Government of India in the Home Department ruled that trees sold with a view to their being cut down and removed are “standing timber” within the meaning of Clause (9) of section 2 of the Act, while trees sold with a view to being kept permanently standing and enjoyed by the taking of their fruits or otherwise are immovable property. In conformity with this ruling documents relating to trees of the classes ordinarily used for timber should be registered in Book 4 unless the terms of the document clearly contemplate their being kept standing and enjoyed. Conversely, documents relating to trees not ordinarily utilized as timber should be registered in Book 1 unless the terms of the document make it clear that they are to be cut down.
- (b) Saltpetre manufacture-Agreements relating to the manufacture of saltpeter, and to other products of the earth (except standing timber, growing crops and grass) should be registered in Book 1 as documents relating to immovable property.
- (c) Sajji leases.- An instrument conferring the right to cut “Sajji” for a term of years over a specified area of land, and conveying a right not only in the Sajji plants growing at time of contract but to those produced on the land in future for the terms of years agreed upon, is registerable in Book 4.
- (d) Votive offerings at Shrines.- A document conveying the income of a mela (i.e. the offerings of worshippers at a shrine) was ordered to be registered in a Book 1, it being held that, as the property transferred was income derived from a sacred building, the document should for registration purpose, be treated as one relating to immovable property.
- (e) Receipt of consideration money.- Acknowledgments of the receipt or payment of consideration for the conveyance, etc., of immovable property must be registered in Book 1, and of other property in Book 4.
- (f) Haq nambardari.- The allowance to village headmen of 5 per cent on the land revenue commonly known as haq nambardari is “a benefit arising out of land” within the definition of “immovable property” given in clause (6) of section 2 of the Act.

60. Instructions as to instruments of adoption.- Instruments of adoption of ten give rise to doubt as to their proper treatment in a registration office. The following instructions in regard to their registration should be followed:-

Deeds of adoption, as generally met with in practice, may be divided into four classes:-

- (i) deeds which recite the fact of adoption only;
- (ii) deeds which recite the fact of adoption and convey the property of the adoptive father to the adopted son during the lifetime of the former;
- (iii) Deeds which recite the fact of adoption and will the property to the adopted son after the adoptive father’s death;
- (iv) Adoption deeds executed by widows in pursuance of an authority to adopt.

Instrument of the first class fall under clause (f) of section 18 of the Act, and their registration is optional, but they must be presented, if registration is desired, within the time allowed in Part IV of the Act. They should be registered in Book 4, and described therein and in the statistical returns as “adoption-deeds” (mutbana-nama). They are chargeable with stamp duty, under Article 3, of Schedule I, of the Indian Stamp Act, 1899.

Instruments of the second class should always be recorded in the registers and statistical returns as “instrument if gift” (*hiba-nama*). They must be brought for registration within the period of limitation allowed in Part IV of the Act, but are subject to different treatment according as the property transferred is immovable or movable. Where the property transferred or any part thereof, is immovable, the instrument falls under clause (a) of sub-section (1) of section 17, and registration is compulsory. The registration should be made in Book 1, the fee payable being according to the scale given in clause (b) of Part (1) of Article 1 of Appendix I. Where the whole of the property conveyed is movable, the instrument falls under clause (d) of section 18 of the Act and registration is optional. The instrument should be registered in Book 4 and the free chargeable is as may be prescribed from time to time. In either case the instrument must be stamped as a conveyance on the value of the property transferred under Article 33 of Schedule I-A or as an adoption-deed under article 3 of Schedule I-A, of the Indian Stamp Act, 1899, whichever is highest, see section 6 of the Stamp Act.

Instruments of the third class fall under two heads-

- (a) Deeds intended to operate as Wills and reciting the fact of adoption only incidentally;
- (b) Deeds intended to operate as those of adoption and containing also a provision, that the adoptee would succeed to the property of the adoptive father after death of the latter.

The deeds falling under (a) must be recorded and treated in every respect as Wills (*wasiyat-nama*). Their registration is optional under clause (c) of section 18 of the Act, and they may be presented at any time (section 27). They must be registered in Book 3, and are liable to a registration fee as may be prescribed, but are exempt from stamp duty. Instruments coming under (b) must be treated as deeds of adoption for purposes of stamp duty as well as registration.

Instruments of the fourth class must be treated in every respect as those of the first, but care must be taken to distinguish between instruments conferring authority to adopt a son (*ijazat-nama tabniyat*) and adoption-deeds executed in pursuance of such authority as to which, as well as to the definition of a “Will” paragraph 53, may be consulted. The registration of an authority to adopt is compulsory, 4; the registration-fee for the former and for the latter is as may be prescribed, both instruments are, however, alike chargeable with a stamp duty as prescribed under Article 3 of Schedule I-A of the Indian Stamp Act, 1899.

Adoption-deeds not uncommonly contain stipulations on the part of the adoptive father for the maintenance of the adopted son, and provisions for his marriage expenses. Such stipulations are to be regarded only as a record of the duties which are imposed by the law itself, without express mention, upon the adoptive father, and do not bring the deeds which contain them within the definition of “agreement” given in section 2 of the Indian Contract Act, 1872.

61. Distinction between leases and mortgage.- Care should be taken to distinguish between deeds of lease and deeds of mortgage for a limited period and the classification adopted by the deed-writer should not always be followed. Generally speaking, it may be said that if land is transferred in order to secure the repayment of a lump-sum of money advanced to, or due from the owner of the land, the deed is usually a mortgage deed, whereas in the case of a lease the land is transferred on account of a future recurring annual payment. If registering officers hold that a so-called lease presented to them for registration is really a deed of mortgage, they should treat it as such for the assessment of stamp duty and registration fees, and if it is under-stamped should impound it. The real nature of the deed should of course be shown in column 2 of Book-I.

Note.- In this connection reference may be made to clause(b) of article 35 of Schedule I-A of the Stamp Act. Documents falling under this clause are to be treated as “conveyance” for the purposes of stamp duty.

62. Indexes to be prepared on printed forms.- (1) The current indexes, required by sections 54 and 55 of the Act to be kept up in every registration office, should be prepared on printed forms containing the particulars hereinafter set forth. The forms shall ordinarily be in the vernacular, but in special cases English forms may be supplied.

(2) For the purposes of this paragraph the offices of a Sub-Registrar and Joint Sub-Registrar located in the same building and using the same muharrir should be deemed to be one office.

63. Index No.1-(1) Index No. 1 is that in which section 55 of the Act requires that the names and additions of all persons executing, and of all persons claiming under every document entered or memorandum filed in Book 1, shall be entered. It shall contain the following headings:-

1. name of person;
2. father’s name;
3. residence;
4. profession, trade;
5. interest in the transaction (e.g., purchaser, mortgagee, etc.);
6. number of volume in which document is registered;
7. page of volume in which document is registered;
8. references (i.e. to initial letters of other index entries relating to the same transaction).

(2) This index shall contain the names and additions not only of the parties concerned in the documents copied into Book 1, but also of those concerned in the copies or memoranda of documents received from other registration offices and filed under section 64, 65, 66 and 67 of the Act as well as those concerned in the copies of orders by revenue officers granting loans under the Land Improvement Loans Act, 1883, or the Agriculturists Loans Act, 1884, and of certificates of sale granted by civil courts under the Code of Civil Procedure or by Revenue officers in regard to immovable property sold by public auction which are filed under section 89 of the Act. In the case of such sale certificates the only names of persons that need be indexed are those of the judgment-debtor as vendor and the auction purchaser as vendee.

64. Index No. II.- (1) Index No. II is that in which, under section 55 of the Act, the particulars mentioned in section 21, relating to every document entered or memorandum filed in Book 1, are to be entered. It shall contain the following headings:-

1. name of city, town or village with tehsil and district;
2. Name of parties:-
 - (a) alienors.
 - (b) alienees.
3. No. khasra and area with land revenue if the property has been surveyed;
4. nature of transaction (e.g, sale of land, lease of house, mortgage of land or house) with the amount of consideration);
5. number of volume in which document is registered;
6. page of volume in which document is registered;
7. Remarks;

(2) A Sub-Registrar, on registering a document of the nature mentioned in section 64 or 65 of the Act, shall enter in this index particulars of only that portion of the property which is situate in his own sub-district. A Registrar, on receiving a copy of a document under section 65, 66 or 67 of the Act, shall enter particulars only of the property situate in his own district. A Sub-Registrar, on receiving a memorandum of a document under section 64, 65, 66 or 67 of the Act, or a copy of an order or certificate under section 89 of the Act, shall enter the particulars of the property concerned in this index.

65. Index No. III- Index No. III is that in which section 55 of the Act requires the names and additions of all persons executing every Will and authority to adopt, copied into Book 3, and of the executors and persons, respectively, appointed thereunder, and after the death of the testator or donor (but not before) the names and additions of all person claiming under the same, to be entered. It shall contain the same headings as index No. 1.

66. Index No. IV.- Index No. IV is that in which section 55 of the Act requires the names and additions of all persons executing, and of all persons claiming under, every document, copied into Book 4, to be entered. It shall contain the headings prescribed for index No. 1.

67. Preparation of Indexes.- Index entries shall be made on the same day on which the document to which they relate is copied or filed in its proper register and shall on no account be allowed to fall into arrears. They shall be made alphabetically in Hindi in the first instance on loose forms, a separate form being used for each letter of the alphabet.

68. Index sheets to be bound annually.- At the close of each calendar year, the loose index sheets in every office shall be bound into volumes of convenient size, care being taken that they are arranged in correct alphabetical order, and that the entries which under section 57 of the Act are open to public inspection (indexes No. I and II) are bound separately from those which are not (indexes Nos. III and IV).

69. Initial letters.- In the case of Indians the first letter of the person's name and not of his title shall be the guide to the letter under which the index entry is to be made. In the case of others, the initial letter of the surname shall be the guide. In the case of documents in which the Government is concerned, an index shall be made (amongst others) under the letters ('S') as the initial letter of Sarkar. Entries regarding companies, banks, etc., shall be made under the initial letter of the first word omitting the article.

SUBSIDIARY BOOKS AND MISCELLANEOUS RECORDS

70. Name of subsidiary books.- The following subsidiary books must also be maintained in the office of every Sub-Registrar:-

- (a) Fees Book;
- (b) Receipt books A and B;
- (c) Order file;

Provided that in the circumstances referred to in paragraph 39 only one copy of these books should be maintained for both offices of the Sub-Registrar and of the Joint Sub-Registrar.

71. Fees book.- (1) The Fees book shall be kept in the vernacular printed bound volumes containing 100 or 200 pages each being supplied from the Registrar's office. This book must be written up daily, the registration fees realised on each document (distinguished by its registration

number and the number of the book in which it is entered) being shown separately, and the total collections of the day entered in the appropriate column, copying fees being shown separately from other fees. This daily total must be verified by the registering officer who shall affix his signature in token of such verification. On the last account day of each month the several columns of the fees book shall be totaled, the totals being written in red ink, and signed by the registering officer, the entries for the remaining days of the month being carried forward to, and included in the totals for the following month. Thus, if in July, the book is totalled on the 27th, the entries from the 28th July to the 27th August should be treated as pertaining to the month of August, and so on.

¹“(2) Where there is a Government treasury or sub-treasury at the same place, the registration fee shall be deposited into the treasury or sub-treasury through Challan by the executants himself and after depositing the fee, a copy of challan shall be attached with the document. In case the document is not accepted by the registering office for any reason, the fee shall be refunded to the executants after deducting 2% or Rs. 10/- whichever is more.

Provided that in case of purchase of e-stamps for a registration transaction, the registration fees will also be accepted by the e-stamp vendor and the receipt so issued will be substitute for the copy of challan noted above.”]

(3) Registering officers should be careful to see that the correct amount of fees is levied in each case. It must be remembered that when under section 65, 66 or 67 of the Act, several copies of a document have to be made, owing to the property concerned being situate in more than one districts, a copying Fee under Article III of the table of fees should be charged upon each copy; but no copying fees should be levied for memoranda sent to other offices under those sections, no provision being made in the existing Table of fees for levying copying fees on such memoranda.

Note:- The table of registration fees will be found in Appd. I.

(4) Registering officers are also personally responsible that all fees, including fees for copies, are correctly shown in the accounts, and are properly credited in the treasury. Copying fees must be credited at the same time as other registration fees, each day or each month, according to the practice of the particular office.

(5)(a) The Registrar/Sub-Registrar shall cause the leaves counted and shall then record a certificate of count on the first page of the Fees-Book.

(b) The daily/monthly totals of the Fees-Book should be verified by the Registrar/Sub-Registrar who shall then initial the same in token of the correctness thereof.

(c) When a daily income is credited into the Treasury/Sub-Treasury/Bank, the entry should be compared with the Treasury/Sub-Treasury/Bank receipt by the Registrar/Sub-Registrar who shall certify that the amount has been actually credited into the Government account.

(d) Any erasure/over-writing of the entry once made in the Fees-Book is strictly prohibited. If a mistake is discovered it shall be corrected by drawing the pen through the incorrect entry and inserting the correct one in red ink above it. Every correction so made shall be initialed with date, by the Registrar/Sub-Registrar.

(e) No Peon should ever be allowed to handle the Government money for being credited into the Government Treasury, etc. or otherwise.

¹ Amended vide Notification No. Rev. Stamp(F)8-1/2004 dated 20-08-2011.

(f) The Registrar who has Gazetted Officers working under him, may delegate his functions here to any such officer.

(6) The rules framed by the Inspector-General of Registration Himachal Pradesh under section (69) (1) (4) of the Indian Registration Act, 1908 with prior approval of the Government of the Himachal Pradesh, regarding the maintenance of Fees, Accounts and Registers are contained in Appendix-VIII.

72. Receipt books.- (1) Receipt books are supplied from the Registrar's office. The forms of the three kinds of receipts are given at the end of Appendix II to this Manual. Each volume of Receipt Book (A) contains 100 blank printed (vernacular) forms, and each form is divided into three parts, viz-

- (a) containing particulars for identifying the document presented for registration, and an acknowledgement of the receipt of the prescribed registration fees-this part is to be filled up, torn off, and given to the presenter on realization of the fees;
- (b) containing a brief description of the document, and an acknowledgement of its receipt for registration-this part is the "receipt" mentioned in section 52 of the Act, and it should be filled up, torn off, and given to the person presenting the document, at the same time as the receipt for the fees;
- (c) the counterfoils which remain permanently in the book.

(2) These receipts are to be numbered consecutively, a fresh series being commenced for each calendar year; registering officers should see that they are given in the order in which documents are presented for registration, that all prescribed particulars are filled in, that in the place for description of property it is stated whether such property is immovable or movable, and, in the case of a mortgage, whether it is with or without possession, and lastly, that the name of the executants, and not (as is some-times erroneously done) the name of the scribe, is noted in the place provided for this purpose.

(3) When the document is about to be returned after registration to the party who presented it, or to such other person as he may have nominated to receive it in the manner described in section 61 of the Act, the receipt granted under section 52 should be taken back from him and pasted on its proper counterfoil in the receipt book after noting on it the day and hour on which the document was returned. Where the original receipt is not forthcoming, the written acknowledgement allowed by paragraph 123 should be pasted on to the counterfoil of the original receipt. Receipts for documents returned by post should be dealt with as prescribed in paragraph 125.

(4) When all the receipt forms in a volume have been used and reposted as described above the Sub-Registrar should forward it to the Registrar of the district who shall cause it to be carefully examined so as to see, in each case that the fees have been correctly levied, that the document was duly stamped, and that there has been no undue delay in returning it; and he will take such action thereon as may seem to him to be necessary. Thereafter, he will retain the book in his office until sanction is given, in due course, for its destruction.

(5) Receipt Book 'B' is for receipts for all fees, etc., which are paid at times other than those on which a document is presented.

(6) Receipt Book 'C' in English containing 20 pages is for receipts to be granted by the Registrars in acknowledgement of the receipt of fees recovered for sealed Wills deposited under

section 42 of the Act. It has been found necessary specially to prescribe this form so as to comply with the requirements of the last sentence of paragraph 27.

73. Order file.- The order file is a paste-Book, in which should be filed all orders of a permanent kind received in the Sub-Registrar's office, whether emanating from the Inspector-General, or the Registrar of the district, or any other authority. All orders of this character should be pasted in as soon as received, and should not be allowed to lie about in a loose condition; a list should be prepared for each year and pasted into the order file, containing a brief description of all orders so filed; this list should not be made up at the end of the year but written up from time to time as orders are filed.

74. Miscellaneous Recorders.- (1) Besides the foregoing books, the offices of Sub-Registrars should maintain the following records, in addition to such others as the Registrar of the district may direct or the Inspector-General of Registration may from time to time prescribe-

- (a) powers-of-attorney authenticated under section 33 of the Act, presented by agents bringing documents for registration (paragraph 99)- to be kept in annual bundles;
- (b) copies of decrees of court ordering cancellation of registered documents, received under section 39 of the Specific Relief Act, 1877 (paragraph 77); and copies of decrees of civil courts directing registration of documents under section 77 of the Act-to be kept in annual bundles;
- (c) cancelled;
- (d) depositions of witnesses examined by the registering officer (paragraphs 109 and 166)-to be kept in annual bundles;
- (e) miscellaneous papers of an ephemeral character to be kept in bundles of convenient size until authority is given for their destruction;
- (f) a copy (in Hindi) of the current Table of Fees-to be pasted on a board and exhibited, during office hours, in a public manner;
- (g) a copy each (in Hindi) of the Indian Stamp Act, 1899 and the Registration Manual;
- (h) (i) a dispatch book for all papers issued, including registered documents returned through the post, and a file book of postal receipts for such registered documents (see paragraph 125);
(ii) the dispatch book will be in the following form:-

Column 1. Serial No;

Column 2. Date of dispatch;

Column 3. Subject of paper dispatched;

Column 4. Address;

Column 5. Signature of receiver or number and date of postal receipt;

Note:- When a registered deed is returned by post the registration number and date should also be given in column 3.

- (1) a minute book in which inspecting officers should record their remarks. The remarks should be written in English only, but if the registering officer is unacquainted with English a translation should be attached.
- (2) in the circumstances referred to in paragraph 39 only one set of the records mentioned above should be maintained for both offices.

- (3) A 'misband' register in the following form should be kept in all registration offices and all papers including so far as possible those mentioned above should be entered in the register-

- Column 1. file No.;
- Column 2. date of institution;
- Column 3. subject;
- Column 4. names of parties;
- Column 5. kind of deed and amount of consideration money;
- Column 6. particulars of the property involved;
- Column 7. date of completion of file;
- Column 8. abstract of order;
- Column 9. date of destruction.

Note:- Columns 4, 5, 6 and 8 need not be filled in case of annual files.

- (4) Each kind of file should be entered on a separate page and sufficient number of pages should be allotted to each kind of file to last for several years.

75. Files of applications for copies.- (1) Application for copies of registered documents shall be kept in an annual bundle, apart from other miscellaneous papers.

(2) An index shall be attached to this bundle, giving (a) serial number for the year, (b) date of application, (c) amount of fees realised, (d) date of grant of copy, and (e) name of applicant.

(3) On receipt of an application for a copy spaces (a), (b) and (c) will be filled up, and the serial number endorsed on the application; after the copy has been given to the applicant, space (e) and (d) will be filled in, and the application filed in its proper place.

76. Use of English numerals.- (1) The English numerals should be used in all the registers, endorsements on deeds, receipts books 'A' and 'B' and all other registration records.

- (2) In all registers and papers English figures must be used.

CANCELLATION AND RECOPYING OF REGISTERED DOCUMENTS

77. Cancellation of registered documents by order of a court.- When under the provisions of section 39 of the Specific Relief Act, 1877 and registered documents is cancelled by order of a court, and a copy of the decree is sent to the office in which it was registered a note as to the cancellation signed by the registering officer of the day, shall be made in red ink in the column of remarks of the book in which the document was registered, opposite the copy of the document, specifying the court ordering cancellation and the number and date of its decree. All copies of decrees received under this rule shall be filed in annual bundles.

78. Re-copying of deeds entered in the wrong book.- When a deed has been copied into a wrong book, it should be recopied into the proper register and a note as to transfer made against the original entry. Care should also be taken to correct the entries in the indexes. A mistake of this kind does not invalidate registration (section 87 of the Act) and fresh fees should not be levied for the re-copying.

AUTHENTICATION OF REGISTER BOOKS

79. Authentication of entries in register books.- Every entry made in Book 1, 3, or 4 shall be an exact counterpart of the original and shall be carefully compared with it; all interlinations, blanks, crasures or alternations which appear in the original shall be shown in the copy entered in the register. The registering officer shall satisfy himself that this has been done, verifying by his signature or initials any corrections rendered necessary by mere errors of transcription. Such corrections should in all cases be made in red ink and never by crasure. The registering officer shall also see that the entry has been made in the book to which it properly belongs, that the number affixed to it is that which it ought to bear in order to maintain the consecutive series required by section 53 of the Act, and that the book, the volume, and the page entered in the certificate of registration are correctly stated; after which he shall authenticate the entry by legibly affixing his signature in full, together with his official designation, at the end of the copy of the document registered. Copies of endorsements shall also be initialed or signed by the registering officer. All signatures must be copied into the register books in their proper places, whether such signatures occur in the original documents or in the endorsement made in the registry office. The entries in all the books prescribed by these rules shall be authenticated daily.

80. Errors in consecutive numbering.- When an error has been made in the consecutive numbering of documents registered, as prescribed in section 53 of the Act, and the error is not discovered in time to admit of its correction before the document is given back to the presenter or the party authorized by him to receive it, the erroneous number must be allowed to stand, and no subsequent alteration is permitted; but a note of the error shall be made in the proper column of the register, and signed by the registering officer.

81. Entries in registers to be made with permanent black ink.- It should be borne in mind that the registers are permanent records; care should accordingly be taken that all entries made in them are written in permanent black ink. The use of fancy-coloured aniline and other evanescent inks is absolutely forbidden. The same rule applies to documents filed in Supplementary Book 1, and a registering officer receiving a document to be so filed, written with evanescent ink, should not file it, but return it to the sender with a view to its being re-written with permanent ink.

SUPPLY OF BLANK REGISTERS, ETC.

82. Applications for blank books and forms.- Applications should be made by Sub-Registrars to the Registrar's office for such blank registers and receipt books as may be required; the application may conveniently be in the form shown-on the margin, and should be made in ample time to admit of the arrival of the books before they are actually required. The name of the applying officer, the description of book required and (in the case of registers) the number of the volume, should be stated in the application. A similar procedure should be followed in applying for indexes and other printed forms supplied from the Registrar's office. Registering officers on receipt of register books will, at once, make the examination and record the certificate required by paragraph 40.

MARGIN :

Application for blank books and forms

Office of Sub-Registrar of
 Volume Book being
 nearly filled, Volume is required.
 Dated _____ Signature

Office of Registrar

Volume is this day forwarded. Its
 receipt should be acknowledged.
 Date _____ Signature

Office of Sub-Registrar of
 Volume Book has this
 day been received.
 Date _____ Signature

CHAPTER V
 "PROCEDURE"

PROCEDURE PRIOR TO ACCEPTANCE

83. Place of presentation.- Documents must ordinarily be presented and registered at the registration office at the headquarters of each district of sub-district, as the case may be, but, as provided by the Act, on special cause being shown registering officers may proceed to the private residence of any person desiring to present a document and accept it there for registration. This permission, however, must not be interpreted as extending to the acceptance of documents for registration at the private residence of the registering officer.

84. Payment of visits and issue of commissions.- Section 38 of the Act exempt from personal appearance at a registration office, persons unable from bodily infirmity to attend without risk or serious inconvenience, persons in jail, and persons exempt by law from personal appearance in court. In every such case the law requires that the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him, or issue a commission for his examination, whenever he issues a commission, the Sub-Registrar should report to the Registrar the name and position of the person to whom it was issued, and the reason why he did not himself proceed to the spot. As a rule, where the ¹General Assistant to Deputy Commissioner is the Sub-Registrar, the Sadar Tehsildar, or in his absence the Naib-Tehsildar, should be entrusted with the execution of a commission; and where the Tehsildar is the Sub-Registrar, the Naib-Tehsildar should be employed on this duty. The issue of commissions to a registration muharrir is absolutely prohibited.

85. Allowances to Commissioners.- Paragraph 84 applies to commissions issued under section 33 and section 38 of the Act. The person executing the commission will be entitled to the allowances mentioned in paragraph 10. Where several instruments executed by the same person are presented for registration together, and it is necessary to issue a commission to examine that person

¹ This does not apply to the General Assistant to Deputy Commissioner performing registration duties, who are not required or expected to make personal visit to private residence or jails.

in respect to the execution thereof, one commission fee only should be levied. Where also two or more persons are examined in respect of one document by a person executing a commission, or by a registering office attending at a jail or private residence, one fee only should be levied if the person examined reside or at the time of examination are actually present, in the same jail or in the same town or village. If, however, the person executing a commission, or registering officer, is obliged to visit more than one place for the purpose of the examination, a separate fee should be charged for each journey, if a single journey is made to register documents belonging to different executants the commission-fee shall be charged from each person or group of persons registering a document or documents but only one travelling allowance should be charged and the amount should be distributed in equal shares amongst these persons or group of person and levied from them accordingly. Travelling allowances shall in each case be charged according to the actual distance travelled.

86. Hours allotted to registration work to be notified.- Where registering officers have other duties to perform, a certain portion of each day shall be allotted exclusively to registration work. The time so set apart shall be made generally known, and a written notice of it shall be exhibited in a conspicuous and accessible part of the building in which the registry office is located. The notice shall state the hours at which documents will be received and returned daily. Similar notices shall be posted outside the offices of whole time registering officers. The latter should usually attend at their offices during the ordinary hours of business fixed for the district offices.

87. Reception of documents for registration.- At the hours appointed in the notice, the registering officer shall personally receive all documents for which registration is sought and have them examined in his own presence.

88. Examination as to stamp.- When a document is presented for registration the first duty of the registering officer is to examine it so as to see that it is duly stamped; this is an obligation imposed by law, which must take precedence of all other procedure. Special powers-of-attorney for the conduct of cases in courts should be stamped, with court-fee labels according to the scale in Article 10, Schedule II, of the Court-fees Act, 1870; but all other powers-of-attorney including those for the conduct of cases in foreign courts, whether special or general, must be stamped with non-judicial stamps according to Article 48, Schedule I-A of the Indian Stamp Act, 1899,-

Cancellation of court fee stamps.- When a document bearing a court fee label is presented for registration the registering officer, before returning it after registration, will cancel the label by writing the word "registered" with his signature and the date of registration across it.

89. Exemption from stamp duty of instruments to which Government is a party.- (1) When an instrument executed on unstamped paper is presented for registration and exemption from stamp duty is claimed under the general exemption in favour of Government contained in proviso (1) to section 3 of the Indian Stamp Act, 1899 it will be the duty of the registering officer, before accepting the instrument for registration, to satisfy himself-

- (a) that it was executed by, or on behalf of, or in favour of Government; and
- (b) that, but for the exemption, Government would be liable to pay the stamp duty.

(2) On the second point difficulty will seldom, if ever arise, distinct provision being made in section 29 of the Indian Stamp Act, 1899, as to the party liable for duty; and as to the first point, the instrument itself will ordinarily disclose on its face whether it was executed by, or on behalf of, or

in favour of Government. Occasionally, however, such instruments are drawn so as to disclose that they have been executed by, or on behalf or in favour, not of Government, but of an officer of Government described by name and official designation; and in such case reasonable doubt may arise as to whether the officer concerned acted in a private or public capacity and, if the latter, whether as representing the Government or some other public body (such as a municipal committee) not exempted by proviso (1) to section 3 of the Indian Stamp Act, 1899. In cases of this kind the registering officer must satisfy himself that Government is a party to the transaction. To this end, he should, where a Government officer is the executants, apply to that officer direct for the necessary information under section 88 of the Act; and in other cases he may take evidence under the provisions of sections 35, 36 and 66 of the Act. Should the enquiry prove satisfactory, he will accept the document for registration (if admissible in other respects), endorsing thereon that after enquiry he has satisfied himself that it is exempt stamp duty under proviso (1) to section 3 of the Indian Stamp Act, 1899.

90. Stamp duty chargeable on bai-bil-wafa deed.- (1) The class of instruments known as “bai-bil-wafa” or conditional sales, must for the purposes of stamp duty be treated as mortgage deeds chargeable under clause (a) or clause (b) of Article 40, Schedule I, of the Indian Stamp Act, 1899, according as at the time of execution, possession of the property or any part of the property comprised in the deed is given by the executant, or agreed to be given, or not.

(2) Deeds of mortgage without possession containing a condition that possession will be given if the terms of mortgage are not complied with by the mortgagors are chargeable with stamp duty under clause (b), and not under clause (a) of Article 40, Schedule I, of the Indian Stamp Act, 1899.

91. Impounding of documents not duly stamped.- If the registering officer is of opinion that a document presented to him is not duly stamped, he shall impound it under section 33 of the Indian Stamp Act, 1899, and send it to the Collector to be dealt with under section 40 of that Act.

92. Examination as to Jurisdiction.- when the registering officer satisfied that the document presented to him for registration is duly stamped, he will examine it to see whether he has authority to register it, and in this connection Parts V and VII of the Act. should be consulted. For the purpose of jurisdiction, documents may be grouped into classes :-

- (a) non-testamentary documents relating to immovable property, mentioned in clauses (a) to (e) of section 17, and clauses (a) to (c) of section 18 of the Act.
- (b) wills and Authorities to adopt ;
- (c) copies of decrees and orders of Court;
- (d) all other documents.

(2) Instruments of the first class may accepted for registration by any sub-registrar within whose sub-district any portion of property concerned is situated. Instruments of second class may be registered in any office. A copy of a decree or order may be register in the office of sub-registrar in whose sub-district the decree or order was made, or (if it does not affect immovable property) in the office of any other sub-registrar under the State Government at which all the persons claiming under the decrre or order desire the copy to be registered. A document of the forth class may be register either at the office of the sub-regisrar at the place of execution, or , at the instance of the executants and persons claiming under it, in the office of any other sub-registrar under the State-Government.

93. Jurisdiction of Registrars.- A Registrar may accept for registration any document which might be accepted by any Sub-registrar subordinate to him.

“Documents relating to immovable property are registerable under clause (f) of section 18 of the Indian Registration Act, 1908, but a copy of the documents so registered should be sent to the officer concerned.”

It should be noted also that entries of transfers of immovable property made in the registrars of cantonment authorities and municipal committees are no evidence of title, and cannot take the place of registration under the Act. Deeds of sale of immovable property executed by local bodies required to be registered when the value is Rs. 100 or more.

94. Discretionary registration by Registrars.- Registrars should exercise the discretion referred to in the preceding paragraph with due regard to public convenience. When the document is a Will or authority to adopt, or when it relates to a transaction in which the Sub-Registrar having jurisdiction is pecuniarily interested, or when it is written in English, and the Sub-Registrar having jurisdiction is unacquainted with that language, the Registrar should never refuse to accept it for registration, except for very cogent reasons. When a Registrar decides that a document presented to him under section 30 of the Act ought to be registered in the office of Sub-Registrar, he shall return it to the person presenting it without recording an order of refusal either on the document or in his Book No. 2

95. Procedure when registering officer has no jurisdiction.- If the registering officer finds he has no jurisdiction to register a document presented to him, he shall return it to the presenter without recording any order of refusal, and inform the presenter at what office he can obtain registration.

96. Examination as to time.- When the registering officer finds he has jurisdiction, he shall examine the document to see that it has been presented within the time allowed by part IV of the Indian Registration Act, 1908. Wills may be presented at any time; other documents executed should ordinarily be presented within four months from the date of execution; but the Registrar of the district may, on urgent necessity or unavoidable accident being shown, direct documents presented more than four months after execution to be accepted for registration on payment of the fine prescribed in paragraph 160, provided that the delay in presenting the document does not exceed four months. A Sub-Registrar has no authority to register a document (other than a Will) executed more than four months before the date of presentation without a direction to that effect from his Registrar, but an application for such a direction may be lodged with the Sub-Registrar, and should be sent on to the Registrar at once for orders. If the period of limitation for presentation or for appearance to admit execution of a document prescribed by the Act or extended by the Registrar expires on a day on which the registration office is closed, the presentation or appearance shall be considered to have been made in due time if it is made on the first day of the opening of the office thereafter, vide section 10 of the General Clauses Act, 1897.

97. Examination as to unverified interpolations, etc.- (a) If the document is brought for registration within the time allowed by law, the registering officer will see whether it contains any unverified interlineations, blanks, erasures or alterations of the kind of mentioned in section 20 of the Act; and in the case of documents relating to immovable property, whether the description of the property is sufficient for identification. If he is not satisfied on either of these points, he may

hand the document back to the presenter for remedy of the defect. Foreign documents should not be accepted unless accompanied by the translations and copies required by section 19, and documents of the kind mentioned in sub-section (4) of section 21 of the Act unless accompanied by the required copy or copies of the map or plan.

(b) In a town for which a Government map has been prepared, houses shall, for the purposes of section 21 of the Indian Registration Act, 1908, be described by reference to such a map; and no document affecting house property or potential building sites in a town shall be accepted for registration unless the property or the site has been so described in the document, and a copy of the map showing the khasra number or numbers in question and the adjoining khasra numbers has been attached to the application.

98. Parties entitled to present for registration.- If the document is not open to any of the objections set forth in paragraph 97, the registering officer, before finally accepting it for registration, shall satisfy himself that the person presenting it has legal authority to do so. The persons who may present a document for registration are the following-

- (a) in the case of a Will, the testator, and after his death, any person claiming under it as executor or otherwise;
- (b) in the case of an authority to adopt, the donor, and, after his death, the donee or the adopted son;
- (c) in the case of a copy of a decree or order, any person claiming under the decree or order;
- (d) in any other case, any person executing or claiming under the document;
- (e) the representative, assigner agent of any of the foregoing persons.

99. Presentation by representatives, assigns and agents.- (1) If the document is presented by a representative¹ or assign, he must satisfy the registering office of his status; if by an agent, he must produce a power-of-attorney² authenticated in the manner prescribed in section 33 of the Act; but care must be taken to distinguish between deeds executed by agents in pursuance of power in that behalf conferred upon them by their principals, and deeds executed by principals presented for registration by agents empowered in that behalf. It is not the duty of the registering officer to satisfy himself of the power of an agent, who is the actual executants of an instrument, to execute it, i.e. to deal with the property forming the subject matter of the deed. His duty is confined to the question whether the persons purporting to have executed the instrument have in fact done so or not. These are three possible cases-

- a) where the actual executants, or person claiming under the instrument, appears;
- b) where a representative or an assign of such person, appears;
- c) where an agent of either of the above persons appears.

(2) In the first case, the officer has simply to ascertain whether the person so appearing does or does not admit execution, and his identity. In the second case, the officer has further to satisfy himself as to the right of the representative or the assign to appear in that capacity and to admit

¹ It must be remembered that for the purposes of the Registration Act "representative" includes the guardian of a minor and the committee or other legal curator of lunatic or idiot.

² Attention is invited to the N.B. to article 48 schedule I, of the Indian Stamp Act, 1899 which says that the term registration as used in article 48(a) includes every operation incidental to registration under the Indian Registration Act, 1908.

execute. In the third case, the officer has simply to see whether the person appearing is an agent duly empowered as prescribed by section 33 of the Act to appear and bind his principal, viz, the executants, person claiming under the instrument, representative or assign-with an admission of execution.

100. Officials exempt from appearance.- It must be borne in mind that officers of government and the other officials mentioned in section 88 of the Act, are not required to appear at registration offices in their official capacity either in person or by agent. Consequently, if any such officer is entitled to present a document for registration, he may transmit it to the proper registering officer by post.

PROCEDURE ON ACCEPTANCE

¹[101.*****]

102. Enquiry as to execution, identity, etc.- The registering officer shall then, with as little delay as possible, enquire whether the document was executed by the alleged executants, and satisfy himself as to the identity of the person appearing before him to admit execution. In cases of alternation, he shall satisfy himself of the identity not only of the alienor, but also of the alienee, if the latter is present. If the presenter is the executants, or his representative, assign or agent, or if such executants, representative, assign or agent is present, the registering officer shall make the necessary enquiry at once. He should also require the presenter, the registering officer shall make the necessary enquiry at once. He should also require the presenter, if an agent, to produce a power-of-attorney authenticated in the manner prescribed in section 33 of the Act, and, if a representative or assign, to produce evidence of his status.

103. Identification of parties.- When the registering officer is not personally acquainted with executants, he shall require them to produce persons to testify to their identity who are personally known to him or to some other person whom he personally knows or of whose identity and reliability he is otherwise fully satisfied. Stamp-vendors and petition-writers should never be allowed to identify executants whose deeds they have written, and in any case as a rule the registering officer should not accept persons of this class as witnesses of identity, nor should they have recourse to their own persons for this purpose. Preference should be given where possible to witnesses living in the executant's neighbourhood and of his class of life. An interested party to a deed should not be allowed to identify the executants of the deed.

²“(1) The Registering officer shall accept as proof of identity any of the photo identity proofs, notified by the Government. The Registering officer shall record in writing when he has reason to doubt the legitimacy of the identity proof produced. In case, executants does not possess any of the identity proof, executants may continue to be identified as heretofore, by a person personally known to the registering officer or by a person who possesses any of the photo identity proof notified by the Government. The Registering officer shall retain photo copy of the photo identity card so produced by the executant or the identifier, as the case may be.”

Any one of the following photo identity proofs may be produced in original by an executant or identifier to meet the requirement of this section :-

- (i) PAN Card.

¹ Para 101 deleted vide Notification No. Rev. Stamp(F)8-1/2004 dated 20-08-2011.

² Added vide Notification No. No. Rev. Stamp(F)8-1/2004 dated 20-08-2011.

- (ii) Photo Identity Card issued by Central or State Government Department or a Central or State Government undertaking.
- (iii) Valid Passport.
- (iv) Driving Licence (with photo).
- (v) Photo Debit/Credit Card.
- (vi) Electoral Identity Card.
- (vii) Aadhaar Card.]

104. Documents to be scrutinized and explained to executants.- Every deed shall be subjected to a thorough scrutiny with a view to ascertaining whether it correctly represents the intentions of the parties and the registering officer shall make sure that the person incurring liability knows the extent to which his rights are affected, as for instance in regard to his share in the shamilat or as to the question of cultivating possession. Documents executed by persons who are unable to read shall be read out and if necessary explained to them, and the registering officer shall ascertain that they clearly understand their purport. Documents written in a language which the executants do not understand shall in like manner be interpreted and explained.

105. Recording of endorsement under section 58.- If execution by the alleged executants is admitted, and the registering officer is satisfied, on the point of identity, he shall record on the instrument the endorsement required by section 58 of the Act and such endorsement shall be signed by the registering officer, the executants and all the witnesses examined; but no such endorsement is necessary on a copy of a decree or order or of a certificate sent under section 89 of the Act.

106. Taking of thumb impressions.- Registering officers should have the thumb-mark of any person who presents a document for registration taken under the endorsement prescribed in section 52 of the Act and that of any person who admits the execution of a document taken under the endorsement prescribed by clause (a) of sub-section (1) of section 58 of the Act. The left thumb should generally be used by the person making the impression, unless the registering officer thinks fit for any reason to have an impression of the right thumb taken. All impressions should be taken in the presence of the officer registering the deed affected after the parties have been duly identified, and he should note in the certificate prescribed under section 60 of the Act that this was done. When the registering officer, who has recorded the endorsement required by section 58 of the Act, on the original deed, has to leave the station before the deed can be copied in the appropriate book and the section 60 certificate recorded, he should record the following certificate after the section 58 endorsement-

“Certified that the left (or right as the case may be) hand thumb-impression of the executants has been affixed in my presence.”

The certificate should be dated and signed by the departing registering officer. It will not then be necessary to record any note as to thumb-impressions in the certificate prescribed by section 60 of the Act which will be signed by the succeeding registering officer. Instructions as to the method of taking impressions are placed in the boxes of appliances, one box being supplied for each registration office. The ink and other apparatus should be purchased by Registrars and charged to registration contingencies in the usual way. They may be obtained from any source that may be convenient. Printer's ink alone should be used.

(2) Registering officers may in their discretion relax this rule in the case of any person who is fully literate and of good standing and take such person's signature only.

107. Enquiry as to consideration.- As prescribed by section 58 of the Act, the endorsement referred to in paragraph 105 should mention, amongst other particulars, “any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference be asked by the registration officer whether they have received such consideration, and warned of the penal consequences of a false statement. Where registration officers suspect that there has been deliberate swindling, they should report the circumstances to the district officer, who will take measure, if necessary, to enforce the law.

108. Summons for appearance of executants or witnesses.- If the alleged executants or his representative, assign or agent is not present and it is necessary to summon such person, or any other person, whose presence or testimony is necessary, the registering officer shall apply to the Deputy Commissioner of the district in which the person is residing, for the issue of the necessary summons under sections 36 and 37 of the Act, provided that when the registering officer is a Sub-Registration and the person to be summoned resides in a tehsil of the district in which the registration office is situate, the summons may be sent direct to the Tehsildar of that tehsil for service. The appearance by the executants before the registering officer must be within the time prescribed by section 34 of the Act.

109. Procedure when there are several executants.- When a document purports to have been executed by more than one person, the process described in the preceding paragraphs must be observed in the case of each; but it is not essential that all alleged executants should appear before the registering officer simultaneously; the identification and admission of as many executants as are present should at once be recorded, and registration of the document should be postponed until the appearance, subsequently, of the others. In such a case a single fee will be charged, and not a separate fee for each executants or appearance.

110. Sub-Registrars not to register documents relating to transactions in which they are interested.- (1) Sub-Registrars should avoid registering documents referring to transactions in which they have a personal interest, direct or indirect. On such documents being presented to them for registration they should forward them to the Registrar of the district, who will deal with them under the discretion allowed by section 30 of the Act.

(2) There is, however, no objection to a Joint Sub-Registrar registering a document in which the Sub-Registrars of the same sub-district, is personally interested and vice versa, and if a document in which either of these officers is personally interested is presented for registration to the officer so interested he should direct the person presenting it to present it to the other officer.

111. Registering officers not concerned with validity of documents.- Registering officers should bear in mind that they are in no way concerned with the validity of documents brought to them for registration, and that it would be wrong for them to refuse to register on any such grounds as the following e.g., that the executants was dealing with property not belonging to him, or that the instrument infringed the rights of third persons not parties to the transaction, or that the transaction was fraudulent or opposed to public policy. These and similar matters are for decision, if necessary, by competent courts of law and registering officers, as such, have nothing to do with them. If the document is presented in a proper manner by a competent person at the proper office within the time allowed by law, and if the registering officer is satisfied that the alleged executants is the

person he represents himself to be, and if such person admits execution, the registering officer is bound to register the document without regard to its possible effects.

112. What persons are to be considered to be executors of documents.- (1) The expression “A person executing a document” shall be held to include-

- (a) any person who becomes surety for the repayment of a loan or the fulfilment of a contract and in that capacity affixes his signature to a document;
- (b) any person who endorses a negotiable document;
- (c) any person who signs a receipt or a discharge endorsed on a document;
- (d) any person who signs a document as an executants in token of his assent to the transaction and not merely as a witness, even though he may not be described as an executant in the body of the document.

(2) In the case of a document purporting to be executed by an attorney, or by a guardian of a minor, or by a legal curator of an idiot or lunatic, such attorney or guardian or curator shall be held to be person executing the document for the purpose of sections 32, 34, 35 and 58 of the Act, but for the purposes of section 55, the principal or minor or idiot or lunatic as well as the attorney or guardian or curator shall be considered to be the executing parties.

(3) **Meaning of executing.-**The legal meaning of the phrase ‘execution of a document’ is ‘signing a document as a consenting party thereto’ and the word ‘signing’ includes the affixing of a mark. Before signing a document a man is supposed to take every reasonable means of satisfying himself as to its terms and if he signs it without due care and attention unless his signature was obtained by illegal compulsion or fraud he must take the consequences, at the least so far as registration of the document is concerned. The registering officer has no option but to accept the document as actually signed and all he can do for the executor in such cases is to record a note of his refusal to endorse the document.

113. Refusal to register to be made with caution.- Orders refusing to register should be made only after due care and consideration, and if the impediment to registration is a mere informality or defect capable of remedy, opportunity should always be given to the parties to correct he flaw. In such cases registration shall be deferred, and no final order of refusal shall be made until the document concerned becomes time-barred.

114. Denial of receipt of consideration.- if any person admits the execution of a document presented for registration, denies the receipt in whole or part the consideration recited therein, registration shall not be refused because of such denial, but a note of the denial shall be made in the endorsement required by section 58.

115. Documents not duly stamped.- The fact that a document is not duly stamped under the Indian Stamp Act, 1899, is not of itself a sufficient reason for recording an order refusing to register it. The proper course is for the registering officer to impound the document and send it to the Collector, as prescribed in that Act; and if the document is received back from the Collector, cured of the defect of stamp, and it is otherwise admissible, the registering officer shall register it. If, however, the executant of a document, who is in doubt as to the proper stamp to be affixed, consults a registering officer on the subject before formal presentation, the required information may be given to him without impounding the document.

116. When registration is admitted qua some, but refused qua other parties.- (1) When under section 35 of the Act, registration is admitted as to some of the parties to a document, but is refused as to the rest, the registering officer shall endorse thereon an order in this form:- “registration refused as to A.B., and C.D.” and shall record the reason for this partial refusal in his Book 2; but in all other respects he shall proceed with the registration of the document in the ordinary manner.

(2) If a document of which registration was refused qua some of the executants is subsequently registered against them under an order of the Registrar or a decree of a civil court, it is not necessary to re-copy the deed in the registration book concerned, but the new endorsement and certificate recorded on the deed should be copied under the certificate previously copied in the book or if there is not sufficient blank space in the book for that purpose the new endorsement and certificate should be copied in column 1 of the book under the last deed copied therein on the date of the registration. In the latter case the number of the page and volume of the book where the copy of the deed will be found should be noted in column 3 against the new endorsement and certificate.

117. Procedure on denial of execution.- If the person by whom the document purports to be executed denies its execution or if he appears to the registering officer to be a minor¹ and idiot or a lunatic, or if he be dead and his representative or assign denies its execution, the registering officer, if a Sub-Registrar, is bound to record an order of refusal to register. A Sub-Registrar on any such denial has no authority except when specially empowered under section 35 of the Act to enquire the fact of execution, but a Registrar may do so either on appeal from the order of the Sub-Registrar under section 73, or when the denial is made before him under section 74 of the Act.

118. Refusal to admit execution is a denial of execution.- Refusal to admit execution of a document is a denial of execution within the meaning of the Act, as also is a wilful refusal or neglect to attend for the purpose of admitting execution when a summons has been served for such purpose and when such refusal or neglect occurs, a suit will be under section 77 of the Act, for the purpose of having the document registered. It should be noted that there must be something to show that there was wilful neglect to appear or a wilful evasion of service. Mere non-appearance is not sufficient.

119. Refund of registration fees on refusal to register.- In cases in which registration is refused the registration fees received shall be refunded.

120. Copies of reasons of refusal should be stamped with court fee stamps.- The words without payment in section 71 of the Act must be taken as referring to copying fees and not to the stamp, and copies of reasons for refusal should be stamped, with court-fee stamps according to article 9 of schedule I to the Court-Fees Act, 1870.

PROCEDURE ON ADMISSION TO REGISTRATION

121. Copying of document into register.- When a document has been admitted to registration and the necessary endorsement have been recorded it should be made over to the registration muharrir to be copied into its appropriate book and the registering officer should see

¹ The Government of India has decided that in accordance with second paragraph of section 3 of the Indian Majority Act, 1875, the age at which British subjects domiciled in India attain majority for purposes of the Registration Act is 18 years.

that no unnecessary delay occurs, and that documents are always entered in the books in the order of their admission. In the first column of the register should be entered the value of the stamp (if any) and the number of stamps used; and if they are court-fee stamps, this should be noted. Thereafter, the several endorsements made in the office (including the certificate of registration prescribed by section 60 of the Act), the several signatures of the registering officer, presenter, executants and witnesses examined, shall all be copied in their proper places. In the second column will be noted the serial number of the entry, a brief abstract of the contents of the document (e.g. "mortgage of agricultural land for Rs. 500, with possession"), and the amount of fees and fines levied. The third column will contain an exact copy of the document registered and should show all interlineations, blanks, erasures, and alterations which appear in the original. All such entries must be authenticated by the registering officer daily, in the manner prescribed in paragraph 79.

122. Certificate of registration.- After the document has been copied the certificate required by section 60 of the Act shall be endorsed on it. It shall be signed by the registering officer and sealed with the seal of his office. This certificate shall contain the serial number of the entry, and the book, volume and page, wherein the document has been registered, as well as date of registration, which is the date on which the instrument is copied into the register, and not the date on which it was presented for registration. The endorsement shall then be copied into the register as required by section 61 of the Act.

123. Return of registered documents by hand.- The registering officer shall retain the registered documents in his possession upto the time appointed for returning them, and shall then cause each to be delivered in his own presence to the proper party, the receipt given for it under paragraph 72 being at the same time taken back. If the party to whom the receipt was granted represents that he has lost or mislaid it, the document may be returned to him, on his written acknowledgement of its return. The document shall in no case, except as provided in the instructions regarding the return of document by post, be returned to any one but the person who presented it for registration, or to his representative or agent, unless the person claiming to receive it produces the original receipt with a nomination in writing thereon as contemplated in section 61 of the Act.

124. Documents to be promptly returned.- The registering officer should see that documents are promptly returned after registration to the presenters or other persons authorised to receive them; and the accumulation in the registry office of registered documents should be avoided as much as possible. If the documents are at once copied in the registers, and a fixed hour is appointed for their daily return, it will generally be found that people will attend at that hour to receive them; but if delay is allowed to take place in registration, and the time at which the documents will be available for return is uncertain, the parties will probably proceed to their homes, and will not, until summoned, call again for their instruments, which will accumulate in the registry office. When a month elapses after the registration of a document without the party calling to receive it back, he should be summoned through the post by the registering officer to come and receive it.

125. Return of registered documents by post.- (1) In all registration office, however, where the convenience of the public is likely to be served thereby, the system of returning documents after registration through the post may be adopted, in accordance with the following instructions.

(2) Procedure for presenter.- Any person presenting a document for registration and wishing to have it returned through the post must conform to the following regulations.

- (a) he must hand in the receipt for the document to the Sub-Registrar with the name and address of the person to whom the document is to be forwarded plainly endorsed thereon;
- (b) the receipt so endorsed must be accompanied by a large registration envelope on which the applicant has inscribed the address to which the document is to be sent. The address must be the same as that endorsed on the receipt for the document;
- (c) the envelope must also bear postage stamps to cover postage for its despatch and acknowledge receipt of the addressee.

(3) Procedure for Sub-Registrar.- The Sub-Registrar on receiving a receipt for a document on which an address has been endorsed shall retain it, along with its accompanying envelope, in his possession until the document has been copied and shall give to the presenter a slip stating that the document in question will be returned by post within such and such a time.

(4) As soon as document has been copied the Sub-Registrar shall enclose it in its proper envelope, and after signing the receipt for the document shall hand the receipt and the envelope over to the muharrir.

(5) When the envelope has been posted the muharrir shall complete the entries on the back of the receipt for the document, adding thereto the number and date of the postal receipt and shall then paste the receipt for the document on to its proper counterfoil. He shall also enter the despatch of the document in the despatch book mentioned in paragraph 72.

(6) The postal receipt shall be pasted into a book provided for the purpose, and the addressee's acknowledgement, on arrival, shall be pasted on to the same page. Should the addressee's acknowledgement not be received within 15 days, enquiries about it should be made from the local post office.

(7) Sub-registrar should apply to the Registrar for a file-book to enable the instructions contained in clause (6) to be complied with and the local postmaster should be asked to keep a sufficient stock of large registration envelopes in hand for sale.

126. Control to be maintained over muharrir.- Registering officers shall maintain a vigilant control over their muharrirs, and not place them in closer contact with the public than is unavoidable. The receiving of documents or of money, the recording of endorsements, and the returning of the documents shall not be left to the muharrirs to do whether in the presence or in the absence of registering officer.

127. Endorsement.- Endorsement shall always be written by or in the presence of the registering officer and, except in the case of endorsement recorded under section 60 of the Act, of the parties concerned. All endorsements on English documents should be written in English and on Hindi documents in Hindi except the endorsement recorded under sub-section (2) of section 62 of the Act, which should be written in Hindi. All Sub-Registrar shall record the endorsement required by sections 52 and 58 of the Act with their own hands, unless they are unavoidably prevented from so doing, in which case the reason of the inability shall invariably be noted with the endorsements on any document thus registered. Suitable forms for endorsements are given in appendix IV and should be adhered to so far as the circumstances of each case permit.

128. Endorsements may be written or contained on orders.- When there is no sufficient vacant space on the back of a document for the necessary endorsements, they may be written or continued on a separate piece of paper attached to the document (vide definition of “endorsement” in clause (5) of the section 2 of the Act) but in such case both the document and its rider must bear the seal and signature of the registering officer.

129. Endorsements in the case of authenticated documents.- When a document is both registered and authenticated (paragraph 58), the endorsement of authentication under section 33 of the Act should be recorded on it in addition to the ordinary endorsements required under sections 52, 58 and 160, but only the latter endorsements should be copied in Book 4, the particulars required by paragraph 57 being entered in Book 6. A certificate under section 60 of the Act is not required on a power-of-attorney authenticated under section 33 of that Act, but a certificate of authentication showing the number of entry, page and volume of Book VI should be recorded on such power in the form prescribed in paragraph (19) of appendix to the Registration Manual.

MEMORANDA OF DOCUMENTS

130. Memorandum of documents, how to be prepared.- (1) The memoranda of documents registered, required to be made under section 64, 65, 66 and 67 of the Act, shall be prepared upon printed forms, containing the following headings:-

1. date of execution;
2. name and addition of executants;
3. name and addition of person in whose favour executed;
4. nature and value of transaction;
5. description of immovable property concerned;
6. particulars of registration;

(2) The “addition” of the persons concerned to be entered under headings (2) and (3) is the “addition” as defined in section 2 of the Act, and the word is to have the same meaning when similarly used throughout this Manual. Under heading (4) the transaction should be described briefly, as “sale of agricultural land”, or as the case may be. The description of the property under heading (5) should contain, as nearly as possible, the particulars mentioned in section 21 of the Act; and should always be sufficient for its identification; and only that portion of the property which is situated in the sub-district to which the memorandum is sent should be entered. Under heading (6) should be shown the date and office of registration, the registry number, and the book, volume and page where it has been registered.

131. Sending of memoranda to be noted in Book 1.- (1) When a Sub-Registrar registers a document relating to immovable property, not wholly situate in his own sub-district, he shall note in his Book 1, opposite the entry, in the column provided for remarks the date on which he sends memoranda or copies thereof, under section 64 or 65 of the Act (as the case may be), to the registering officers concerned.

(2) Similarly, when a Registrar, registers documents relating to immovable property, he shall note in his Book 1, opposite the entry, in the column provided for remarks, the date on which he sends memoranda or copies thereof, under section 66 or 67 of the Act (as the case may be), to the registering officers concerned.

(3) Lastly when a Registrar receives a copy of a document relating to immovable property under section 65 or 66 or 67 of the Act (as the case may be), he shall, when filing it in his supplementary Book, endorse on such copy the date on which he sends memoranda thereof to the Sub-Registrar concerned.

(4) Registering officers should see that there is no unnecessary delay in sending memoranda or copies under this rule to the other registering officer concerned, and should take severe notice of any neglect or delay on the part of registration muharrirs in the matter.

132. Memoranda of alienations of agricultural land.- All registering officer shall cause their muharrirs to enter up a memorandum of every alienation of agricultural land and of land assessed to land revenue within the limits of towns and cities, registered before them including hypothecations without transfer of possession but excluding cases in which the mortgage money on an existing mortgage has been merely increased (izadi-zar rahn). The memorandum shall be written up immediately after the deed admitted to registration has been copied into Book 1, and shall be attested by the registering officer. A similar memorandum shall be prepared in regard to every document of which a memorandum or a copy has been received under sections 64 to 66 and section 67 respectively of the Act, as soon as the memorandum or the copy has been filed in Supplementary Book 1. At the close of each month all memoranda prepared under this paragraph during the month, shall, together with an invoices, be despatched to the Tehsildar of the tehsil in which the land registered is situate. A note shall at the same time be made in the remarks column or Index II against each deed relating to agricultural land that necessary memorandum has been prepared and sent to the Tehsildar concerned. A Sub-registrar, before whom no alienations of agricultural land have been attested for registration during the month, should send a blank invoice for the information of the Tehsildar of the Tehsil in which the Sub-Registrar's office lies. Forms of the memorandum and invoice will be found in appendix III.

133. Re-registration for error of description.- Re-registration of a document may take place in the following three cases:-

- (a) the first is where a deed is altered, after registration, by consent of parties, to correct an error of description and in furtherance of their original intention. Such alteration, in effect, makes the document a new one, difference from the one already registered; and if it is a document covered by section 17 of the Act, re-registration becomes obligatory. Another mode of correcting such a misdescription is to draw up of supplementary document, reciting the error in the former one and the correction now intended to be made, and to register this document also. Such supplementary document will however has to be treated in every respect in the same way as the original, and will be liable to the same fees. Moreover, it should be properly stamped and unless section 4 of the Indian Stamp Act, 1899, operates to reduce the stamp duty, it will generally be found preferable to draw up an entirely new instrument and have, it registered;
- (b) Re-registration when a document has been executed by several persons of different times.- In the second place a document may have to be registered more than once when it purports to be executed by several persons, but at the time of first registration had in fact been executed by some only of those persons. If after registration, the other persons also execute the document, it must be registered afresh, but in the latter case, limitation will run, under the proviso to section 23 of the Act not from the date of the document, but from the date of the last execution;

- (c) in the third place it may be necessary to re-register a document which was presented at the time of its first registration by a person not duly empowered to present it. In such a case any person claiming under the document may present it for re-registration as provided in section 23-A of the Act.

134. **Procedure on re-registration.-** Whenever a document is re-registered, it will be treated in all respects as if it were an entirely new document, and must be re-copied in its altered form in the proper register and the full fees levied. If there is no sufficient room on the back of the document for the new set of endorsements required, owing to its being already occupied with the endorsements recorded at the first registration, they may be written or continued on separate piece of paper, as provided for in paragraph 128.

SPECIAL REGISTRATION UNDER SECTION 89

135. **Effect of provisions of section 89.-** (1) The provisions of section 89 of the Act have the following effect:-

- (a) they render obligatory the registration of all documents of the classes mentioned therein without regard to value;
- (b) the obligation to register is imposed upon the officer granting the loan, or the court or officer granting the certificate (as the case may be), and not upon the person to whom the loan or certificate has been granted, or the person claiming thereunder;
- (c) a particular mode of registration is prescribed-the revenue officer is to send a copy of his order, or of the instrument securing repayment of the loan, to the registering officer having jurisdiction; and in similar manner, the court or officer is to send the registering officer a copy of his certificate, the registering officer will then file such copy in his supplementary Book I- and this is sufficient registration for all legal purposes.

(2) Though the law requires that documents of the kinds in question shall be registered by revenue officers or courts, and not by the parties, there is nothing to prevent the holder of such a document, or any person claiming thereunder, from taking it, within four months from its date, to a registering officer, having jurisdiction, for registration in the usual way, irrespective of any separate registration effected by the revenue officer or court (as the case may be); but every such second registration is entirely voluntary, and in all such cases the registration is to be treated as optional (fees being regulated accordingly), and classed as such in the periodical returns.

APPEALS TO THE REGISTRAR

136. **Procedure on appeal.-** (1) When application is made to a Registrar to reverse the order of a Sub-Registrar refusing to admit a document to registration, the Registrar should examine it so as to see, first, whether it was made within time (i.e. 30 days after the date of the order), and, secondly, whether it was of the nature of an appeal under section 72 or of an application under section 73 of the Act.

(2) If the application is brought within time, and is of the nature of an appeal under section 72 of the Act, the Registrar shall pass such order thereon as seems to him proper under the circumstances if it is made within time, and is of the nature of an application under section 73 of the Act (i.e., an application to establish a right to have a document registered which the Sub-Registrar has refused to register on account of denial of execution), the Registrar must make the enquiries

prescribed in section 74 of the Act, and pass an order accordingly. This is an obligation imposed upon him by law, which he is not at liberty to evade by referring the applicant to a civil court.

(3) When the Registrar, after enquiry, directs registration of the document, he should inform the Sub-Registrar concerned thereof. The order directing registration should be endorsed on the document, thus-“Registration ordered”, and the document should then be handed back to the applicant with a view to his presenting it for registration at the proper officer within the time allowed by law.

APPLICATIONS FOR COPIES

137. Procedure on receipt of applications for copies.- (1) On an application for a copy of a registered document being received the muharrir should be called upon to see whether there was such a document registered on the date given in the application. If there was, the muharrir should at once ascertain the amount of copying fee realisable and report to the registering officer, who will collect the fee and credit it in the accounts that day.

(2) If the document is not found on the date specified, or if the particulars referred to in the first proviso to article II of the table of fees given in Appendix I are not stated in the application, the applicant should be called on to deposit a search fee as prescribed which should be credited at once, and directed to await the result of the search. If the search through the index register extends beyond a year's entries the fee to be levied will be according to article II of appendix I.

(3) When the document is discovered, the muharrir should at once report the amount of copying fee to the registering officer, who will call upon the applicant to deposit this fee.

(4) If the copy cannot be completed on the date on which the application is made, the registering officer on realising the fees should intimate to the applicant a specific date on which he should attend and receive his copy.

CHAPTER VI PERIODICAL RETURNS MONTHLY

138. Monthly returns of Sub-Registrars.- (1) Every Sub-Registrar shall submit to the Registrar of his district the following monthly returns, which should reach the Registrar's office not later than the second day of the month following that to which they appertain:-

Return No. I-an abstract statement showing the transactions of the month;

Return No. II-a statement showing the income and expenditure of the month;

Return No. III-a detailed daily record of transaction.

Commission bill.

(2) Returns Nos. I, II and III shall be prepared in the vernacular on printed forms to be supplied by the office of the Registrar; the commission bill may be in either English or the vernacular.

(3) The orders in paragraphs 62, 70 and 74, prescribing the maintenance of only one set of registers, books and files where the Sub-Registrar and Joint Sub-Registrar are located in the same building and use the same muharrir do not apply to the returns referred to above which must be prepared separately for Sub-Registrars and Joint Sub-Registrars.

139. **Return No. 1-** Return No. 1 will contain the headings given in form A, appendix II, and will exhibit in an abstract form the business done during the month. The necessary particulars for columns 2 to 19 will be obtained merely by transferring thereto the monthly (red ink) totals of the fees book, columns 8, 9, 10 and 14, which relate to the procedure of Registrars only, will, of course, be left blank in the Sub-Registrar's return. In column 20 will be entered the number of copies and memoranda received during the month under section 64 to 67 and 89 of the Act, and filed in Supplementary Book I; but it should not include copies of plans and maps filed under section 21 (3), nor the translations and copies of documents in foreign languages filed under section 19 of the Act. Column 21 will show the number of refusals to register (if any) made during the month. In column 22 will be entered the number of registered documents remaining undelivered at the close of the month; and Sub-Registrars should always check this entry by comparison with the documents themselves. A note of any travelling allowance levied for visits paid or commissions issued during the month, under Article V of the table of fees, should be made at the foot of the return. It is not necessary for Sub-Registrars to retain office copies of this return.

140. **Return No. II-** Return No. II will contain the headings given in Form B, appendix II, and will exhibit, in juxtaposition, the income and expenditure of the office for the month. The total in column 3 should correspond with that in column 19 of Return No. 1. Column 6 as sub-divided will show pay and percentage drawn by the Sub-Registrar in the establishment pay bill and commission bill respectively, to be described hereafter; as well as the share of fees (if any) levied under Article V of the Table of Fees and paid to the person by whom a commission issued under section 33 or 38 of the Act is executed, as provided in paragraph 10; and column 7 will show the pay of the office establishment. Column 9 for contingencies will be blank in the case of Sub-Registrars who are remunerated by a percentage of the fees collected; and in the case of offices presided over by a Tehsildar or Naib-Tehsildar, the only entry in this column will be the annual advance for contingencies made in the month of April under paragraph 22. A copy of this return should be retained for record in the Sub-Registrar's office.

141. **Return No. III.-** Return No. III will contain the headings given in Form C, appendix II, and will form a detailed register of the transactions of the office, one line being given to each transaction. It must be written up daily, and such work should on no account be allowed to fall into arrears; the return so written up will retain as a record of the office, and a copy of it will be sent at the end of the month with the other returns, to the Registrar of the district. This is a very important return, and great care must be taken in its preparation. By means of it the Registrar is enabled to a great extent to exercise the superintendence and control vested in him by section 68 of the Act and to maintain uniformity and correctness of procedure throughout the district. Instructions for its preparation are therefore given below in some detail.

142. **Transactions to be recorded in return No. III.-** The transactions to be recorded in return No. III are the following:-

- (a) registration of documents in Books I, 3 and 4;
- (b) filing copies and memoranda received from other offices under sections 64 to 67 and 89 of the Act, in Supplementary Book 1;
- (c) refusal to register, recorded in Book 2;
- (d) authentication of powers of attorney under section 33 of the Act, recorded in Book 6;
- (e) searches and grants of copies under section 57 of the Act.

143. Particulars entered in return No. III when a document is registered.- When a document is registered, the following particulars will be entered in return No. III.-

Col. 1- number of book in which registered (i.e. 1, 3 or 4 as the case may be);

Col. 2- date on which the document was executed;

Col. 3- date on which it was presented for registration;

Col. 4- date on which it was registered-and here it must be borne in mind that the date of registration is not necessarily the same as the date of presentation; the date to be entered in this column is the date given to the certificate of registration, vide section 60 of the Act, which should be the date on which the document is copied into the register;

Col. 5- date on which the document was returned after registration-and note that when the document is not returned in the same month in which it is registered this column must remain blank in the copy of the return which is sent to the Registrar, but when the document is at length returned, the date of return should be entered in its proper place in the office copy, and a note of such return, showing book, serial number, and date of return, should be entered on the back of the Registrar's copy of the current month's return;

Col. 6- serial number of the Registrar;

Col. 7- nature of the document; this should be a transcript of the entry in column 2 of the register, and should briefly describe the document, e.g., "conveyance of a house", "mortgage of agricultural land with possession", "will", "bond", and etc., in the case of a sale or mortgage of land, it should be stated whether the land is agricultural or non-agricultural, and if the instrument deals with property of both kinds, it should be classified as "agricultural", but in the abstract (to be hereafter described) the value of the agricultural property sold or pledged should be shown separately from that of the non-agricultural property where these values can be so distinguished; in the case of mortgage, it should be stated whether it was with or without possession; a power of attorney should always be described sufficiently to admit of the scrutinizing officer seeing that the instrument was properly stamped; a document should never be described in this column merely as an "agreement", a description too vague to be of any use, but the nature of the agreement should be briefly stated;

Col. 8- amount of consideration set forth in the document;

Col 9- stamp (if any) on the document-not only should the value be shown, but in a case where more than one stamp has been used, the number of such stamps, and where the stamp is a judicial (court-fee) one, as, for instance, on a power of attorney for the conduct of a case in court, this fact should also be noted; if a document, ordinarily requiring a stamp, is admitted on plain paper, the reason for its exemption from stamp duty should be stated;

Col. 10- registration fee levied under article I of the table of fees;

Col. 11- fee for filing translation (where the document is in a foreign language) levied under article VI;

Col. 12- fines levied for delay in registering, under the Registrar's authority;

Col. 13- fees levied under article V (if any) for domiciliary visits or commissions issued;

Col. 15- total fees and fines levied (other than copying fees);

Col. 16- copying fees levied under article III.

144. When a copy or memorandum is filed.- When a copy of memorandum, received from another officer under sections 64 to 67 and 89 of the Act is filed in supplementary Book I, the following particulars will be entered in return No. III:-

- Col. 1-number of book (i.e., supplementary Book 1);
- Col. 2-date of execution of document of which a copy or memorandum has been filed;
- Col. 3-date of receipt of copy or memorandum;
- Col. 4-date of filing in supplementary Book 1;
- Col. 6-serial number;
- Col. 7-nature of document;
- Col. 8-amount of consideration.

145. When registration is refused.- When the Sub-Registrar refused to register a document, and records his reasons in Book 2, the following particulars will be entered in return No. III.-

- Col. 1-number of Book (i.e., 2);
- Col. 2-date of execution of document;
- Col. 3-date of presentation;
- Col. 4-date of refusal;
- Col. 5-date of return of document;
- Col. 6-serial number;
- Col. 7-nature of document;
- Col. 8-amount of consideration;
- Col. 17-reasons (briefly stated) for refusing to register.

146. When a power of attorney is authenticated.- When a power of attorney is authenticated by a Sub-Registrar under clause (a) of sub-section (1) of section 33 of the Act, the following particulars will be entered in return No. III:-

- Col. 1-number of book (i.e., 6);
- Col. 3-date of application for authentication;
- Col. 4-date of authenticating;
- Col. 5-date of return;
- Col. 6-serial number;
- Col. 7-description of power (i.e., general or special);
- Col. 9-value and other particulars of stamp;
- Col. 10 and 15-fee levied under Article VIII of appendix I.¹

147. In cases of searches and grant of copies.- In the case of a search and grant of copy under section 57 of the Act, the following particulars will be entered in return No. III:-

- Col. 1-number of book searched, or form which a copy is granted;
- Col. 2-date of execution of document of which copy is granted;
- Col. 3-date of application for search or copy;
- Col. 4-date of search;
- Col. 5-date of grant of copy;
- Col. 6-serial registry number of entry of which copy is granted.
- Col. 7-nature of entry of which copy is granted;

¹ Note:- No fee, beyond that prescribed in article VIII, should be levied for authenticating a power of attorney under section 38(1) (a) of the Act no copying fee should be levied under article III.

- Col. 9-stamp on copy granted;
- Cols. 14 and 15-fees for searching levied under article II of Appendix I;
- Col. 16-copying fees levied.

148. **Abstract of return No. III.-** Return No. III will be accompanied by a monthly abstract prepared according to Form D, appendix II, in the preparation of which care must be taken to distinguish in the case of registrations in Book I, between compulsory and optional registrations, and in the case of sales and mortgages, between agricultural land and other immovable property; also that the figures given in this abstract not only correspond with the details of return No. III, but with the statistics given in return No. 1. The figures for the column headed "value of transactions" should be worked out with care.

149. **Monthly returns to be prepared according to month of account.-** The monthly returns described above will be prepared, not according to the calendar month, but according to the month of account. Thus the accounts for January must be closed on the 27th of that month, the accounts for February on the 25th, those for March on the 31st, and those for the remaining months of the year on the 27th day of the month; the returns for February will therefore comprise the transactions occurring between the 28th January and 25th February (both days inclusive), those for March will include the transactions from 26th February to 31st March, those for April from 1st to 27th of that month, those for May from 28th April to 27th May, and so on. By this expedient the total collections of registration and other fees shown in the monthly return should correspond with the cash credits under this head in the monthly treasury accounts.

150. **Scrutiny of Sub-Registrar's returns in Registrar's office.-** When the Registrar of the district receives the monthly returns of his Sub-Registrars as described above, he will with the aid of his muharrir, carefully examine them to see that they have been correctly prepared, that the figures in the several returns are not discordant, that the amount returned as income from fees, etc., corresponds with the treasury credits, and that the proper amount has been drawn in the commission bill. He will especially scrutinize return No. III, and issue to the Sub-Registrars concerned such orders in regard to faulty procedure or otherwise as this scrutiny may suggest, noting the purport of such orders, and any other remarks that occur to him either in column 18 of the statement opposite the entry concerned, or on the back, or on a separate piece of paper attached.

151. **Return No. III in Registrar's office.-** (1) A return No. III will be written up from day to day in the Registrar's office in the manner prescribed in paragraph 141 for Sub-Registrars; and the detailed instruction given in paragraph 142 to 148 with the following modifications and additions are applicable to its preparation:-

- (a) when a document is registered in book 1 or 3 or 4, the additional fee (if any) levied under Article IV of appendix I will be entered in column 10, as well as the ordinary fee under Article I;
- (b) when a sealed Will is deposited under section 43 of the Act, the following particulars will be entered:-
 - Col. 1-Number of book (i.e., 5);
 - Col. 3-date of presentation;
 - Col. 4-date of deposit;
 - Col. 6-serial number of entry;
 - Col. 7-nature of document (i.e., sealed Will);
 - Col. 10 and 15-fees levied under Article VII of appendix I;

- (c) when a deposited Will is withdrawn under section 44 of the Act, the following particulars will be entered:-
 Col. 1-number of book (i.e., 5);
 Col. 3-date of application for withdrawal;
 Col. 4-date of original deposit;
 Col. 5-date of return;
 Col. 6-serial number of entry;
 Col. 7-nature of document (i.e., deposited Will);
 Col. 10 and 15-fees levied under Article VII of appendix I;
- (d) when a sealed Will is opened under section 45 or 46 of the Act, the following particulars will be entered:-
 Col. 1-number of Book (i.e., 5);
 Col. 2-date of Will;
 Col. 3-date of application to open the envelope containing the Will.
 Col. 4-date of opening of the envelope containing the Will;
 Col. 5-serial number of entry;
 Col. 7-nature of document (i.e., opened Will);
 Col. 10 and 15-fees levied under Article VII of appendix I;
- (e) when an opened Will is copied into Book 3, the following particulars will be entered:-
 Col. 1-number of Book (i.e., 3);
 Col. 2-date of will;
 Col. 4-date of copying into Book 3;
 Col. 6-serial number of entry in Book 3;
 Col. 7-nature of document (i.e., opened Will);
 Col. 16-copying fee;
- (f) when a copy of an opened will is granted on application, the particulars given in paragraph 147 will be entered.
- (2) The return thus prepared will remain as an office record.

152. Monthly returns of Registrars.- Every Registrar should submit in English to the office of the Inspector-General of Registration a monthly statement of receipts under the head "IX-Registration". This statement should be submitted not later than the eighth day of the month following that to which it relates.

153. Statement of receipts.- It should be borne in mind that in paragraph 2 of Punjab Government, Finance Department, Resolution No. 299, dated the 5th February 1876, the duty of the collecting officer is declared to be "to see that all income claimable is duly claimed, and that all realisations are duly credited," and that of the controlling authority "to check and supervise the proceedings of officer primarily responsible, and to see that the amounts reported as collected have been duly credited in the accounts". Registrars can best perform the duty thus imposed on them as "collecting officers", be examining the monthly return No. III submitted by Sub-Registrars, with a view to seeing that the full amount of fees, etc., has been levied on each transaction, and by comparing the total of such fees, etc. with the treasury accounts. The stamp duty leviable on all such transactions should also engage the Registrar's attention. The statement of receipts has been prescribed for the purpose of enabling the Inspector-General to perform, in part, the duty of "controlling authority" over registration income imposed on him by the resolution. It enables him to

watch the receipts, and to compare them not only with those of the corresponding periods of the previous year, but also with budget anticipations.

154. District returns to accord with each other and with treasury accounts, and causes of fluctuations of business to be noted.- The Registrar should especially see that the total income of the district for the month under report, as entered in his statement of receipts corresponds with the total registration income credited in the treasury accounts. If all the registry offices of the district are situate at places where there is a Government Treasury, and the daily collections of fees, etc., are paid into it according to the standing orders of Government, there cannot be any discrepancy if the accounts have been correctly prepared. But in cases where a registration office is at a distance from the sadar or a tehsil, and the collections of the month are transmitted to the nearest treasury by the registering officer in a lump sum it may sometimes happen that such amounts are not received at the treasury in time for inclusion in the accounts of the current month; this should never happen in the month of March, and with proper care should very rarely occur at other times, but in the event of its happening, the entire statistics of the office in question should with a view to preventing a disagreement between the accounts of the Registration Department and the treasury, be omitted from the current month's accounts, an explanatory note being made in the column for remarks; the following month's return will therefore contain the statistics of two months for the office in question, but each should be shown separately, thus:-

Sub-Registrar,December, 1909
Sub-Registrar,January, 1910

ANNUAL

155. Annual statistical statements.- (1) Five statistical statements have been prescribed by the Government of India for submission by the Inspector General with his annual notes and triennial reports on the administration of the department and the forms of these statements will be found in appendix II. They are to be prepared according to the calendar year and will be compiled from returns furnished by Registrars. Blank printed forms of each of the statements in English or Hindi will be supplied by the Controller, Printing and Stationery, Himachal Pradesh before the close of the calendar year to each Registrar, who will retain two Forms for his own office, and distribute the remaining Forms to all Sub-Registrars in his district, two forms being sent to each Sub-Registrar. As soon as possible after the close of the year, each Sub-Registrar will collect the necessary figures and fill up the several columns of the blank statements. One set of the statements will be sent to the Registrar of the district, so as to reach him not later than the 20th January, and the other set retained as part of the records of the Sub-Registrar's office.

(2) Each Registrar will, in like manner, fill into the Forms the statistics of his own office, and thereafter transcribe into them, in proper order, the figures furnished by Sub-Registrars, and make a total for the whole district; all these figures are to be written with black ink. For purposes of comparison the corresponding figures of totals for the previous year will be added in red ink at the foot of the statements. Every third year when the triennial report described in the following paragraph is submitted the corresponding figures of total of each of the preceding two years will be given at foot of the statements. Registrars should be careful to check these annual returns by the monthly ones, to see that the figures in the former exactly coincide with the aggregate of those of the latter; also that the red ink figures exactly correspond with the statistics given in the previous

year, or years, as the case may be, and all discrepancies should be fully explained. Inattention to these matters will only lead to unnecessary delay, trouble and correspondence. One set of the forms will remain in the Registrar's office, the other set should be despatched so as to reach the office of the Inspector-General not later than the 10th of February.

156. Triennial report and annual note.- (1) The annual statements which Registrars are required to submit should be accompanied every third year by a report prepared for the calendar year, reviewing in a clear, concise and narrative form the operations of the triennium, commenting on or explaining any noticeable details in each statement in turn, and containing such further remarks as the statistics, or the Registrar's inspection during the triennium may suggest. To facilitate the preparation of the report Registrars will be furnished alongwith the annual circular of instructions issued by the Inspector-General with printed subjects-sheets indicating the special heads under which the Registrar's remarks and criticism are more particularly invited.

(2) Under the orders of the Government of India the length of the provincial triennial report is limited to eight pages, and it will therefore be necessary for Registrars to keep their reports within proportionately circumscribed limits, the insertion of statements of figures in the body of the report being, so far as possible avoided.

(3) For the years intervening between the triennial reports only a brief note, prepared according to the calendar year, should accompany the annual statements. These notes should be prepared in narrative form, each statement being taken in turn, and any remarkable variations exhibited by the figures in them being noticed. This done, any noteworthy features of the year's administration should be added in a final paragraph.

CHAPTER VII MISCELLANEOUS

LANGUAGE

157. Languages.- With reference to section 19 of the Act, it has been declared that the languages deemed to be commonly in use in Himachal Pradesh are English and Hindi but documents presented for registration may be accompanied by a true Hindi translation, and also by a true copy; provided that documents written in English need not be accompanied by translations or copies when presented at the office of a Registrar, or of a Sub-Registrar when he and his muharrir know English. (Also see Not. No. 17-1/67-Rev.1., dt. 8-1-1970, appended).

158. Transliteration.- In all English endorsements and entries, proper oriental names of places shall be spelled according to the "modified Jonesian system" prescribed in Punjab Government Circular No. 64, dated 3rd October, 1873, published in the Punjab Government Gazette of 9th idem. Provided that where the spelling of any place has been authoritatively fixed by Government, that authorised spelling shall be followed. The same rule applies to the spelling or proper names of persons subject to the qualifications laid down in Punjab Government Circular No. 3, dated 18th June, 1906, where it is stated that the main principle to be observed in such transliterations is that each name should be spelt as commonly written and pronounced by an educated person and detailed instructions as to the method to be followed are given.

TERRITORIAL DIVISIONS

159. **Territorial divisions.-** The territorial divisions to be recognised under section 21 of the Act are usually the “district” and the “tehsil” as existing for revenue purposes. But in some cases a cantonment or a portion of a tehsil may constitute a division. A list of the divisions is given in appendix V. The name of the division shall be entered in all documents relating to houses (other than those situate in towns) and lands, in addition to the name of the village and the boundaries of the property.

FINES

160. **Fines for delay in presenting or in appearance.-** (1) Fines for delay in presenting documents for registration shall be levied, under section 25 of the Act, according to the following scale. No registration fees shall be levied in addition to these fines:-

where the delay has not been more than one month,	an amount equal to twice the prescribed registration fee;
where the delay has been more than one month, but not more than two,	an amount equal to three times the prescribed registration fee;
where the delay has been more than two months, but not more than three	an amount equal to six times the prescribed registration fee;
where the delay has been more than three months.	an amount equal to ten times the prescribed registration fee.

(2) Additional fines for delay in appearance shall be levied, under the proviso to section 34 of the Act, according to the same scale.

(3) When a document has been executed by more than one person and such persons appear before the registering officer on different dates the amount of fine recovered under section 34 of the Act shall be according to the delay in the appearance of the executants who appears last and only one fine shall be recovered in such a case. (See paragraph 109 ante).

161. **When a fine should be levied for delay in appearance.-** (1) when a document has been presented under section 23 of the Act, i.e., within four months from the date of its execution- the presenter must take action under section 36 of the Act to secure the presence of the executants before the lapse of the full period of four months. At the end of the four months the case should be reported to the Registrar who may under section 34 of the Act, allow the deed to be registered upto a date not more than eight months from the date of execution subject to the payment of a fine. If the executants appears within eight months the deed should be registered, but otherwise not. If, however, a document has been presented under section 25 of the Act, that is, if the Registrar has on payment of a fine permitted its presentation up to eight months, then the executants must appear within eight months, or the presenter must, within the period of eight months take action under section 36 of the Act to secure his appearance, to the Registrar who may order under section 34 of the Act, that on payment of a fine the deed may be registered upto twelve months from the date of execution.

(2) The period on which the amount of fine under section 34 of the Act, will be calculated will, in the former case, be from the beginning of the fifth month and in the latter case from the beginning of the ninth month upto the date of appearance of the executants.

162. **Remission of fine.-** Applications to the Inspector-General for remission in whole or in part, under section 70 of the Act, of any fine levied in accordance with the foregoing rules, shall be in writing, and shall be forwarded by the Registrar of the district, who shall record his opinion thereon. No. such application shall be received or forwarded unless the document has been registered, and the fine or fines paid.

163. **Refunds of registration and copying fees.-** The State Government has delegated to Registrars power to sanction refunds of registration and copying fees on account of excess collections and refunds rendered necessary by an order which Registrars are themselves competent to pass:

“Provided that sanction shall not be granted when a period of three years has elapsed since the deposit of the fees or when the document has been destroyed under section 85 of the Act.” Such refunds no longer require the countersignature of the Inspector-General of Registration.

PROSECUTIONS

164. **Reports of Prosecution.-** Full reports of all prosecutions instituted under Part XIV of the Act shall be made to the Inspector-General as soon as possible after decision, and shall be accompanied by a copy of the judgment of the court.

OATHS

165. **Oaths to be administered cautiously.-** The discretion vested in registering officers by section 63 of the Act, should be used with reserve, and oaths should be administered only in exceptional cases. For the purposes of this section an oath includes an affirmation under section 6 of the Indian Oaths Act, 1873.

166. **Statements on oath how to be recorded.-** Statements made on oath under section 63 of the Act, shall not be recorded on the document to which they relate, but on separate sheets of paper, which shall be filed in the office. A note, however, to the effect that recorded evidence has been taken, shall in such case be endorsed on the document, and entered in the book in which it is registered, in the column provided for copies of endorsements.

HOLIDAYS

167. **Holidays.-** The holidays to be observed in registration offices shall be those authorised by the State Government.

SEALS

168. **Use of seals.-** Every Registrar and Sub-Registrar is provided with a seal, as required by section 15 of the Act bearing an inscription in English and Hindi of the authorised designation of his office. This seal shall always remain in the personal custody of the registering officer, and shall be used for the authentication of the following documents:-

- (a) all powers of attorney under sub-section (1) of section 33;
- (b) all commission issued under sections 33 and 38;
- (c) all applications for the issue of summons to witnesses under section 36;
- (d) all copies of entries in register books and indexes granted under section 57;
- (e) all certificates of registration made under section 60;

- (f) all copies of reasons for refusal to register granted under section 71 or 76;
- (g) all orders issued by Registrars under section 72 or 75 directing documents to be registered;
- (h) all summons issued by Registrars under section 75.

169. Supply and renewal of seals.- When a seal which has become unfit for use is replaced by a new one, the former shall be forwarded to the office of the Inspector-General of Registration for destruction. The seals of offices permanently closed shall be dealt with in the same manner; those of offices temporarily closed shall remain in the personal custody of the Registrar of the district. All new seals required for newly created offices, or for the purpose of replacing others which have become unfit for use, shall be supplied from the office of the Inspector-General.

STOCK BOOKS

170. Stock book of stores.- (1) Punjab Government consolidated Circular No. 29 prescribes for each registration office the maintenance of (a) a stock book of stores (paragraph 22) and (b) a stock register of office furniture (paragraph 26). This latter register is dealt with in paragraph 171 below. The only stores to be found in a registration office which could be included in the stock book are the iron safe for Wills, duplicate keys of locks of strong boxes kept by the Registrar and approved locks in the various registration offices.

(2) In the circumstances all that is required for complying with paragraph 22 of Punjab Government Consolidated Circular No. 29 is that each registration office should keep a list of whatever of the articles, iron safe, approved locks and their duplicate keys are held by the officer-in-charge. This list in the Registrars office will be kept in the iron safe.

(3) About April each year there shall be an annual verification of the stock in hand with that entered in the list, and the result shall be noted on the list by the registering officer.

171. Stock book of office furniture.- The stock book of office furniture shall be in form 5 given in appendix III. Having once been written up with reference to the stock in hand, it should be written up again concurrently with each purchase or strike off of furniture. About April each year there shall be an annual stock-taking and the result of the verification of the stock in hand with that shown in this record and the condition of the articles in stock shall be duly noted in the column provided for the purpose. To facilitate identification each article should be marked with a label.

OFFICIAL CORRESPONDENCE

172. Correspondence of Sub-Registrars with Inspector-General.- Save in emergent and exceptional cases, Sub-Registrars should not correspond with the Inspector-General, except through their respective Registrars.

173. Correspondence between Registrars and Sub-Registrars.- Official correspondence between Registrars and Sub-Registrars should ordinarily be in Hindi.

174. Transmission of references from Sub-Registrars to Inspector-General.- When a Registrar receives a communication from a Sub-Registrar which requires a reference to the Inspector-General, he should, in ordinary cases, transmit it in original, accompanied by such remarks as he thinks necessary, and the reply will be communicated in the same way. But where a point of law, or of procedure not already provided for is raised, or where the question is one of

general application, the Registrar should refer it for orders by means of a letter or memorandum, which should fully state the case and the Registrar's opinion thereon.

175. Registrars to dispose so far as possible of references from Sub-Registrars.- Registrars should, so far as possible, themselves dispose of references from Sub-Registrars, and should not transmit them to the Inspector-General unless his orders are really required. This caution is necessary because a great proportion of the references that reach the Inspector General's Office are on points which have already been distinctly provided for, and should have been disposed of in the Registrar's office. At the same time as it is very desirable that uniformity of practice should be maintained throughout the State, all instructions of general applicability or involving general principles issued by Registrars to Sub-Registrars, should be communicated to the Inspector-General without delay.

176. Speculative references to be discouraged.- Some registering officers, and especially some muharrirs, are prone to raise hypothetical questions on points of law or procedure in imaginary cases. This practice should be discouraged; no such question should be permitted, unless it has actually arisen in practice, and a decision on the point is necessary.

177. Correspondence between Registrars and Inspector-General.- The office correspondence between Registrars and Inspector-General shall be in Hindi and in the conduct of such correspondence Registrars will be guided by the general rules.

178. Inspector General's requisition to be promptly attended to.- Registrars should see that no unnecessary delay takes place, either in their own offices, or in the offices of their Sub-Registrars in replying to references from the Inspector-General. Ordinarily, a Sub-Registrar should not delay replying to a requisition either from the Inspector-General or from his Registrar for more than two days. A reply to a reference from the central office should, except in exceptional circumstances, always be returned within 15 days.

INSPECTION OF OFFICES

179. Registrars to inspect offices of Sub-Registrars at least once a year.- (1) Superintendence and control over Sub-Registrars was conferred upon the Registrar of the district by section 68 of the Act and in order to enable the Registrar to exercise such supervision and control in an efficient manner, it is essential that he should visit the several sub-offices and examine the registers and other records therein as often as possible. Every Sub-Registrar's office should be inspected by the Registrar at least once a year, including the office at headquarters, which is usually the largest and most important in the district, but which is in some districts the least looked after by the Registrar, although from its position it can be examined at any time most convenient to him, and with the least trouble. If, from any cause, the Registrar is unable himself to inspect any sub-office during the year, he should depute an experienced Assistant or Extra Assistant Commissioner for such duty. The sending out of muharrirs on this duty is absolutely forbidden; it is distasteful to the registering officers concerned, and offers a temptation to extortion which should be avoided.

(2) the number of inspections made of the offices of Sub-Registrars should always be noticed in the annual reports, any Registrar who may have been unable during any particular year to inspect, at least once, the offices of the registering officers who are subordinate to him should explain his reasons for the omission.

180. Inspection reports-what to contain.- (1) When Registrar has completed his inspection of an office, he should send a report thereof to the Inspector-General, giving the following particulars:

- (a) office inspected, with names of registering officer and muharrir;
- (b) date of present and last inspection; the object being to show how long the office remained without an inspection, and the period over which the report extends;
- (c) statistics of the business done during that period;
- (d) remarks (if any) on the registers;
- (e) remarks on the indexes and subsidiary books;
- (f) general remarks.

(2) This report may be written either in Hindi or English as the reporting officer finds most convenient. The form adopted by the Inspector-General for recording the results of his inspections is given in appendix II, form F, and Registrars are recommended to adopt that form. A supply of the forms can be obtained, on application, from the office of the Controller, Printing and Stationery, Himachal Pradesh. A note of the result of the inspection should also be recorded in the registration office minute book.

181. Points to be noted.- Inspecting officers should of course, note in their reports all errors of procedure and other defects which their inspection may bring to light, both for the Inspector-General's information and for avoidance in future by the registering officer; they should also note any other point which appears noteworthy, e.g., abnormal increase or decrease of business with the causes thereof, the general state of the work of the office, the qualifications of the muharrir, and similar matters and they should check the stock registers maintained under paragraphs 170 and 171. Reports should be as brief as is compatible with clearness. For example, if the examination of the registers discloses no errors or faults, nor any other matter calling for special remarks, it will suffice to write the single word "nil" under the heading of "remarks on the registers". A set of questions to be used as guides in such inspections will be found in appendix VI. They must not be taken as exhaustive.

182. Issue of necessary orders to registering officer concerned at end of inspection.- When the examination of a book has been completed, the inspecting officer should write the word "examined" after the last entry in it, together with his signature and the date. When the inspection has been conducted by the Registrar in person, he will issue such orders as he deems necessary at once to the registering officer concerned, briefly noting the purport of such orders in his report under the heading "general remarks". When the inspection has been conducted by an Assistant or Extra Assistant Commissioner, the latter officer will prepare the report in the manner prescribed above and sent it to the Registrar, who will issue necessary orders thereon, as before, to the registering officer concerned, note the purport of such orders on the inspecting officer's report and transmit the latter for the Inspector-General's information.

183. Stamp duty on applications.- Applications mentioned in the following list should bear a stamp of the value if any, shown against each:-

LIST SHOWING THE STAMP DUTY, IF ANY, CHARGEABLE ON CERTAIN APPLICATIONS WHICH ARE FREQUENTLY PRESENTED BEFORE REGISTERING OFFICERS

Submitted to Registrar or Sub-Registrar	Nature of application or appeal	Exempt or amount of court fee stamp to be affixed.	
		Rs.	P
Both	Application for inspection or search	--	-
Both	Application for copies	--	0.40
Both	Application for attendance at a private residence	--	-
Both	Application under section 36 of the Act	--	-
Registrar	Applications under section 73 of the Act	--	-
	Appeal under section 72 of the Act	--	1.00
Both	Applications for return of documents filed	--	-
Both	Applications objecting to registration of documents	--	-
Both	Applications agreeing to registration of documents	--	1.00
Both	Other miscellaneous applications	--	1.00

**¹[TABLE OF REGISTRATION FEES
(Sections 78 and 79 of the Registration Act, 1908)**

<i>Description of instrument</i>	<i>Rates of Registration Fee</i>
Article-I.- For the registration of documents:	
(A) For the registration of following documents relating to immovable property:- (i) Certificate of Sale; (ii) Conveyance/Sale' (iii) Further Charge (with Possession); (iv) Gift; (v) Mortgage-Deed (with possession);	Registration fee @ 2.00% of the market value of the property or consideration amount, as the case may be, "whichever is higher", subject to the minimum of rupees one hundred and fee rounded off to nearest rupees Ten shall be charged.
(B) On the instruments of assignment of debt by the Financial Institutions and banks chargeable as Conveyance under Article 23 of Schedule 1-A of the Indian Stamp Act, 1899 executed in favour of Assets Reconstruction Company constituted under Section 3 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Act No. 54 of 2002) and registered under the Companies Act, 1956 (Act No. 1 of 1956) by the Department of Non-Banking Supervision, Reserve bank of India, Mumbai.	Registration fee shall be charged as per the rates given in clause (A) above.
(C) Lease for immovable property.	Registration fee given in clause (A) above shall be charged on the same amount of the market value of the leased property, on which stamp duty has been assessed under article 35 of Schedule I-A of the Indian Stamp Act, 1899.
(D) For the registration of following miscellaneous documents:- (i) Deposit of Title-Deeds, Pawan of Pledge; (ii) Bond; (iii) Bottomry Bond; (iv) Exchange Deed; (v) Further Charge (without possession); (vi) Mortgage-Deed (without possession);	Registration fee @ 0.05% of the value or the consideration amount, if any, subject to the minimum of rupees one hundred and maximum rupees one thousand shall be charged.

¹ The Article-I of the Table of Registration Fees is revised vide Notification No. Rev.-1-9(Stamp)-3/79/2010-II dated 12-1-2012.

(vii) Partition Deed; (viii) Release Deed; (ix) Respondentia Bond; (x) Settlement Deed; (xi) Transfer of Lease.	
(E) For the registration of any other documents:- Documents which cannot be brought under the scale prescribed by the preceding clauses of this Table (including Power of Attorney, Will or deposit, withdrawal and opening of Sealed Wills or Adoption deed etc.).	A registration fee of rupees one hundred shall be charged.

Note 1. Such fee in the case of duplicates, if presented with the original shall be Rs. 10 only. Duplicate, if not presented alongwith their original shall be treated like the originals.

Note 2. The registration fee to be paid on partition deeds shall be calculated on the value of the share or shares on which stamp duty has been assessed under Article 45 of Schedule 1-A to the Indian Stamp Act, 1899.

Provided that no registration fee shall be chargeable on a document executed in favour of or on behalf of Government where registration fee is payable by the Government.]

¹[REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 16-6-2012

No. Rev. 1-9(Stamp)3/79/2010-II.- In exercise of the powers conferred by Section 78 and 79 of the Registration Act, 1908 (XVI of 1908), as applicable to the State of Himachal Pradesh, the governor of Himachal Pradesh is pleased to further add the **Article-II to IX** at the end of **Article-I** of the Table of Registration Fees, as notified vide Notification No. Rev. 1-9(Stamp)3/79/2010-II dated 12th Jan, 2012 for whole of Himachal Pradesh to be effective from the date of its publication in the Rajpatra, Himachal Pradesh, namely:-

Article-II For inspection of any number or entries or registered documents:	Rs. 50.00 for a calendar year.
Provided that no search fee shall be charged if the search is made at the request of any Court for infestation or inquiry.	
Article-III For granting the copies of registered documents:- (i) up to 5 sheets. (ii) more than 5 sheets.	Rs. 10.00 for single document. Rs. 20.00 for single document.
Explanation.- Government Officers/Officials, who want to search the register or take copies of documents for bonafide public purposes, will be exempted from the payment of the fees under Article-II and III above.	
Article-IV For discretionary registration by the Registrar of the District.	Additional fee of Rs. 50.00 for each document shall be charged.
Note.- The additional fee under this Article is not payable on the registration of Wills. Authorities to Adopt and Depositing. Withdrawing & Opening the Sealed Cover Wills.	
Article-V For the issue of commission and for attending at private residences:- In all cases.	Rs. 50.00 for single transaction.
Note.- In addition to the above fee the person on whose behalf the journeys referred to in paragraph 10 of the Registration Manual are performed shall pay to the Government such additional sum as may be necessary to cover the cost of travelling allowance of registering office: Provided that the place visited is more than one km. from the registration office.	
Article-VI For filing transactions.	Rs. 20.00
Article-VII For the Authentication of a Power of Attorney under section 33 of Registration act, 1908, if such Power of Attorney is	Additional fee of Rs. 100.00 shall be charged.

¹ Article-II to IX of the Table of Registration Fees is added vide notification No. Rev.-1-9(Stamp)-3/79/2010-II dated 16-6-2012.

executed out of the State of Himachal Pradesh.	
<p>Article-VII When under section 36 of the Registration Act, 1908, application is made to issue and to serve a summon, process fee and remuneration of the person summoned, at the rates prescribed for the civil courts of the state are to be levied from the person at whose instance or on whose behalf the application is made. When, however, the person summoned is the person who has executed the document, the remuneration is not to be allowed to him.</p>	
<p>Article-IX For the safe custody of the documents remaining unclaimed after registration is refused. When application for return of registered document or of a document the registration of which has been refunded is made more than 3 months from the date of such registration or refusal, as the case may be.</p>	<p>The custody fee of Rs. 50.00 shall be charged.</p>

- **THE HIMACHAL PRADESH COPYING FEES ACT, 1969.**
- **THE COPYING AGENCY RULES FOR THE OFFICE OF THE FINANCIAL COMMISSIONER (REVENUE AND APPEALS), HIMACHAL PRADESH, 1993**
- **COPYING AGENCY FOR THE OFFICES OF THE DEPUTY COMMISSIONERS IN THE HIMACHAL PRADESH RULES, 1997.**

THE HIMACHAL PRADESH COPYING FEES ACT, 1969
ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Definition.
3. Mode of recovery of fees.
4. Repeal and savings.

THE HIMACHAL PRADESH COPYING FEES ACT, 1969

(Act No. 27 of 1969)¹

(Received the assent of the President of India on the 4th December, 1969, and was published in R.H.P. Extra., dated the 6th February, 1970 at p. 27-28)

An Act to facilitate the recovery of fees payable for copies made or supplied of records kept in offices under the control of Revenue, Judicial and other offices of Government in Himachal Pradesh.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the twentieth Year of the Republic of India as follows:-

1. **Short title, extent and commencement.**—(1) This Act may be called the Himachal Pradesh Copying Fees Act, 1969.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. **Definition.**—In this Act “record” includes any portion of a record and any document, plan, map or other paper attached thereto or forming part of the record of any suit or appeal, enquiry or trial or other proceeding in any court or office.

3. **Mode of recovery of fees.**—When any copy of any record has been made at the request of any applicant or his agent and such applicant or his agent has refused to accept delivery of the same or when any copy has been supplied to any such applicant or his agent, and the fee or any portion of the fee leviable for the supply of such copy remains unpaid, the said fee or portion thereof may be recovered from the applicant as if it were an arrear of land revenue.

Provided that a pleader presenting such an application on behalf of a client will not be held personally responsible where the application bears the signature or thumb-impression of such client.

4. **Repeal an savings.**—The Punjab Copying Fees Act, 1936 (5 of 1936) as applied to Himachal Pradesh by the Himachal Pradesh (Application of Laws) Order, 1948 and as applied to Bilaspur by the Bilaspur (Application of Laws) Order, 1949 and the Punjab Copying Fees Act, 1936 in its application to the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) are hereby repealed:

Provided that anything done or any action taken in exercise of the powers conferred by or under the provisions of the Act so repealed shall to the extent of its being consistent with the provisions of this Act be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act was in force on the day on which such thing was done or action taken.

¹For Statement of Objects and Reasons, see R.H.P. Extra., dated the 19th Sept., 1969, p. 860.

[Authoritative English text of Government Notification No. Rev.1-3(Stamp)2/88, dated 21-1-1995 as required under clause (3) of Article 348 of the Constitution of India].

**THE COPYING AGENCY RULES FOR THE OFFICE OF THE FINANCIAL
COMMISSIONER (REVENUE AND APPEALS), HIMACHAL PRADESH, 1994**

REVENUE DEPARTMENT (STAMP-REGN.)

NOTIFICATION

Shimla-2, the 21st February, 1995

No. Rev. 1-3 (Stamp) 2/88.- In exercise of the powers conferred upon him under clause (d) of sub-section (1) of section 168 of the Himachal Pradesh Land Revenue Act, 1953 (Act No. 6 of 1954), the Financial Commissioner (Revenue) to the Government of Himachal Pradesh proposes to make the following rules to regulate the supply of copies of records under his control and under the control of Financial Commissioner (Appeals) to the Government of Himachal Pradesh after the same having been previously published, as required under Section 169 of the aforesaid Act in the Rajpatra. Himachal Pradesh Extraordinary dated the 27th February, 1993 vide this Department Notification of even No. dated the 21st January, 1993, namely:-

CHAPTER-I

PRELIMINARY

1. **Short title.-** These rules may be called the copying Agency Rules [for the office of the Financial Commissioner (Revenue)/(Appeals), Himachal Pradesh, 1994.

2. **Definitions.-** (1) In these rules unless there is anything repugnant in the subject or context:-

- (a) "Copying Agency" means the branch in the office of the Financial Commissioner, Himachal Pradesh, meant for the supply of copies of records to the litigant public;
- (b) "Copying Clerk" means the clerk posted in copying agency to keep regular accounts in the registers prescribed under these rules;
- (c) "Copyist" means the clerk posted for the preparation of copies of records in the office of the Financial Commissioner;
- (d) "Copying Supervisor" means the Superintendent of the Clerk of Court's office or in his absence any other official of the office of Clerk of Court who may be authorised in writing in this behalf by the Financial Commissioner;
- (e) "Court" means the court of the Financial Commissioner, Himachal Pradesh;
- (f) "Examiner" means the clerk authorised by Office-in-charge to compare copies of records with originals in the office of the Financial Commissioner;
- (g) "Financial Commissioner" means the Financial Commissioner (Revenue and Appeals) Himachal Pradesh, appointed by the government of Himachal Pradesh;
- (h) "Form" means a Form appended to these rules;
- (i) "Officer-in-charge" means the Clerk of Court to the Financial Commissioner;
- (j) "Record" means any portion of a record and any document, map, plan or other paper attached to, or forming part of the record of any case, suit, appeals, enquiry, trial or other proceedings in any revenue court of office subordinate to as well as in the court of the Financial Commissioner; and

(k) "Register" means a register prescribed under these rules;

(2) All other words and expressions used herein but not defined in these rules shall have the same meanings as have been as assigned to them in the Himachal Pradesh Land Revenue Act, 1953 (6 of 1954).

3. **Responsibility of the Officer-in-charge.-** The Officer-in-charge of the Copying Agency shall be responsible for making proper arrangement to meet the convenience of the litigant public, requiring copies of the records in the Financial Commissioner's Office.

CHAPTER-II

REASONS ENTITLED TO OBTAIN COPIES OF RECORDS

4. **Grant of a copy of record to persons entitled.-** (1) A copy of a record shall be granted in the manner prescribed by these rules to any person who, under the law for the time being in force, or under these rules, is entitled to receive it.

(2) A complainant, plaintiff or a defendant who has appeared in a case or a suit, is entitled during the pendency of the complaint or suit, to obtain copies of the records of the case or suit including documents, exhibited in evidence by the parties in the Court.

Provided that a stranger to a case, appeal or suit may, during the pendency of the case, appeal or suit on sufficient reason given to the satisfaction of the court, obtain copy/copies of the documents or papers exhibited in evidence.

Note:- A party to a case or suit who has been ordered to file reply/written statement is not entitled to get a copy of the reply/written statement of his opponent until he as first filed his own such written statement.

(3) A stranger to a case, appeal or suit may, after decree or passing of an order, obtain copies of the complaint, plaint, pleas, written statements, affidavits and petitions filed in the case or suit, as also copies of judgements, decrees or orders.

(4) Copies of orders passed by a competent authority on proceedings under the Land Revenue tenancy and other enactments shall be granted, but copies of reports and recommendations made by revenue officers to their higher officers in connection with such proceedings shall not be given, unless in the opinion of the officer by whom the order was passed, is that they are necessary for the understanding of his order.

(5) Except with the previous permission of the Financial Commissioner, no copies of documents shall be supplied to any person not otherwise entitled to them between whom and Government there is any likelihood of litigation.

(6) Official letters, enquiry and spot inspection reports are privileged documents to copies of which no person has any claim whatsoever. Where it is desirable to grant a copy or extracts of these privileged documents, reference shall in every case be made to the Financial Commissioner (Revenue)/(Appeals) or as the case may be to the Financial Commissioner for permission.

CHAPTER-III

APPLICATIONS FOR COPIES OF RECORDS

5. Manner of applying for copies of records.- (1) An application for a copy or copies of records may be made in person or by post or through an agent authorised to act for the person who is entitled to it. The application shall be made duly filled in Form C.D.I. which can be had on payment of 50 paise per Form from licensed stamp vendors. Applications which contain all the particulars specified in Form C.D.I. but are not on the prescribed Form may also be entertained.

(2) In cases pending in a court or in cases of an executive nature, the permission of the Presiding Officer of the Court concerned or the Financial Commissioner, as the case may be obtained by the applicant before he presents his application to the Copying Supervisor or to the Officer in charge, as the case may be.

6. One application to be made for copies of records concerning a single cause or matter.- Only one application shall be made at a time for copies of papers concerning a single cause or matter which are in the same record, e.g., if copies are required of four separate papers in one record only, one application is necessary.

7. Stamping of applications for copies.- (1) Each application for grant of a copy of a record must bear an adhesive court fee of forty paise or as may be prescribed from time to time under article I(a) of Schedule II to the Himachal Pradesh Court Fees Act, 1968 (Act No. 8 of 1968).

CHAPTER-IV PROCEDURE ON RECEIPT OF APPLICATIONS

8. Applications for copies to be received by whom.- Applications for copies shall be received by the Officer-in-charge and in his absence by the Copying Supervisor. He shall satisfy himself that the applicant is entitled to the copy applied for by him.

9. Scrutiny of applications.- (1) On receipt, the application shall be scrutinized by the Officer-in-charge and in his absence by the Copying Supervisor as the case may be, who shall return it to the applicant after recording the sufficient reasons for not supplying the copy of desired document,-

- (a) if the original of which a copy is applied for is not traceable;
- (b) if the name of the village or the date of the order noted in the application does not appear to be correct; and
- (c) if any other information is necessary.

Note.- (1) Applications shall not, however, be returned where the court fee stamps borne on them are not properly endorsed by the Stamp Vendors. In such cases the matter shall be referred to the Collector of the District concerned for proceedings against the Stamp Vendors under Section 41 of the Himachal Pradesh Court Fees Act, 1968 (8 of 1968).

(2) If the application does not require to be returned or after its re-submission, the Officer-in-charge or in his absence by the Copying Supervisor shall, if the copy can be given, order it to be prepared.

(3) If a copy of record applied for cannot be given under the law or the application does not contain the required information, it shall be rejected by the Officer-in-charge or in his absence by the Copying Supervisor.

(4) In any case in which a genuine doubt arises, or the permission of higher authority is required to be grant of the copy of record, the Officer-in-charge shall take the order of the Financial Commissioner.

CHAPTER-V REALIZATION OF THE COST OF COPIES

10. Payment of court fee in advance.- (1) Every application for a copy of a record shall bear in advance a court fee stamp of Rupees five as the cost of preparing and certifying each copy. This fee shall be in addition to any Urgent or Search Fee and the forty paise court fee stamps, liable under rule 7.

(2) In the Case of a person who desires to take delivery of the copy personally, the copying clerk, after ascertaining the cost of the copy, shall communicate it to the applicant at once and shall direct that the court fee stamps of the requisite amount be affixed to the application. After this has been done the preparation of the copy shall be taken in hand.

(3) If the application for a copy is received by post the copying clerk shall similarly assess the cost of the copy, after consulting the relevant files. He shall indicate the cost of the copy on the application which shall then be returned in original to the applicant. In all such cases the registrations charges shall also be included in the cost of the copy as well as the amount of service postage stamps used in returning the application. When the application is received back bearing the requisite court fee stamps, it shall be duly registered for preparation of the copy applied for. A receipt in Form C.D.10 shall be issued at the same time by the Examiner. The amount received by money order need not, however, be acknowledged in Form C.D. 10. In such cases the money order coupon signed by the Examiner will serve the purpose of a receipt.

(4) No urgent fee shall be accepted unless presented in court fee stamps with the application for a copy.

11. Grant of refunds.- (1) If an applicant withdraws his application after a copy has been prepared, no refund shall be allowed, but when it has not been prepared the amount shall be refunded after deducting one-fourth of it. The refund may be made personally or by postal money order after deducting the money order commission. All refunds shall be made under the orders of the Officer-in-Charge or in his absence by the copying supervisor in form C.D. 9. The Officer-in-charge shall hold a permanent advance of Rs. 100/- for this purpose.

(2) Refunds shall be made by the Copying Supervisor out of the imprest kept with the Officer-in-charge which shall be recouped by means of a contingent bill on the last working day of the month or earlier if necessary. The contingent bill shall be classified as debitable to head "0030-Stamps and Registration-03-Deduct-refunds" or to any appropriate heads of account as may be fixed by the State government for his purpose from time to time. The refund vouchers shall be prepared in all cases in which a refund is actually made either in person or by money order. The particulars entered in the refund bill shall be verified by the Examiner and countersigned by the Copying Supervisor and the pay order passed by the Officer-in-charge.

(3) All refund orders shall be cancelled at the time of recouping the advance. The word 'Cancelled' shall be written in red ink or stamped with a rubber stamp of suitable size across each order, by the Examiner and initialled by the Copying Supervisor.

(4) (a) The amount of undelivered money order shall be credited to the permanent advance by making a reverse entry (in red ink) in the permanent advance register in Form C.D.4 which shall be kept and maintained personally by the Copying Supervisor and also making a note in the relevant refund voucher register in Form C.D.9.

(b) If the amount of Refund is not claimed within a period of three months from the date it was sanctioned, it shall lapse and no further claim in respect thereof shall be considered.

Note.- The court fee stamps affixed to the application for copies shall be punched, and cancelled immediately on receipt by the Examiner or the Copyist, as the case may be, in the manner prescribed by section 39 of the Himachal Pradesh Court Fees Act, 1968 (8 of 1968) read with rule 1 of Chapter 4-C of the rules and Orders of High Court, Volume IV.

12. Maintenance of register in Form C.D.6.-(1) The copying clerk shall maintain register in Form C.D.6 for payments received by money orders or through V.P.P. He shall then convert all such payments into court fee stamps affix them to the application, then cancel the court fee stamps affixed to it, by punching out the figure head so as to leave the amount designated on the stamp untouched and the part removed by punching shall be burned or otherwise destroyed. The examiner or copyist, as the case may be, shall affix his signature and the date across each label, at the time of cancellation in durable ink. He shall then hand over the application to the copying clerk against the later's receipt in register in Form C.D.6. the money order and the V.P.P. coupons shall be pasted in a separate guard file and numbered serially. He shall also maintain a register in Form C.D.6 fortnightly and initial in the remarks column.

(2) The receipt book in Form C.D.10 shall contain 200 receipts, with a consecutive receipt number printed on each receipt and counterfoil. The stock of these books shall remain in personal custody of the Examiner who shall keep account of receipts and issues in register in Form C.D.12.

(3) The counterfoils of receipts, and payment orders duly completed shall be similarly retained by the examiner and produced for audit.

13. Examiner's duties.-If a copy is ordered to be prepared, the Examiner, shall :-

- (a) endorse or cause to be endorsed thereon the date, and in the case of urgent applications the time of presentation;
- (b) initial the endorsement;
- (c) cause the application to be entered in register in Form C.D.2 and the serial number of the register shall be given in red ink on the reverse of the application.
- (d) Cause the court fee stamp thereon to be cancelled according to law; and
- (e) Obtain from the applicant, a non-judicial/judicial stamp, if required.

14. Applicant to be informed of the date and time of delivery of copy.- If a copy is ordered to be prepared, the copying clerk shall, in the case of personal applications inform the applicant the date and time, the copy is likely to be ready for delivery. This shall, however, ordinarily be not later than the third working day. But an applicant for an urgent copy shall be entitled to have his copy before the close of the same day provided his application is presented with the urgent fee within the first two hours of the working day and if the application be presented later, the copy shall be furnished in the forenoon of the following working day.

15. Maintenance of register in Form C.D. 2.- A register in Form C.D. 2 shall be maintained by the Copying Clerk, in which every application filed for a copy of a record, shall, whether allowed or not, be entered forthwith. It is not necessary to maintain separate registers for English and vernacular copies. Column 1 to 5 of this register shall be written up in respect of each application as soon as orders regarding the disposal of the application have been passed under sub-rules (2) and (3) of rule 9. Column 6 of register in Form C.D. 2 and onwards shall be written up as soon as the copy is Copying Clerk shall total the amount of column 13 and enter the total amount in the column below the last entry in red ink.

16. Rejected application to be filed or returned to the applicant.- If for any reason any application is rejected or if it is impossible to prepare the copy requested for the fact shall be noted across the columns of register in Form C.D. 2 and the application shall be filed after being kept pending for 15 days, under intimation to the applicant by post or returned by post if the applicant has paid extra fee for that purpose.

CHAPTER-VI MANNER OF PREPARING COPIES

17. Essentials of a copy.- Every copy made under these rules shall.-

- (a) be a clear photostat copy copied on the machine installed for this purpose; or
- (b)(i) if in English or Hindi, be written in a good legible hand, or typed and if in Urdu, be written in good legible Nastalik;
 - (ii) be written with ink of a good quality;
 - (iii) be written or typed on government Watermarked paper or any other superior quality paper or Photostat on ordinary paper except in cases in which copies are allowed on printed forms, or required to be issued on non-judicial impressed stamp papers under article 24 of Schedule 1-A to the Indian Stamp Act, 1899 (II of 1899);
 - (iv) have a margin of one fourth on the left;
 - (v) be written on both sides of the paper. The margin on turning over shall be on the right hand side;
 - (vi) have a space between the lines not exceeding and not less than the second space of a typewriting machine;
 - (vii) have marginal reference to the paging of the original;
 - (viii) be duplicated if more than one copy of the same record is requested to be prepared at the same time; and
 - (ix) have approximately the following number of words and lines on each page,-
 - (a) typewritten, 350 words, 35 lines;
 - (b) English writing, 250 words, 22 lines; and
 - (c) Vernacular writing, 250 words, 22 lines.

18. A heading containing a short description of the record to be pre-fixed to a copy.- To every copy prepared under these rules shall be prefixed a heading containing a short description of the record, the name and hadbast number of the estate, and the name of the Tehsil and District to which such records relates. In the copy of a judgement or order, such heading shall be prefixed so as to form the part of a separate sheet attached to the copy and it shall also contain the following particulars:-

- (a) the court or office by which the case was decided giving the name and powers of the presiding officer and in an appellate case, the name and official designation of the officer whose order was appealed against and the date of that order;
- (b) the date of the institution of the suit, proceeding or appeal as the case may be; and
- (c) the name, parentage, trade or occupation, and place of resident (stating tehsil and district) of the parties; and
- (d) the subject matter of the case.

19. Requisition of files by the copying clerk from the record room.-Files shall be given to the Copying Clerk on requisition made in Form C.D.7 maintained by the record keeper. No files or parts of files shall be removed by the Copying clerk himself from the record room. The Examiner shall be responsible for the safe custody and careful handling of all files given to the Copying Clerk. The record room staff shall also maintain registers in Form C.D.8. These registers shall contain important acknowledgements of receipts applications and shall be kept under lock and key.

20. Supply of copies on Forms.-Copies of records which are kept in tabular forms shall be supplied on the forms used in the Revenue Department of the Government.

21. Forms for copies of decree and heading of pending sheets.-Copies of decrees and headings of opening sheets in revenue records and other records shall at the discretion of the Officer-in-charge be given on such Forms as are indicated in rule 20.

22. Supply of a copy of a copy.- A copy of a copy of a record shall never be granted unless expressly requested for, as for instance in order to call in question the correctness of the copy granted. The fact that it is so required shall particularly be entered in the heading.

23. Sheets of papers on which copy is made to be stitched together in book form.- If a copy covers more than one sheet of paper the sheets of paper on which the copy is made shall be stitched together in book form, and shall not be attached one to the end of the other so as to form a roll.

24. Particulars to be endorsed on a copy.- After the copy has made, and before it has been revised and attested, the following particulars shall be endorsed thereon in Hindi or English language, namely:-

- (a) the number of the application as entered in register in Form C.D.2;
- (b) the date of presentation of the application for a copy;
- (c) the number of words or pages;
- (d) fees due;
- (e) name of the copyist, if any:
 - (1) copying fees Rs.
 - (2) Urgent fee Rs.
 - (3) Search fee Rs.
- (f) date on which the copy was completed by the copyists; and
- (g) the cause of delay, if the copy has been completed after the third day from the date of application.

CHAPTER-VII
REVISION AND ATTESTATION OF COPIES

25. **Examiner to examine and certify copies.**-A copy shall not be delivered to any person until it has been examined, certified, stamped and paged. The official entrusted with this duty will be examined. Who shall be responsible for the compliance, in all respects, of the provisions of the law and of these rules.

26. **Examiner to compare and attested copies.**-The copying Examiner, before he attests any copy in the manner prescribed by the rules,-

- (a) Personally compare such copy with the original record from which it has been made. For the purpose of facilitating the comparison of any copy, the copying clerk or the copyist who made it may be called upon to assist by reading out the original;
- (b) Attest every alteration made in such copy by initialling the same;
- (c) Examine and initial the endorsements made upon the copy in accordance with these rules;
- (d) Examine the heading and forms of the copy, and see that they are in accordance with the law, rules and directions applying to such copy;
- (e) See that the copy is written or typed on the prescribed quality of paper with ink of good quality and in neat legible handwriting; and
- (f) See that the fees have been correctly calculated and entered in the registers.

27. **Endorsement on copies to be made by the Examiner.**-(1) When any copy is found to be correct in all respects and ready for delivery to the applicant, the examiner shall endorse thereon the following words:-

“Certified to be a true copy”

and shall sign and date the endorsement and subscribe his official designation below which he shall endorse the following words:-

“Authorised by Section 76 of the Indian Evidence Act, 1872”

(2) He shall then cause the proper seal to be affixed to the copy. If the copy covers more than one sheet of paper the revising and attesting official shall endorse the words ‘attested’ on every such sheet, and shall set his initials and the date thereunder. He shall at the same time cancel the court fee stamps, if not already done, representing the cost of the copy.

28. **Defective copies to be cancelled.**-In the event of any copy prepared being found to be unfit for issue by reason that it,-

- (a) has not been clearly, legibly and neatly photostat, written or typed;
- (b) is not in the prescribed form or on paper of the prescribed quality;
- (c) is so incorrect that revision has rendered it unfit for issue;
- (d) does not conform to these rules; and
- (e) is otherwise open to objects;

the Examiner shall forthwith write the word ‘*Cancelled*’ across the copy and a fresh copy shall be made.

29. **Certificate of accuracy of a copy.**-The affixing by the Examiner of his signature to a copy is a certificate that the official has personally satisfied himself of its accuracy and that the copy has been personally compared by him.

30. **Disciplinary action to be taken against officials.**-A warning shall be issued to the official who fails to prepare or attest copies properly-Disciplinary action shall be taken against such official in whose case a warning proves ineffectual.

CHAPTER-VIII DELIVERY OF COPIES AND ADJUSTMENT OF COSTS

31. **Mode of cancellation of stamps on copies issued by the Copying Agency.**- The Copying Clerk shall, before any is delivered to an applicant in person or despatched by post, endorse thereon the date of such delivery or despatch and cancel the court fee labels, if any, affixed to it under Articles 5 to 8 of Schedule-I of the Himachal Pradesh Court Fees Act, 1968 (8 of 1968) or Article 24 of Schedule I-A of the Indian Stamp Act, 1899 (II of 1899) by punching out a portion of the label in such a manner as to remove neither the figure head nor that part of the label on which its value is expressed. The signature of the Examiner attesting the copy of the document, with the date, shall be written across the label and upon the paper on either side of it.

Note.- Care shall be taken to distinguish between the modes of cancellation of court fees stamps affixed to applications for copies and on copies issued by the Copying Agency.

32. **Adjustment of fees.**- (1) The Copying Clerk shall then proceed to adjust the charge of the copy and will include in it search fee, if any, and make out the final account for the preparation of the copy of copies. He shall then call for the applicant and demand the court fee if any leviable under Articles 5 to 8 Schedule-I to the Himachal Pradesh Court Fees Act, 1968 (8 of 1968) in respect of such copy and cause the same to be affixed to the copy. The court fee stamps so affixed shall be duly punched and cancelled in the manner laid down in rule 31. The copy shall then be delivered to the applicant. The delivery of the copy will also be attested by the Copying Supervisor in column 19 of register in Form C.D. 2.

(2) The amount of refund, if any, shall be paid in cash to the applicant in the presence of the Officer-in-charge, if the copy is delivered to him in person and the payees' receipt taken in the space provided for the purpose in Form C.D. 9.

33. **Procedure to be adopted in case the copy is not taken by the applicant.**-If the applicant is not present when first called to receive the copy, his name shall be called on three successive days, and if he fails to present himself within the period, the copy and the balance, if any, to be refunded, shall be sent to him by post deducting postage charges from the refund due. The payees' receipt obtained through the post office will be pasted on the payment order in Form C.D.9. If, however there is no balance to be refunded or the amount due is not sufficient to cover money order commission and other postage charges, his application shall be filed and the copy shall not be given to him until a fresh application duly stamped with a court fee stamp of forty paise is made.

34. **Copies sent by post.**- In case where the copy has been applied for by post the copy, when duly made, revised and attested, shall be sent to the applicant by post, after adjusting the cost of preparing and sending the copy. The payees' receipt obtained through the post office shall be pasted on the payment order in Form C.D. 9.

35. **Period for preservation of sanctioned applications.**- Except as provided in rule 16, all applications for copies shall not be destroyed until a Stamp Auditor of the Government of Himachal

Pradesh has audited the records and registers concerning them even when the audit has been carried out earlier, such applications shall be kept for three years. At the end of this period or of the audit, if the audit is not completed within three year, the Officer-in-charge shall destroy such applications in his presence, and shall certify their destruction in the manner prescribed in rule 27 of the Himachal Pradesh Stamps Refund, Renewal and Disposal Rules, 1964.

Note.- Sanctioned applications shall be kept by the Copying Clerk under lock and key.

36. Maintenance of register C.D. 5 by Copyists.- (1) A Register of work done by the Copyists shall be maintained in Form C.D.5. The register shall be written up daily.

(2) At the end of each month the Copying Clerk shall total the columns of the register with a view to judging the outturn of the copyists.

CHAPTER-X ATTESTING OFFICER OF COPIES

37. Revising and attesting officials.-The Examiner shall be the revising and attesting official of copies of records for the purposes of these rules.

CHAPTER-X SUPERVISION

38. Copying Supervisor and his duties.-(1) The Copying Supervisor for the purposes of these rules, shall supervise the working of the Copying Agency.

(2) He shall, in addition to the other duties prescribed in these rules,-

- (a) examine the registers fortnightly, particularly register in form C.D.2 and C.D.3;
- (b) see that copies are supplied within three days from the receipt of the application and in the case of urgent application the copies shall be supplied on the same day, unless for sufficient reasons to be recorded in writing, he has allowed further time in any particular case;
- (c) see that court fee stamps have correctly been affixed to applications and copies and that they have been duly punched and cancelled in accordance with the law and rules;
- (d) ensure that the copies are prepared and delivered to the applicant within the specified period;
- (e) supervise the Copying Clerk, the Examiner and the Copyists in the discharge of their duties, and report any dereliction of duty on the part of any member of the Copying Agency, alongwith his recommendations, wherever necessary, for initiating disciplinary action for such dereliction to the Financial Commissioner through the Office-in-charge; and
- (f) take suitable measures to have the rules promptly and carefully complied by the staff of the Copying Agency.

CHAPTER-XI FEES

39. Scale of fees.-(1) Every copyior a photostat copy of a record shall be supplied at a flat rate of rupee one per page. This rate shall also be applicable to copies of orders involving first appointment or promotion or dismissal passed by the Financial Commissioner and other orders

which may be considered for publication in the Law Journals including service law journals and are supplied to the manager of the Journals for publication. This rate of fees included the cost of paper which will be supplied by the Government:

Provided that the copies of record required for public purposes by public officers of the Centre or State Government as defined to section 2 (17) of the Code of Civil Procedure, 1908, supplied by the Copying Agency free of charge.

(2) For copies of field maps, boundary maps and tabular work, the Officer-in-charge of the Copying Agency shall work out the number of pages of copy and fee which shall be charged at the rate of rupees two per page.

(3) Applications for 'Urgent copies shall take precedence over other copying work. Applications for urgent copies shall pay an extra fee of Rs. 5 in court fees stamps. Such fees shall be accounted for immediately on receipt as income in column 7 of register in Form C.D. 3 and entered in register in Column 10 in Form C.D.2. the applicant shall however, be entitled to refund of the urgent fee so paid if for any reason whatever, the copy in respect of which such fee was paid is not ready for delivery to him within two days after the filing of the application.

Note.-(1) For the purpose of the above rule, the extra fee to be charged shall be for each paper which can be properly be regarded as a separate paper e.g. every deposition of a witness or written statement of a party or order of the court is a separate paper. In cases of doubt as to whether a paper is separate or not, the Officer-in-charge shall decide and his decision shall be final.

(2) If two or three English/Hindi type written copies of document are requested for, there shall be only one 'urgent fee'. If the copies requested for are from four to six, the urgent fee shall be twice as much and so on. In the case of Urdu/Hindi (Vernacular) script, urgent fee shall be charged for each copy.

(3) A search fee of rupees two may be imposed under the orders of the Copying Supervisor in case in which an unreasonable amount of trouble has been caused in finding out the original record. In such cases the search fee payable shall be recommended by the record keeper and the same shall be recovered from the applicant by the Copying Clerk in the court fee stamps and he shall affix it to application concerned. He shall also punch and cancel the court fee labels, in the manner indicated in rule 12 of these rules.

(4) The record of such fees shall be regularly kept by the Copying Clerk in columns 12 and 8 of register in Form C.D.2 and C.D.3 respectively.

CHAPTER-XII REGISTERS AND ACCOUNTS

40. Maintenance of Register in Form C.D. 3.-(1) A register of daily receipt in Form C.D.3 shall be maintained by the Copying Clerk. All receipts on account of copying, urgent and search fee shall invariably be accounted for in the register and totalled daily.

(2) Only one register shall be kept in this Form. The total receipts shall be attested punctually by the Copying Supervisor in column 10 of the register.

41. **Keeping of accounts in register in Form C.D.6.**-A register for the adjustment of amounts received from applicants by money order or V.P.P. shall be maintained by the Copying Clerk in Form C.D. 6.

42. **Monthly check of accounts by Copying Supervisor and verification by the Officer-in-charge.**-(1) The Copying Supervisor shall check the accounts of the Copying Agency in the following month and certify to this effect below the entries in register in Form C.D.3. The accounts shall be verified quarterly by the Officer-in-charge.

(2) After the close of each month the Copying Clerk shall prepare a statement showing the cases in which the fees or any portion thereof remains to be realize. This statement shall be sent to the District Collector concerned, through the Officer-in-charge for recovery of copying fee as arrear of land revenue. The Copying Clerk shall keep a duplicate copy of this statement in the agency and shall be responsible for reminding the Collector concerned at regular intervals.

CHAPTER-XIII TRANSLATION

43. **Levy of Translation fee.**-Where a copy is requested for in a language other than that of the original, the copying fee shall be double the rates prescribed for copies whether or not a translation already exists on the file. Such applications shall be entered regularly in register in Form C.D.2 and distinguished by the letter 'T' in column 7 of the register.

44. **Maintenance of registers only in printed prescribed forms.**-No registers shall be maintained except those prescribed in these rules. A dak bahi and the stamp register shall, however be maintained in addition to these registers.

45. **Repeal and Savings.**-The Copying Agency Rules for the office of the Financial Commissioner, Himachal Pradesh issued by this department notification No. R. 86-6-56 dated 14th December, 1956 are hereby repealed:

Provided that anything done or any action taken under the said rules shall be deemed to have been done or taken under the corresponding provisions of these rules.

(Application Form)

C.D.-1
(see rule 5)Urgent.
Ordinary.

Affix here Court Fee Stamps of 40 paise and Court Fee Stamps of the cost of copy including postal charges, if any.

STATEMENT No.-I

THE APPLICANT REQUESTS THAT COPIES DETAILED IN STATEMENT NO. I BE GRANTED.

Name of Parties			
Class of case Whether-	plaintiff or complaint	defendant or accused	Nature of case with valuation of suit or description of offence, as the case may be
(1) Civil, Criminal, Revenue or Miscellaneous			
(2) Original or Appeal			
1	2	3	4

Name of village or place, with hadbast number where the property in dispute is situated or where dispute arose or offence was committed.	Name of the Presiding Officer of the subordinate and appellate court, if any	Date of decision first and of appellate courts
5	6	7

Purpose for which copy is required	Detail of copies required	Seal or signature of the applicant
8	9	10

STATEMENT NO ii		
APPLICANT'S FULL ADDRESS		
Name to be written clearly	Parentage	Occupation
1	2	3
Address		
District	Tehsil and Thana	Name of Village and Post Office
4	5	6

STATEMENT No. II

1. How will delivery of the copy be taken, personally or by registered post?

Note.- (a) Court fee stamps of the value of forty paise under rule 7, alongwith advance court fee of rupees five under rule 10.

(b) If required by the registered post, an extra charge of (as per postal rates) in court fee stamps is leviable.

(c) If required by V.P.P. an extra charge (as per postal rates) will be leviable.

2. What is the value of the court fee stamps including the 40 paise court fee stamps affixed to this application. ?

3. A receipt will be given in form C.D.-10 if the application is personally delivered, or it will be sent by post if an additional court fee stamps is affixed for this purpose to the application.

Application rejected.

Copying Supervisor.

Date

A copy may be supplied

Copying Supervisor.

Date

A Search fee of Rs. 2 shall be levied.

Copying Supervisor.

Date

C.D.-2

(See rules 13, 15, 16, 24, 32, 38, 39 and 43)

REGISTER OF APPLICATIONS AND REALIZATION OF FEES

Date	Serial number of application	Name and residence of applicant	Name of Court/office to which the file belongs		
1	2	3	4		
Name of Parties and number of case	Date of order or record concerned	Number of copies required	Language Urdu, English or Hindi		
5	6	7	8		
FEES CHARGED					
Copying fee	Urgent fee	V.P.P. and registration charges	Search fee	Total amount of columns 9-12	Serial number of register C.D.3.
9	10	11	12	13	14
Date of completion and examination of copy	Name of copyist	Number of pages of copy	Date of Delivery	Initial of Copying Assistant/ Copying Supervisor authorising the delivery	
15	16	17	18	19	
Serial number of register of copies pending clearance (in case of undelivered copies)	Amount to be deducted, if any		Net amount due for refund to the applicant		
20	21		22		

Reference to the number and date of the refund voucher	Date of filing the case of undelivered copies in which no balance is due from the applicant	Initial of the copying Supervisor	Remarks
23	24	25	26

C.D.-3
(See rules 38, 39, 40 and 43)

DAILY INCOME REGISTER

Serial number	Date	Serial number of register C.D.2	Copying fee		V.P.P. Charges		Registration Charges	
			Rs.	P.	Rs.	P.	Rs.	P.
1	2	3	4		5		6	

Urgent fee	Search fee		Total amount received		Initial of the Attesting officer
	Rs.	P.	Rs.	P.	
7	8		9		10

C.D.-4

[See rule 11(4)]

PERMANENT ADVANCE REGISTER

Date	Balance of day before	Paid on Account of Refund		Recoupment by contingent bill amount of refund			
		Number of refund voucher	amount	Rs.	P.	Rs.	P.
1	2	3		4		5	

Daily total of expenditure		Balance	
Rs.	P.	Rs.	P.
6		7	
		8	

C.D.-7

(See Rule 19)

FILE FETCHER REGISTER OF APPLICATIONS RECEIVED AS REQUISITIONS FOR FILES

Number of application as registered in C.D. 2 with value of court fee stamps attached	Name of court/office to which the application relates	Signature of Ahlmad of court or record-keeper of record room	Date of receipt of file from the record room or the or the court concerned
1	2	3	4

Signature of file-fetcher, copying clerk or copyist receiving the file and the number of pages	Remarks
5	6

C.D.-8

(See in rule 19)

REGISTER OF FILES ISSUED TO AND RETURNED FROM COPYING AGENCIES TO BE MAINTAINED BY THE FILE-FETCHER, COURTS AND RECORD-KEEPERS

Serial number	Date	Application number	Total application received	Case No.	Date of decision or hearing
1	2	3	4	5	6

Parties names	Nature of case	Name of court	Whether search fee recommended or not
7	8	9	10

Signature of the official receiving the files	Signature of the official returning the file
11	12

C.D.-9
(See Rules 11, 32, 33 and 34)

Name of Applicant

Serial number of C.D.2	Total amount charged for copying fee, urgent fee, search fee, registration fee, V.P.P. and postage charges	Amount charged in excess	Deduction allowed
1	2	3	4
Net amount refundable			Remarks
	5		6

CERTIFIED that the above particulars have been checked by me.

Copyist	In Cash
Pay Rs.	By Money Order.
	Copying Supervisor
Received a sum of Rs.	
Date	Officer-in-charge.

Note.- In case of remittance by Money Order coupons shall be pasted on this.

C.D.-10

(See rules 10 & 12)

Receipt No.C.D...10..... Receipt No.C.D.....10.....
 Received from an Received from an
 application, dated for a application, dated for a
 copy with court-fee stamp of the value of Rs. copy with court-fee stamp of the value of Rs.
 (in words) (in words)
 affixed to it which has affixed to it which has
 been entered at Serial number been entered at Serial number
 in C D register No. 2. in C D register No. 2.
 The applicant shall call for the copy on The applicant shall call for the copy on
 (date) (date)

Copying Supervisor

Copying Supervisor.

C.D.-11

(See Rule 12)

REGISTER OF REFUSED V.P.P.'S AND BALANCE OF FEES DUE

Serial number	Name and address of applicant	Number of entry in C.D. 2 for which fees are due	Amount of balance
1	2	3	4
Included in statement for month of for recovery as arrear of Land Revenue under rule		Date of recovery with reference to serial No. of guard file of V.P.P. and money order of coupons	Remarks
5		6	7

C.D.-12

(See Rule 12)

REGISTER OF INCOME AND EXPENDITURE

Serial number	RECEIPT		Net Receipt	
	Total Copying, urgent and search fee	Deduct refunds		
1	2	3	4	
CHARGES				
Charges	Establishment	Allowances	Stationery	Contingencies
5	6	7	8	9
Excess			balance/deficit	
10			11	

The charges included:-

- (a) the pay of the staff employed, included allowances paid;
- (b) cost of articles for the use of the copyists; such as office furniture and any stationery purchased locally;
- (c) cost of photo copying machine, typewriters and accessories and charges for repairs to same;
- (d) the cost of stationery required by the Copying Agency to be obtained from the Controller Printing and Stationery, Himachal Pradesh on separate indents by Deputy Commissioner, a part from their indents for ordinary requirements.

**COPYING AGENCY (FOR THE OFFICES OF THE DEPUTY COMMISSIONERS
IN THE HIMACHAL PRADESH) RULES, 1997**

PREAMBLE

In exercise of the powers conferred by clause (d) of sub-section (1) of section 168 of the Himachal Pradesh Land Revenue Act, 1954 (Act No. 6 of 1954), the Financial Commissioner(Revenue) to the Government of Himachal Pradesh make the following rules to regulate the supply of copies of records under the control of Deputy Commissioners in Himachal Pradesh, as required under section 169 of the aforesaid Act, in the Rajpatra, Himachal Pradesh (Extra-ordinary), pages 4-55, dated the 3rd May, 1997 notified vide this Department Notification of even number, dated the 3rd February, 1997, namely:-

**CHAPTER-I
PRELIMINARY**

Rule - 1. Short title.

These rules may be called the Copying Agency (for the offices of the Deputy Commissioners in the Himachal Pradesh) Rules, 1997.

Rule - 2. Definitions.

- (1) In these rules, unless there is anything repugnant in the subject or context,-
- (a) "Copying Agency" means the branch in the office of the Deputy Commissioner or Sub-Divisional Officer (Civil) or a Tehsildar or a Naib- Tehsildar, as the case may be, meant for the supply of copies of records to the litigant public;
 - (b) "Copying Assistant" means the Assistant or any other official responsible for the maintenance of accounts and the conduct of business of the Copying Agency;
 - (c) "Copying Clerk" means the clerk posted to maintain regular accounts in the various registers prescribed under these rules;
 - (d) "Copyist" means the clerk specially posted for the preparation of copies of records and includes a Photostat Machine Operator;
 - (e) "Divisional Commissioner" means the Divisional Commissioner appointed by the Government of Himachal Pradesh for a Division by whatever name he is called;
 - (f) "Copying Supervisor" means the Superintendent and includes any other official whom the Deputy Commissioner may entrust the work of Copying Supervisor by an order in writing,
 - (g) "Examiner" means a clerk authorised to compare the copies of records with the original;
 - (h) "Form" means the form appended to these rules;
 - (i) "Officer-in-charge" means the head of the copying agency appointed by the Deputy Commissioner from amongst the officers subordinate to him;
 - (j) "Record" means and includes any portion of a record and any document, map, plan or other paper attached to, or forming part of, the record of a suit, appeal, enquiry, trial or other proceedings in any civil, criminal or Revenue Court or offices, or any proceedings conducted by a Revenue Court or office in

- the exercise of civil, criminal or administrative functions;
- (k) "Registrar" means a Registrar prescribed under these rules;
- (l) "Translator" means an official posted to prepare a copy of a record in a language other than that of the original.

(2) All other words and expressions used herein, but not defined in these rules, shall have the same meanings as have been assigned to them in the Himachal Pradesh Land Revenue Act, 1953 (6 of 1954).

CHAPTER-II ARRANGEMENT FOR THE SUPPLY OF COPIES

Rule - 3. Copying Agencies to be established by the Deputy Commissioner.

Copying Agencies shall be established at the district headquarters of each district, sub-division, tehsils and sub-tehsils for the supply of copies.

Rule - 4. Appointment of Copying Agency Staff.

The Deputy Commissioner shall post the following staff in each Copying Agency, namely:-

- (1) at the District Headquarters:-
- (i) a Copying Supervisor;
 - (ii) Copying Assistant;
 - (iii) Copying Agency Clerks;
 - (iv) an Examiner; and
 - (v) Copyists, for the preparation of copies (one or two or more copyists shall also be posted on file fetching duty, if felt necessary);
- (2) at Sub-Divisions, Tehsils and Sub-tehsils;
- (i) a Copying Assistant, and
 - (ii) one copyist (or where necessary more than one, for the preparations and attestation of copies):

Provided that a Sub-Division, Tehsil or Sub-Tehsil the Copying Assistant shall ordinarily discharge all the functions of copyist, examiner and Copying Assistant but it will be open to the Deputy Commissioner to modify these arrangements according to the circumstances.

- (3) In respect of the cases pending before a Presiding Officer, the Ahlmed shall discharge the functions of Copyist and the Reader shall discharge the functions of an Examiner and Copying Assistant.

Rule - 5. Responsibility of Officer-in-charge to supply copies of records.

The Officer-in-charge of the Copying Agency shall be responsible for the supply of copies of all the records to the public. He shall also be responsible for the correctness of accounts and the orderly conduct of business.

CHAPTER-III
PERSONS ENTITLED TO OBTAIN COPIES OF RECORDS

Rule - 6. Grant of a Copy of a record to persons entitled.

A copy of record shall be granted in the manner prescribed by these rules to any person who, under the law for the time being in force, or under these rules, is entitled to receive it. In particular, copies may be granted as follows:-

- (i) Any party to a suit, appeal, enquiry, trial, complaint or other proceedings is entitled at any stage thereof to obtain copies of the record of the case including documents exhibited by the parties and finally accepted as evidence.

Note.-"Complaints" include challans;

- (ii) a party to a suit or complaint who has been ordered to file a written statement is not entitled to a copy of the written statement of his opponent until he has first filed his own such written statement.
- (iii) A stranger to a suit, complaint, appeal, enquiry, trial or other proceeding may, after decree, judgment or final order, obtain copies of the plaint or complaint, written statements, affidavits and petitions filed in the case and also for the evidence recorded by the court, and may, for sufficient reasons shown to the satisfaction of the court, obtain copies of any such documents before final order. He may also obtain copies of judgments, decrees, orders, at any time after they have been passed or made, but he shall not be granted copies of documents exhibited in evidence, except with the consent of the person producing them in the court or under the orders of the court.
- (iv) Any person may obtain a copy of a record of rights, annual record, Khasra-girdawari, or of the record of distribution of an assessment over the holdings of an estate, or of any entry in a register of mutation or in a note-book as prepared in accordance with instructions contained in Chapter 10 paragraphs 1, 2 or 6 of the Himachal Pradesh Land Records Manual.
- (v) Copies of orders by a competent authority on proceedings under the Land Revenue, Tenancy and other enactments shall be granted. But copies of reports and recommendations made by a Revenue Officer to their higher officers in connection with purely executive proceedings shall not be given, unless in the opinion of the officer by whom the order was passed, they are necessary for the understanding of his order.
- (vi) Copies of the final order passed on muafis sanctioned by competent authority may be granted by the Deputy Commissioner but copies of recommendations submitted for sanction shall not be given unless they have been approved and are necessary for the understanding of the sanction.
- (vii) In the cases regarding reduction of lambardars, copy of the Financial Commissioner's order may be granted by the Deputy Commissioners.
- (viii) Copies of final orders in cases of an executive nature, and in establishment

cases, may be granted with the permission of the Deputy Commissioner:

Provided that without the previous sanction of the Divisional Commissioner, no copies of documents shall be supplied to any person, not entitled to them by law, between whom and Government there is any likelihood of litigation.,

- (ix) Official letters, enquiry and spot inspection reports are privileged documents, to copies where of no person has any claim whatsoever. Where it is considered desirable to grant a copy of letter or of an extract of a letter received by a subordinate from a higher officer, reference shall in every case be made to the higher officer for permission.
- (x) In the following cases:-
 - (a) copies required for public purposes by Public Officers of the Central or State Governments as defined in section 2 (17) of the Code of Civil Procedure, 1908 shall be supplied free of charge on reciprocal basis provided that the application for copy is endorsed by the Head of the Department concerned.

Note.--For the purpose of rule 6(ix)(a), the District Magistrate will be deemed to be the Head of Department when copies of orders are required by prosecuting agency for the purpose of appeals and revisions and submission to Legal Remembrancer to the Government of Himachal Pradesh;

- (b) Copies of judgment or orders, or English translations of Vernacular judgments or orders, convicting, acquitting or discharging Government servants, including a person subject to military law or a Civilian in military employ, for criminal offences, shall be supplied free of charge to the Heads of Departments or offices concerned.
- (c) Where a person convicted in a summons case is in jail and requires a copy for the purposes of appeal or revision, he or his agent shall be supplied a copy of the judgment free of charge;
- (d) After orders have been passed by a competent authority in a departmental inquiry, a copy of the report of the findings of the inquiry officer shall on application be supplied, to the Government Servant free of charge.

CHAPTER-IV SUBMISSION OF APPLICATIONS

Rule - 7. Manner of applying for copies of records.

An application for a copy or copies, including requisitions for free copy may be made either personally or through an agent authorised to act for the person who is entitled to it and in either case it may be sent by post to the Copying Supervisor or the Presiding Officer of the court concerned, by affixing the requisite court fee stamps for the purpose in the Form C.D.I.:

Provided that in the latter case.--

- (a) the case from which a copy is supplied for, is pending;
- (b) the copy can be prepared within 10 days of the passing of final order of the court thereon.

Rule - 8. Copies of records to be supplied with the permission of the court or officer concerned.

An application for a copy of a record of court or office in another district, or of an office or court of a commissioner or of the Financial Commissioner, made to another court, or office, in which the record may be, at the time of the application shall be complied with only with the permission of the court or office concerned.

- Note.-- (i) In no case shall a record be sent from the Headquarters of a district to a sub-division or tehsil or a sub-tehsil to be copied.
- (ii) application for copies of records, not under the control of the Deputy Commissioner, shall be transferred to the officer concerned for disposal.
- (iii) In cases pending in courts or in cases of an executive nature, the permission of the Presiding Officer of the court concerned or the Deputy Commissioner, as the case may be, shall be obtained by the applicant before he presents his application to the Copying Supervisor of the Copying Agency.

Rule - 9. Application for copy to be in Form C.D.I.

Every application for a copy of records shall be made duly filled in Form C.D.I. obtainable on payment of 50 paise per form from the licensed Stamp Vendors. Applications which contained all the particulars specified in Form C.D.I. but not in printed prescribed Form, may also be entertained.

Note-I--It is in the interest of both, the applicant and the Copying Agency that full particulars are given so that record may be easily traced. No application shall, however, be entertained unless it gives the minimum information required to trace the record.

II--The Form C.D.I. shall be stocked in the office of the Controller, Printing and Stationery, Himachal Pradesh from where all supplies shall be obtained on a quarterly indent by the Treasury Officers concerned. The quarterly indent shall be prepared by the Treasury Officers of the District to meet ensuing three months, estimated consumption. The indent shall be sent by the Treasury Officers to the Controller, Printing Stationery, Himachal Pradesh Government Press as specified below:-

Period covered by the indent	Last date before which the indent shall reach in the office of the Controller, Printing and Stationery, Himachal Pradesh.
1.	2.
1st January to 31st March	15th September of the previous year
1st April, to 30th June	15th December of the previous year
1st. July, to 30th September	15th March of the same year
1st October to 31st December	15th June of the same year.

III-The indent shall show the opening stock at the time of the last indent, supplies received during the quarter, total sale during the preceding quarter including issued to other sub-treasuries and closing balance on the 1st of the month in which the indent is due for submission.

IV-The Controller, Printing and Stationery, Himachal Pradesh, shall directly supply these forms to the District Treasury Officer on the basis of the indent and the District Treasury Officer will further supply these forms to other Sub-treasuries under their control. These forms shall be supplied for sale by the treasury/sub-treasury concerned to the licensed Stamp Vendors against their demand 50 paise per form. A discount of two percent shall be allowed to the Stamp Vendors at the time of purchase of forms. This commission shall be debited to the Head "0030"-Stamp and Registration-03-Deduct-Refunds" or to any other appropriate Head of Account as may be fixed by the State Government for this purpose from time to time. The receipt on the sale of these forms shall be credited to the head "0030-Stamp and Registration 01-Stamps Judicial-300-other receipts-02 Misc. receipts", or to any other appropriate Head of Account as may be fixed by the State Government for this purpose from time to time.

Rule - 10. Stamping of application for copies.

Every application for grant of a copy of a record shall bear an adhesive court fee label of forty paise or as may be prescribed from time to time, leviable under article 1(a), Schedule-II, to the Himachal Pradesh Court Fee Act, 1968 (8 of 1968). This court fee stamp shall, however, be apart from the court fee stamps, if any, to cover the cost of the copy.

Note.--Immediately on receipt of the application the Copying Assistant shall satisfy himself that the applicant is entitled to the copy applied for by him and shall forthwith effect cancellation of the court fee stamps in the manner prescribed in section 39 of the Himachal Pradesh Court Fee Act, 1968 (Act No. 8 of 1968) read with rules 1 and 2, Chapter 4-C of the Rules and Orders of High Court Volume IV.

Rule -11. One application to be made for copies of records concerning single cause or matter.

Only one application shall be made at a time, for copies of any number of papers concerning a single cause or matter which are in the same record, e.g. if copies of four separate papers are required in one record, only one application shall be made.

Rule - 12. Copy to be delivered in person or by post and copying fee.

(1) An applicant for a copy shall be required to state in the relevant column in Form C.D.I., at the time of making his application as to whether he proposes to take delivery of the copy in person when it is ready or by registered post.

(2) Every application for a copy of record shall bear in advance a court fee stamp of rupees five as the cost of preparing and certifying each copy. This fee shall be in addition to any urgent or search fee and the forty paise fee stamps, leviable under rule 10. In case the applicant desires to have the copy sent to him by post, he shall further affix court fee stamps at postal rates to cover registration and other postal charges, or

if he desires that the copy be sent to him by V.P.P. he shall pay in court fee stamps as V.P.P. charges, in advance.

Note-I.--Where an applicant takes delivery of copy personally, the V.P.P., registration charges deposited by affixing court fee by him shall be accounted for towards the cost of the copy, by transfer of the amount to the Head "Copying Fee", the excess amount if any shall be refunded under rule 36(f).

Note-II.--If the applicant desires the receipt provided in Form C.D. 10 to be posted to him, he shall affix to the application an extra court fee stamps of the value which shall cover the postal charges thereof.

(3) The receipt book in Form C.D. 10 shall contain 200 receipts, with a consecutive receipt number printed on each receipt and counterfoil. The stock of these books shall remain in the personal custody of the Copying Assistant, who shall keep an account of receipt and issue in Form C.D. 12.

(4) The counterfoil of receipts, issued and payment order duly completed shall be retained by the Copying Assistant and produced for audit.

Rule - 13. Maintenance of register C.D. 6 Copying Supervisor and mode of punching and cancellation of stamps.

(1) The Copying Supervisor shall maintain a register in Form C.D. 6 for payments received on account of V.P.P. charges. He shall convert all such payments into court fee stamps and affix them to the application. He shall cancel the court fee stamps affixed to it by punching out the figure head so as to leave the amount designated on the stamp in touched and the part removed by punching shall be burnt or otherwise destroyed. The Copying Supervisor shall affix his signature and the date across each label, at the time of cancellation in durable ink.

(2) He shall hand over the application to the Copying Assistant against the letter's receipt in the register in Form C.D. 6. The V.P.P. coupons shall be pasted in a separate guard file and numbered serially.

**CHAPTER-V
PROCEDURE ON RECEIPT OF APPLICATION**

Rule – 14. Scrutiny of applications by Copying Assistant.

(1) This Copying Assistant shall Scrutinize the application as follows:-

- (a) Should the copy be given (see rule 6).
- (b) Is the application duly stamped with a court fee stamps (see rules 10 & 12) and does it give reasonable particulars for tracing the record?
- (c) Has the fee, if prepaid, be correctly assessed referred to rule 46?

(2) Whenever an application is made for a copy of a civil or revenue judgement for the purpose of appeal, the applicant shall be informed that a copy of the decree is also required and he shall be supplied with such a copy, unless he declines to pay the requisite fees, in which case, a certificate under the signature of the Officer-in-charge of the Copying Agency shall be endorsed on

the copy of the judgement supplied to the applicant to the effect that he was duly informed that a copy of the decree was required, and, after being so informed, declined to pay fees for the same.

(3) An applicant for a copy of an appellate judgement for the purpose a second appeal shall also be informed that a copy of the trial court's judgement is also required and procedure, laid down under sub-rule (2) shall *mutatis-mutandis* be followed :-

Rule – 15. Rejection of application for copies.

If the application is rejected or is not in order or if for any reason, it is impossible to prepare the copy of a document requested to be made, the application shall be filed after being kept pending for 15 days under intimation to the applicant by post or returned by post if the applicant has paid extra fees for that purpose.

Note.- The court fee lables affixed to the application shall be cancelled by the Copying Assistant in the presence of the Copying Supervisor in the manner laid down in rule 13.

Rule – 16. Copying Assistant to take the orders of Officer-in-charge in case of doubt.

If it is clear that the copy can be given as a matter of routine and the application is in order, the Copying Assistant shall order the copy to be prepared. If, however he is doubtful on any point, he shall take the orders of the Officer-in-charge through Copying Supervisor. In respect of pending cases, the orders of the Presiding Officer shall invariably be obtained before a copy is prepared.

Rule – 17. Duties of the Copying Assistant.

If a copy is ordered to be given, the Copying Assistant shall –

- (a) endorse of cause to be endorsed thereon the date and in the case of urgent applications the time of presentation;
- (b) initial the endorsement;
- (c) cancel the court fee stamps in the manner prescribed in rule 13;
- (d) grant receipt in the prescribed Form C.D. 10 of the application;
- (e) in the case of personal applications; enter in receipt, the date and time by which the copy is likely to be ready for delivery;
- (f) cause the application to be entered in register D.D. 2 and the serial number of the register; shall be given in red ink on the reverse of the application; and
- (g) cause the application to be made over to the file fetcher for brining the record.

Rule – 18. Urgent application to take priority over ordinary applications.

Order made on urgent applications shall have priority over all orders made on ordinary applications, orders on urgent applications and orders on ordinary application shall have as far as possible, priority among, themselves, according to the date and serial number of each order, subject to any special orders in any particular case or cases.

Rule – 19. Prompt delivery of urgent copies.

(1) An applicant for an urgent copy, provided his application is presented with the urgent fee prescribed under rule 46 within the first two hours of the working day, shall be entitled to have

his copy before the close of the same day. If the application is presented later, the copy shall be furnished in the forenoon of the following working day.

(2) If the document, of which a copy is required, is too lengthy to be copied within the fixed time, or if, after sanction of an application for an urgent copy, it is found subsequently impossible to issue the copy within the fixed time, the applicant shall be asked whether he agrees, to the applications being treated as an ordinary application, and, if he agrees, the difference between the fee paid by them and that which would have been payable if the application had been one for an ordinary copy, shall be refunded. If he still desires to have his application treated as urgent and given priority over ordinary application, he shall forego all claims to refund.

Note.- (1) The number of copies requested for, if more than one, shall be recorded in the remarks column of register C.D. 2.

(2) The urgent fee shall be charged in accordance with Notes (ii) and (iii) below sub-rule (3) of rule 46.

CHAPTER-VI

DUTIES OF THE FILE FETCHER, COURTS AND RECORD ROOM STAFF FOR MAKING OVER FILES FOR COPIES TO BE PREPARED AND OF THE COPYING ASSISTANT

Rule - 20. Maintenance of register C.D. 7 and C.D. 8.

(1) The File Fetcher shall maintain a register in Form C.D. 7 of applications made over to the record room and court staff. The File Fetcher, record room staff and court staff shall also maintain register in Form C.D. 8. These registers shall contain important acknowledgements receipts of applications and files, and shall be kept under lock and key.

(2) The File Fetcher's duty shall be over after he has delivered the applications to courts or the record-keeper for the files required. In the case of urgent applications, it shall be the duty of the File Fetcher to endeavour to secure the file, or record, as quickly as possible.

(3) The court and the record-keeper shall transfer applications direct to each other, or deliver directly to the File Fetcher, files required, as soon as they become available. The reasons for the delay, if any, in disposing of an application, shall be recorded thereon daily, during the period it is kept pending.

(4) Copyists shall in no circumstances be allowed access to the record room. Files shall be given to them by the record room staff and receipts shall be taken.

(5) Documents in the custody of the Sadar Kanungo/Office Kanungo shall on no account be removed from the revenue record except that documents may be allowed to be carried to photostat machine wherever it is fixed but Sadar or Office Kanungo shall be personally responsible for the safety of the documents.

(6) The record-keeper shall recommend on the application itself that a search fee

of two rupees shall be imposed in every case in which an unreasonable amount of trouble has been caused in finding the original record by the failure of the applicant to give correct particulars and this fee shall be recovered as part of the copying fee.

(7) It is not possible or desirable to send the file to the copying agency, the file Fetcher shall, if possible be given the particular document or documents only from the file, and his receipt shall be taken.

(8) The record-keeper shall check and countersign the reports of the record room clerks, and no report shall be accepted unless it is not countersigned by him.

(9) The Copying Assistant shall be responsible.

- (i) that no file is taken out of the copying room by any one;
- (ii) that Copyist and File Fetchers are supplied with locks and keys so that all files in their possession are locked by them before leaving the office. The Copyists and File Fetchers shall receive and return files against their signature in the register in Form C.D. 8 maintained by them for this purpose;
- (iii) for the proper and equal distribution of work by means of duty lists among the File Fetchers, Copyists and clerk;
- (iv) for discipline and control of the Copyists abuses, no member of the public shall be allowed access to the copyists or the copying room or rooms.
- (v) for the proper maintenance of accounts and preparation of returns;
- (vi) for the regular and proper delivery of copies;
- (vii) to see that no record is sent to the Tehsil for supplying copies under rule 8.

CHAPTER-VII MANNER OF MARKING COPIES

Rule - 21. Essential of a copy.

- (a) Every copy made under these rules shall either be a photocopied on the machine installed for this purpose; or
- (b) (i) If in English or Hindi be written in a good legible hand, or typed and if in Urdu, be written in good legible Nastalik;
- (ii) be written with ink of a good quality; and
- (iii) be written or typed on Government water marked paper or on any other superior quality paper or Photostat on ordinary paper except in cases in which copies are allowed on printed forms, or required to be issued on Non-judicial impressed stamp paper under article 24 of Schedule I-A to the Stamp Act, 1899 (II of 1899);
- (iv) have a margin of one forth on the left;
- (v) be written on both sides of the paper. The margin on running over shall be the right hand side;
- (vi) have a space between the lines not exceeding and not less than the second space of the typewriting machine;
- (vii) have marginal reference to the paging of the original;

- (viii) be duplicated if more than one copy of the same record is requested to be prepared at the same time; and
- (ix) have approximately the following number, words and lines on each page:
 - (a) Typewritten, 350 words, 35 lines.
 - (b) English writing, 250 words, 22 lines.
 - (c) Vernacular writing, 250 words, 22 lines.

Rule - 22. Pre-fixing of a heading containing short description of the record to every copy.

In every copy, made under these rules, shall be prefixed a heading containing a short description of the record, the name and hadbast number of the estate, and the name of Tehsil and district to which such records relate. In the copy of a judgment or order, such heading shall be prefixed so as to form part of a separate sheet attached to the copy and it shall also contain the following particulars:

- (a) the Court or office by which the case was decided giving the name and powers of the Presiding Officer, and in a appellate case the name and official designation of the officer whose order was appealed against and the date of that order;
- (b) the date of the institution of the suit, proceedings or appeal, as the case may be;
- (c) the name parentage, trade or occupation, and place of residence (stating Tehsil and district) of the parties; and
- (d) the subject matter of the case.

Rule - 23. Supply of copies of records in the custody of the Sadar or Office Kanungo.

If copies are required of documents in the custody of the Sadar or Office Kanungo, the Copyist shall work in the Kanungo's office, and the Examiner shall also go there to attest the copy. Such documents shall not be removed from the custody of the Kanungo. The documents may be allowed to be carried to the Photostat machine wherever it is installed. Sadar or Office Kanungo shall be personally responsible for the safety of the documents.

Rule - 24. Supply of copies of forms.

Copies of revenue records, and other records which are kept in tabular or printed forms, shall be supplied on the forms used in Government offices. The forms shall be supplied free of cost by the Deputy Commissioner to the Copying Agency.

Rule - 25. Documents of which copies would be given on printed prescribed form.

The following are among documents of which copies shall be given on such forms:-

- (i) decrees;
- (ii) notices of ejectment;
- (iii) criminal charges;
- (iv) Headings of "Opening sheets" injudicial records.
- (v) Extracts from Jamabandis, mutation register, Khasra girdawaris, settlement records; and

- (vi) Others at the discretion of the Deputy Commissioner which are not covered under this rule.

Rule - 26. Supply of a copy of a copy.

A copy of a copy shall not be granted unless expressly requested for as such, as for instance in order to call in question the correctness of the copy granted. The fact that it is so required shall be entered in the heading and it shall be marked as "Copy of a copy".

Rule - 27. Sheets of papers on which copy is made to be stitched together in book form.

If a copy covers more than one sheet or paper, the sheets of paper on which the copy is made shall be stitched together in book form, and shall not be attached one to the end of the other so as to form a roll.

Rule - 28. Particulars to be endorsed on copy.

(1) After the copy has been made, and before it has been revised and attested, the following particulars shall be endorsed thereon, namely:-

- (a) the number of the application in register C.D. 2;
- (b) the date of presentation of the application for a copy;
- (c) the date given to the applicant by Copying Agency to receive the copy;
- (d) the name of the Copyist;
- (e) the date on which the copy was completed;
- (f) the date on which copy was examined and attested;
- (g) the cause of delay if the urgent copy is not prepared within the time specified in rule 19(1) and the ordinary copy has not been completed within three days from the date of the receipt of the application;
- (h) the number of words or pages;
- (i) as prescribed in rule 46 Rs. P. the cost of the copy;

(2) Urgent fee;

(3) Search fee;

(4) Registration and postal charges (as per postal charges);

(5) V.P.P. charges (as per postal rates)

Total charges _____

(1) date of delivery of dispatch.

(2) any complaints by the applicant regarding delay in the receipt of the copy shall be made separately to the Officer-in-charge of the Copying Agency.

Rule - 29. Verification of delay in preparation of copy.

Every copy shall be ready for delivery by third working day from the date of presentation of application, but an urgent copy shall be ready before the close of the same day provided the application is presented with the urgent fee within the first two hours of the same day. If the application is presented later the copy shall be furnished in the forenoon

of the following working, day. Any delay shall be verified and certified by the Examiner, or Copying Assistant, before the copy is attested and delivered.

CHAPTER-VIII REVISION AND ATTESTATION

Rule - 30. Examiner to revise and attest copies.

In cases of application for attested copies no copy shall be delivered to any person until it has been examined, certified, stamped and paged. The Examiner shall see that the provisions of the law and of these rules and orders have been complied with in all respect.

Rule - 31. Duties of Examiner.

The Examiner, shall, before he attests any copy in the manner prescribed by these rules-

- (a) personally compare such copy with the original record from which it has been made. For the purpose of facilitating the comparison of any copy, the copyist who made it may be called upon to assist by reading out the original;
- (b) attest every alteration made in such copy by initialing the same;
- (c) examine and initial the endorsements made upon the copy in accordance with these rules;
- (d) examine the headings and form of the copy, and see that they are in accordance with the law, rules and direction applying to such copy;
- (e) see that the instructions in rule 21 have been fully complied with;
- (f) see that the court fee stamps affixed to copies are punched, cancelled and initialed; and
- (g) make an entry in register C.D. 5 as to the out-turn of the Copyist under rule 41.

Rule - 32. Endorsement on copies to be made by the Examiner.

When any copy is found to be in all respects correct and ready for delivery to the applicant the Examiner shall endorse thereon the following words:-

"Certified to be a true copy."

and shall sign and date of endorsement and subscribe his designation, below which he shall endorse the following words:-

"Authorised by section 76 of the Indian Evidence Act, 1872".

He shall also cause the proper seal to be affixed on the copy. If the copy covers more than one sheet or paper, the examiner shall endorse the word "attested" on every such sheet, and enter his initials and the date thereunder.

Rule - 33. Defective copies to be cancelled.

In the event of any copy being found to be unfit for issue by reason that it-

- (a) has not been legibly and neatly written;
- (b) is not in the prescribed form or on paper of the prescribed quality;

- (c) is so incorrect that revision has rendered it unfit for issue;
- (d) does not confirm to these rules and orders; and
- (e) is defective or otherwise open to objection, the examiner shall forthwith write the word 'cancelled' across the copy; and a fresh copy shall be made without further charge. At the same time he shall submit a separate report against the Copyist for his carelessness.

Rule - 34. Certificate of accuracy of a copy.

The affixing, by the Examiner of a signature to a copy is a certificate that the official has personally satisfied himself of its accuracy, and that the copy has been personally compared by him, and is ready for delivery.

**CHAPTER-IX
ADJUSTMENT OF COST AND DELIVERY OF COPIES**

Rule - 35. Recovery of fees by Copying Assistant.

(1) The Copying Assistant before delivery of a copy shall make sure that all fees chargeable according to rule 46 have been duly recovered and in cases of refusal to pay the cost wholly or partly either personally or when sent by V.P.P., he shall arrange to recover it under rule 53(2).

(2) The Copying Assistant before any copy delivered shall himself endorse the date of delivery both on the copy as well as in column 19 of the Register C.D. 2 and verify himself at the same time that the full costs of the copy as entered in columns (9) to (13) of the said Register, has been recovered in the form of Court Fee Stamps and that the stamps have also been duly punched and cancelled.

Note (i).--In the case of copies required to be stamped under article 24 of Schedule I-A of the Indian Stamp Act, 1899 (Act No. II of 1899), the copies shall be prepared on non-judicial stamps of the requisite value. It shall be the duty of Copying Assistant to see that a copy is duly stamped before it is delivered to the applicant.

(ii) The stamps required to be affixed to copies under articles 5 to 8 of Schedule I of the Himachal Pradesh Court Fees Act, 1968 (Act No. 8 of 1968) shall be affixed by the applicant at the time of presentation of the copy to a court or any public officer. The responsibility of admitting the copy duly stamped, mainly lies with Presiding or public officer concerned it is no part of the Copying Assistant's duty to see that these stamps are duly affixed and cancelled.

(3) The Court fee stamps, if any, affixed to copies under article 5 to 8 of Schedule-I of the Himachal Pradesh Court Fees Act, 1968 (Act No. 8 of 1968) shall however, be punched by the Copying Assistant by punching out a portion of the label in such a manner as to remove neither the figure head nor that part of the label on which its value is expressed. The signature of the Copying Assistant attesting the documents, with the date shall be written across the label, and upon the paper on either side of it.

Note.-Care should be taken to distinguish between the modes of cancellation of court fee stamps affixed to applications for copies or copies issued by the Copying Agency.

Rule - 36. Grant of refunds.

(1) The refund of court fee stamps tendered in payment of copying fees shall be allowed under the orders of Officer-in-charge in the following cases, namely:-

- (a) when an application for a copy has been rejected;
- (b) when an application withdrawn before a copy has been prepared;
- (c) when for any reason it is impossible to prepare the copy requested for;
- (d) when an excess payment is made by mistake,
- (e) under rule 19(2); and
- (f) when an applicant takes delivery of copy personally and applies for refund of the V.P.P. or registration charges already deposited:

Provided that an application for refund is made within three months from the date of application for a copy or copies and subject to the deduction of 10 paise in a rupee or a fraction of a rupee in the cases mention in clauses (a) and (b).

(2) Refunds shall be made in register in Form C.D. 9 by the Copying Supervisor out of his imprest, which shall be recouped by means of a contingent bill on the last working day of the month or earlier if necessary as if the case of the permanent advance. The contingent bill shall be classified as debitable to Head "0030-Stamps and Registration-03 Deduct-Refunds" or debitable to other Head of account as may be fixed by the State Government from time to time. The refund vouchers shall be prepared in all cases in which a refund is actually made either in person or by money order.

(3) The particulars entered in the refund bill shall be verified by the Copying Assistant Countersigned by the Copying Supervisor and the pay order passed by the Officer-in-charge.

(4) All refund orders shall be cancelled at the time of recouping the advance. The word "Cancelled" shall be written in red ink or stamped with rubber stamp of suitable size across each order, by the Copying Assistant and initialled by Copying Supervisor.

(5) (a) When the applicant is not present in person the amount to be refunded shall be remitted to him by money order, at his expenses. The amounts of undelivered money order shall be credited to the permanent advance with the Copying Supervisor by making a reverse entry (in red ink) in the permanent advance register in Form C.D. 4 and also by making a note in the relevant refund voucher Form C.D. 9.

(b) If the amount of refund is not claimed within a period of three months from the date it was sanctioned, it shall lapse and no further claim in respect thereof be considered.

(6) At sub-divisions, tehsils and sub-tehsils refunds shall be paid from the permanent advance held for ordinary requirements of the sub-divisions, tehsils or sub-tehsils, as the case may be, in Form C.D. 9. These refund vouchers shall then be sent to headquarters direct to the Copying Supervisor for monthly recoupment.

Rule - 37. Receipt to be taken on the back of application.

(1) When a copy is delivered to an applicant in person, his receipt shall be taken on the back of the application.

(2) If the applicant is not present when first called to receive the copy, his copy shall be kept pending for delivery for 10 days the application and the copy shall be filed, the copy shall not be issued to the applicant unless he present a fresh application bearing a forty paise court fee stamp.

(3) If the applicant has requested that the copy be sent to him by post it shall be so sent as soon as it is ready either:

- (a) by ordinary registered post if he has prepaid all dues payable thereon including postal and registration charges; or
- (b) V.P.P. for any amount still due including postal charges,

(4) a copy which has remained unclaimed for 10 days and has been filed under the provisions of sub-rule (2) of this rule shall at the close of the month be dispatched to the applicant by V.P.P. for the amount due on the copy, including the additional fee of forty paise which has accrued under sub-rule (2) and all postal charges.

(5) If a V.P.P. dispatched in accordance with clause (b) of sub-rule (3), or sub-rule(4), of this rule is refused, action shall be taken under sub-rule (2) of rule 53. If in the course of recovery proceedings under sub-rule (2) of rule 53 the applicant demands the copy, it shall be delivered to him on his paying the full amount for the recovery of which proceedings to which he has rendered himself liable.

(6) The Copying Assistant shall maintain a separate register, in Form C.D. 3 in which he shall enter the balance of fees recoverable in each case and refused V.P.P. articles. From this register he shall prepare the statement prescribed in sub-rule (2) of rule 53.

Rule - 38. Limitation for preservation of sanctioned applications and destruction of cancelled stamps by the Stamp Auditor.

Sanctioned applications for copies shall not be destroyed until a Stamp Auditor has audited the records and register concerning them, even when the audit has been carried out earlier, such applications shall be kept in safe custody by the Copying Assistant for three years. At the end of this period or after the audit, if the audit is not completed within three years, the Officer-in-charge shall have such applications destroyed in his presence and shall certify their destruction in the manner prescribed in rule 27 of the Himachal Pradesh Stamp Refund, Renewal and Disposal Rules, 1964.

Rule - 39. Supply of service postage stamps to copying agencies and maintenance of stamp account.

Service postage stamps shall be supplied to Copying Agencies in the same manner as they are supplied to all branches of the District Office. An account of postage stamps shall be kept as prescribed for the other departments of Deputy

Commissioners. The serial No. of register in Form C.D. 2 shall be recorded in the dispatch register.

CHAPTER-X
THE MINIMUM DAILY OUT-TURN OF COPYISTS

Rule - 40. Number of Copyists fixed for each Copying Agency and daily out-turn of Copyists.

(1) The number of Copyists, as fixed for each agency, shall not be varied except with the sanction of the Deputy Commissioner of the District. When a change is made in the strength of Copyists, a report shall be submitted to the Divisional Commissioner concerned.

(2) The following minimum daily out-turn is, with reference to sub-clause (b) of rule 21, prescribed for each copyist:-

Typewritten	
Handwritten	
English	4,000 words or 15 pages
Urdu/Hindi	4,000 words or 15 pages.

This standard includes the work of comparison by each Copyist, of his copy, with the examiner.

Rule - 41. Maintenance of a register of daily work by Copyists in Form C.D. 5.

A register of work done by Copyist shall be maintained by each Copyist in Form C.D. 5, provided that if only one Copyist is employed, this register may be dispensed with the sanction of the Deputy Commissioner. The Register shall be written up daily by the Copyist and checked up by the Examiner who shall, at the end of the month, prepare a summary and submit to the Copying Assistant a report on the adequacy or inadequacy of the monthly out-turn of each Copyists for submission to the Officer-in-charge through the Copying Supervisor.

Rule - 42. Working hours of the Copying Agency.

The working hours of every Copying Agency will be the same as those of the Deputy Commissioner's office.

CHAPTER-XI
SUPERVISION

Rule - 43. Duties of the Officer-in-charge-

The Officer-in-charge will be in general charge of the Copying Agency on behalf of the Deputy Commissioner. To eradicate corruption and to check the abuses the Officer-in-charge shall sit in the copying agency for one day quarterly, and invite suggestions from the members of the bar, and the general public, for improvement in the working of the Copying Agency. He shall be ever ready to entertain complaints, and

to deal with them personally. The Officer-in-charge shall be entitled to record his remarks in the Annual Confidential Rolls of the Copying Agency Staff.

Rule - 44. Duties of the Copying Supervisor.

(1) The Copying Supervisor shall be in immediate charge of the internal organisation of the Copying Agency. He shall witness all refunds, and receive cash payments for the purpose of converting them into court fee stamps. He shall hold a permanent advance of Rs. 500.00 or more for which security shall be required. He shall report on all complaints to the Officer-in-charge, and the cases of dereliction of duty on the part of any member of the Copying Agency, record room or court staff. He shall examine the registers weekly, deal with delays and whenever, he proposes to recoup the imprest he shall render an account to the Officer-in-charge.

(2) The Copying Supervisor shall sit if possible one hour daily in the Copying Agency. He will thus acquire first hand knowledge of the working of the agency for better control over the agency.

Rule - 45. Constitution of a Copying Agency Committee in each district.

(1) There shall be in district a Copying Agency Committee consisting of the following members namely:-

- (i) The Officer-in-charge;
- (ii) President of the Local Bar or one of the senior members of the Bar; and
- (iii) the Copying Supervisor, who shall act as the Secretary and draw up the monthly agenda.

(2) The Copying Assistant shall maintain regular files of all serious delays and complaints and shall keep them in his personal custody. The Copying Supervisor shall be responsible for ensuring that all cases of complaints, abuses and negligence are duly dealt with by the committee. A litigant or applicant for a copy is at liberty to lodge a complaint with any member of this committee and fact shall be made known by public notice. The committee shall meet once in a quarter.

(3) Copies of minutes of the meetings of the committee shall be submitted by the Officer-in-charge to the Deputy Commissioner for information. The Officer-in-charge shall be responsible to see that necessary action is taken on the minutes of such meeting.

**CHAPTER-XII
RATE OF COPYING FEE**

Rule - 46. Rate of Copying fees.

(1) (a) Every copy whether typed/photostat or handwritten of a record shall be supplied at the rate of rupees one per page.

“(a) (i) Every copy whether typed/photostat or handwritten of a record shall be supplied at the rate of rupees two per page. The Deputy Commissioner of the district in which the Copying Agencies supplying the photo-state copies of record on the rates prescribed herein before are situated may cause such photostate copies to be supplied through private parties at a rate which shall be fixed percentage of

the rate prescribed vide this rule by calling quotations, keeping in view the safety of the record.

- (ii) The Copying fee realized as per the foregoing provision will be credited into a separate account maintained by the Deputy Commissioner at District Headquarters and by the Sub Divisional Officer (Civil) at Sub Divisional Level.
- (iii) The amount retained after payment to the party from whom photostate copies are got prepared under this rule shall be spent on the maintenance and running of the Copying Agency.”

(b) For copies of field maps, boundary maps and other tabular work, the Officer-in-charge or any other official entrusted by him in writing for this purpose, shall work out the number of pages of copy and fee which shall be charged at the rate of rupees two per page.

(c) For the urgent copies, the applicant shall pay an extra fee of rupees five in court fee stamps. Such fee shall be accounted for immediately on receipt as income in column (7) of register in Form C.D. 3 and entered in column (10) of register in Form C.D. 2.

(d) Copies of musavi shall be supplied at the rate of 50 paise per Khasra number of where it has been supplied on microfilming machine, the rate shall be as under:-

paper size	Rate per copy
A-2	Rs. 25.00
A-3	Rs. 15.00
A-4	Rs. 10.00
A-5	Rs. 07.00

(2) In addition to the copying fees chargeable under sub-rule (1) of this rule stamps are required to be affixed to the copy under articles 5 to 8 of Schedule I of the Himachal Pradesh Court Fees Act, 1968 (Act No. 8 of 1968) and article 24 of the Schedule I-A of the Indian Stamp Act, 1899 (Act No. II of 1899) in respect of the copies mentioned therein.

Note.--(i) For additional charges for copies required by post or by V.P.P. reference shall be made to rule 12 and for search fee reference shall be made to sub-rule (6) of rule 20.

(ii) The urgent fees is rupees five for each copy. Urgent fee shall be charged only when an urgent application has been made and priority shall be consequently given to it over the other applications and not when a copy is prepared and delivered on the same day in the ordinary course.

(iii) For the purposes of Note-II, the extra fee to be charged shall be for each paper which can properly be regarded as a separate paper e.g. every deposition of a witness or written statement or a party, or order of the courts is a separate paper. In cases of doubt as to whether a paper is separate or not, the Officer-in-charge shall decide the case and his such decision shall be final.

(iv) If two or three English typewritten copies of a document are requested for, there shall be only one "Urgent fee". But when the Copies requested for, are from four to six the urgent fee shall be twice and so on. In the cases of vernacular script, urgent fee shall be charged for each copy. A remark to this effect shall be made in remarks column., of the register in form C.D. 2.

FEE TO BE LEVIED ON COPIES TO BE SUPPLIED THROUGH COMPUTERS

Copies of Extract	Rate of fees
1. Jamabandi including extracts called for by courts or Officers in connection with the preparation of abstracts of yields	Two rupees per khatauni holdings
2. Inspection notes attached to Jamabandis.	For the first 200 words or under, Rupees four.
3. Fard Bardar.	
4. Copies of pending mutation	
5. Interrogatories in pending mutations.	
6. Counterfoil of mutation sheets	For every additional 100 words or fraction thereof rupees 2.00.
7. List of phats and Ghasnis (Grazing plots) attached to the settlement records of right of each estate in Kullu district; and	
8. Misal Haquiat	Rupees two.
9. Fard Haquiat consisting of name of proprietors (or occupancy tenants), area land, revenue and rate and cesses.	A fixed charge of two rupees irrespective the number of Khewats.
10. List of co-shares of proprietary of occupancy holdings,	Rupees four for each application.
11. Shajra Nasab, occupancy tenants or maquarridars.	For the first 200 words or under, rupees four.
12. Statement of Wells and other sources of irrigation.	a. For the first 200 words or under, rupees two. b. For every additional 100 words or fraction thereof, rupees two.
13. List of pensions and assignments	
14. Wajub-ul-arz (list of custom of the villages).	Rupees four for each application provided that
(a) Naqusha Haqua Jandrat wa panchaki.	each application shall be limited to not more than two harvests,. No fees are required for recovery of arrears of land revenue.

- (b) Fard Bachh or Dhal Bachh (Asamiwar).
- (c) Demand statement (canal)
15. Tariqua bachh (a) For the first 200 words or under, rupees four.
(b) For every additional 100 words or fraction thereof rupees two.
16. Orders of Statement Officers.
17. Khasra Girdawari including extracts from Khasra Girdawari called for by Courts of Officers in connection with the preparation of 5 yearly abstracts by yields. Rupees 2.00 for entries in a single volume relating to each Khasra Nos. and thereafter rupee two for every four Khasra number or fraction thereof.
18. Mutation Rupees 2.00
19. Measurement of Khasra Rupees 2.00
20. Measurement of Khatouni Rupees 2.00
21. Attestation of Purchha Rupees 2.00
22. Report of Girdawari Kanungo. Rupees 2.00

CHAPTER-XIII TRANSLATION

Rule - 47. Levy of translation.

Where a copy is requested for in English or Urdu or Hindi but in a language other than of the original the copying fee shall be charged at the rates prescribed in rule 50, whether a translation is already in existence on file or not. Such application shall be entered in the register in Form C.D. 2 in which applications for copies are entered, and shall be distinguished by the letter "T"

Rule - 48. Appointment of a special translator-

The Deputy Commissioner shall, if the work is sufficient, entrust translation work to any official not being one of the copyist under his control so as to expedite the work.

Rule - 49. Duties of translator.

Where a translation is already in existence, the translator shall copy such translation and check it. Where a translation is not in existence, the translator shall make a translation, and place it on the record, and copy it for the applicant.

Rule - 50. Translation charges.

The translation charges payable in court fee stamps shall be:- Rs. 10.00

First 300 words or under

Every additional 100 words or fraction thereof

Rs. 5.00

CHAPTER-XIV REGISTER AND ACCOUNTS

Rule - 51. Maintenance of registers only in printed prescribed forms.

No other forms or registers, except those prescribed in these rules shall be used. A dak bahi and stamp register, shall, however be maintained in addition to these registers.

Rule - 52. Maintenance of register C.D. 2.

The forms and registers will be the same as those prescribed for the Copying Agency of the Financial Commissioner, Himachal Pradesh with necessary charges. All applications, cost of copies, urgent and search fees and dates of delivery shall be recorded in register C.D. 2.

Rule - 53. Maintenance of daily income account in register C.D. 3-

(1) A separate income account shall be kept by the Copying Assistant in each Copying Agency in register in Form C.D. 3. Each day's income shall be recorded by the Copying Assistant in this register and totaled monthly. The daily income represents all payments received daily, whether copies for such payments have been made or not.

(2) After the close of each month the Copying Assistant shall prepare a statement showing the cases in which the fee or any portion thereof remains to be realized. This statement shall be submitted to the Collector through the Officer-in-charge for recovery of fees as arrears of land revenue. The Copying Assistant shall keep a duplicate copy of this statement in the Copying Agency, and be responsible for reminding the quarter concerned at regular intervals.

(3) When forwarding the statement of unrealised fees, the Copying Assistant shall send to the Collector, the copies for which such fees are due and these copies shall be tendered by the subordinate staff of the Collector to the persons concerned when effecting recovery of the fees from them.

Note.--Only cases in which a copy was prepared more than 10 days back or in which a copy as sent out by V.P.P. has been refused shall be included in this statement.

Rule - 54. Maintenance of register C.D. 4 by the Copying Supervisor-

The permanent advance register in Form C.D. 4 shall be kept and maintained personally by the Copying Supervisor. This imprest is intended for refunds and contingent expenditure,

Rule - 55. Maintenance of register C.D. 5 by each Copyist-

Each Copyist shall maintain his daily record of out turn in register in Form C.D. 5 in accordance with the provisions contained in rule 41.

Rule - 56. Maintenance of register C.D. 6.

The Copying Supervisor shall maintain a register in Form C.D. 6 in compliance with the provision contained in sub-rule (1) of rule 13.

Rule - 57. Maintenance of register C.D. 7 and C.D. 8.

The register in Form C.D. 7 and C.D. 8 shall be maintained by the File Fetcher, record room staff and court staff as prescribed in rule 20(1).

Rule - 58. Keeping separate account of income and expenditure by the Copying Agency.

Besides transactions of the Copying Agencies brought on the general accounts and budgeted for the ordinary way separate account of income and expenditure shall be kept in each Copying Agency in register in Form C.D. 12.

Rule - 59. Consolidation of accounts and submission of monthly accounts to Divisional Commissioners.

An account shall be made each month by all the Copying Agencies and they shall submit their monthly income and expenditure statement to the District Copying Agency concerned in Form C.D. 12 for consolidation of accounts. Copies of the monthly account shall be submitted to the Divisional Commissioner concerned quarterly.

Rule - 60. Compilation of statement by Financial Commissioner-

The copying fees, including search fees, being paid in court fee stamps the total income of copying agencies shall automatically be credited to the head "0030-Stamps and Registration 01-Stamps Judicial 800-Other receipt 02-Miscellaneous Receipts", or such head of account as may be notified by the State Government from time to time. The Divisional Commissioner shall, immediately after the close of the financial year submit to the Financial Commissioner a statement of the Copying Agencies in their divisions for the year to which it relates. The Financial Commissioner shall compile a statement for the whole of the State and intimate to the Accountant General, the total amount, less the discount allowed to Stamp Vendors and approximate cost of stamps used for payment of copying fees for which the credit shall be afforded from the head "-0030-Stamps and Registration 01-Stamps Judicial 800-Other receipt 02-Miscellaneous Receipts to the head 0075-Misc. General Services-Other Receipts Accounts or Registration", of such other head of account as may be notified by the State Government from time to time.

Rule - 61. Repeal and Savings.

(1) The Copying Agency Rules for the offices of the Deputy Commissioners in Himachal Pradesh made vide this Government Notification No. R-86-73/52, dated 14.12.1955, are hereby repealed:

Provided that anything done or any action taken under the said rules shall be deemed to have been done, or taken, under the corresponding provisions of these rules.

C.D.1
(See rules 7, 9, 12)

(Application Form)

Affix here Court Fee Stamps of 40 paise and Court Fee Stamps of the cost of copy including postal charges, if any.

Urgent/Ordinary

STATEMENT NO. I

The applicant requests that copies detailed in Statement No. 1 be granted.

Class of case whether- (a) Civil, Criminal, Revenue or miscellaneous. (b) Original or Appeal.	Name of parties		Nature of case with valuation of suit or description of offence, as the case may be.	Name of village of place, with headbast number where the property in dispute is sitated, or where dispute arose of offence was committed.	Name of the presiding officer of the subordinate and appellate court, if any.
	Plaintiff or Complainant	Defendant or accused			
1.	2.	3.	4.	5.	6.
Date of decision first and of appellate courts.	Purpose for which copy is required.		Detail of copies required	Seal or signature of the applicant.	
7.	8.		9.	10.	

STATEMENT NO. II-APPLICANT'S FULL ADDRESS

Name to be written clearly	Parentage	Occupation	District	Tehsil and Thana	Name of Village and Post Office.
1.	2.	3.	4.	5.	6.

- **CHRONOLOGICAL LIST OF VARIOUS NOTIFICATIONS AND INSTRUCTIONS/CLARIFICATIONS ISSUED UNDER THE STAMP AND REGISTRATION ACT**

Chronological List of Various Notifications and Instructions/Clarifications under the Stamp and Registration Act.

Sr. No.	Reference	Type	Subject	Page No.
Notifications				
1.	The H.P. Govt. Department letter No. Rev.1-4(Stamp)-1/78-loose dated Shimla-2, the 01.07.2008	Notification	ADM,SDM,DRO as Collector of District for the purpose of section 47-A of Indian Stamp Act, 1899	359
2.	The H.P. Govt. Notification No.Rev.1-3(Stamp)6/80-III-loose. Dated: 23.09.2008	Notification	Exemption in stamp duty in r/o Mortgage Deeds for Loans for Agriculture/Horticulture/ Allied activities.	360
3.	The H.P. Govt. Notification No.5-10/74-Revenue-A. Dated: 23.09.2008	Notification	Exemption in Registration Fees in r/o Mortgage Deeds for Loans for Agriculture/ Horticulture/Allied activities.	360
4.	The H.P. Govt. Notification No. Rev.1-4(Stamp)-1/78-loose. Dated: 29.09.2009	Notification	Relaxation on Registration fee on instruments of assignments of debt pertaining to assests reconstructions companies	361
5.	The H.P. Govt. Notification No. Rev.1-4(Stamp)-1/78-loose. Dated: 29.09.2009	Notification	Relaxation on Stamp duty on instruments of assignments of debt pertaining to assests reconstructions companies	362
6.	The H.P. Govt. Notification No. Rev. Stamp (F) 1-1/2005. Dated: 30.10.2009	Notification	Power of Registrar to all DCs	362
7.	The H.P. Govt. Notification No. Rev.1-3(Stamp) 7/80-II. Dated: 08.02.2010	Notification	Exemption in court fees to persons added with legal services	363
8.	The H.P. Govt. Notification No. Rev. Stamp (A) 4-1/2005 Dated: 17.05.2010	Notification	Exemption in fees on instruments of hypothecation in r/o education loans	363
9.	The H.P. Govt. Notification No. Rev. Stamp (A) 4-1/2005 Dated: 17.05.2010	Notification	Exemption in registration fees on instruments of hypothecation in r/o	364

			education loans	
10.	The H.P. Govt. Notification No. Rev.1-3(Stamp)1/85-VI dated 09.06.2010.	Notification	Implementation of e-Stamping system in H.P.	364
11.	The H.P. Govt. Notification No. Rev.1-4(Stamp)1/78-Loose. Dated: 14.06.2010	Notification	Relaxation on registration fee on instruments of assignments of debt pertaining to assests reconstructions companies	365
12.	The H.P. Govt. Notification No. Rev.1-4 (Stamp)1/78-Loose. Dated: 14.06.2010	Notification	Relaxation on stamp duty on instruments of assignments of debt pertaining to assests reconstructions companies	365
13.	The H.P. Govt. Notification No. Rev.Stamp(F)8-1/2004 dated 20.08.2011.	Notification	Procedure for depositing the registration fees and refund thereof.	366
14.	The H.P. Govt. Notification No. Rev.Stamp(F)8-1/2004 dated 20.08.2011.	Notification	Photo Identity Proofs for registration of Deeds.	366
15.	The H.P. Govt. Notification No. Rev.Stamp(F)8-1/2004 dated 20.08.2011.	Notification	List of Photo I D	367
16.	The H.P. Govt. Notification No. Rev.Stamp(F)8-1/2004 dated 07.09.2011.	Notification/ Addendum	Stamp-registration	367
17.	The H.P. Govt. Notification No. Rev. Stamp (F) 8-1/2004 Dated: 19.11.2011	Notification	Deposition of registration fees into treasury	368
18.	The H.P. Govt. Department letter No. Rev.1-9(Stamp)3/79/2010-II dated Shimla-2, the 12.01.2012	Notification	Article-I of the table of Registration Fees as applicable to H.P.	368
19.	The H.P. Govt. Notification No. Rev. 1-3(Stamp)-1/85-VII. Dated: 15.02.2012	Notification	E-stamping	370
20.	The H.P. Govt. Notification No. Rev. Stamp (F) 8-1/2004 Dated: 25.04.2012	Notification	Authority to refund the Registration Fees.	371
21.	The H.P. Govt. Notification No. Rev.1-9(Stamp)3/79/2010-II Dated: 16.06.2012	Notification	Table of Registration Fees in respect of Article-II to IX.	372
22.	The H.P. Govt. Notification No. Rev. Stamp (F) 6-1/2009-1. Dated: 23.06.2012	Notification	Substitution of Rule 4 of the H.P. Stamp (Prevention of Undervaluation of Instruments) Rule, 1992	373
23.	The H.P. Govt. Notification No. Revenue 1-4 (Stamp) 1/78-Loose Dated: 16.07.2012.	Notification	ADM,SDM,DRO as Collector of District for Chapter V of Indian Stamp Act, 1899	374
24.	The H.P. Govt. Notification No.	Notification	Amendment of rule 4 in	374

	Rev.Stamp (F) 6-1/2009-1 Dated: 26.06.2013.		HP Stamp (Prevention of Undervaluation of Instruements) Rules, 1992	
25.	The H.P. Govt. Notification No. Rev.1-2 (Stamp)1/87-1 Dated: 13.08.2014	Notification	Exemption in stamp duty in f/o New Industrial Enterprises	377
26.	The H.P. Govt. Notification No. Rev.Stamp (B)1-1/2010-V dated 11.09.2014.	Notification	Amendment in Rule 26 and 28 of HP Stamp Rules, 2014	377
27.	The H.P. Govt. Notification No.Rev.1-3(stamp)7/80-III Dated: 09.07.2015	Notification	Chief controlling authority under H,P. Court fee (E-stamping) Rules, 2015	378
28.	The H.P. Govt. Notification No.Rev.1-3(stamp)7/80-III Dated: 09.07.2015	Notification	HP Court fee (E-stamping) system	378
29.	The H.P. Govt. Notification No. Rev. Stamp(F)6-2/2010. Dated: 14.07.2015	Notification	Exemption in registration fees in f/o Food Corporation of India	379
30.	The H.P. Govt. Notification No. Rev. Stamp(F)6-2/2010. Dated: 14.07.2015	Notification	Exemption in stamp duty in f/o Food Corporation of India	379
31.	The H.P. Govt. Notification No. Rev. Stamp (A)4-1/2011. Dated: 14.07.2015	Notification	Exemption in Stamp Duty in r/o Bonafide Himachali student for edu. loan	380
32.	The H.P. Govt. Notification No. Rev. Stamp(A)4-1/2011. Dated: 14.07.2015	Notification	Exemption in stamp duty in favour of Farmers for Agriculture loan.	380
33.	The H.P. Govt. Notification No. Rev. Stamp(A)4-1/2011. Dated: 14.07.2015	Notification	Exemption in Regn. Fee in favour of Farmers for Agriculture loan.	381
34.	The H.P. Govt. Notification No. Rev. Stamp(A)4-1/2011. Dated: 14.07.2015	Notification	Exemption in Stamp duty in f/o Self Help Groups.	381
35.	The H.P. Govt. Notification No. Rev. Stamp(A)4-1/2011. Dated: 06.08.2015	Notification	Exemption in Regn. Fee in r/o Bonafide Himachali student for edu. loan	382
36.	The H.P. Govt. Notification No. Rev. Stamp(A)4-1/2011. Dated: 06.08.2015.	Notification	Exemption in Regn. Fee in f/o Self Help Groups.	382
37.	The H.P. Govt. Notification No. Rev.1-3(Stamp)6/80-II. Dated: 05.12.2015.	Notification	Remission of Stamp Duty.	383
38.	The H.P. Govt. Notification No. Rev. 1-3(stamp)6/80-II. Dated: 22.03.2016	Corrigendum	Modification in Notification No. Rev. 1-3(Stamp)6/80-II dated 05.12.2015	385
39.	The H.P. Govt. Notification No. Rev.1-	Notification	Exemption in Regn. fee	385

	3(Stamp)6/79-IV. Dated: 22.03.2016		in f/o ULBs and Panchayats.	
40.	The H.P. Govt. Notification No. Rev.1-3(Stamp)6/79-IV. Dated: 22.03.2016	Notification	Exemption in stamp duty in f/o Panchayats and ULB .	386
41.	The H.P. Govt. Notification No.Rev.Stamp(F)1-1/2005-IV. Dated: 21.06.2016	Notification	Exemption in stamp duty for women on built-up structures	386
42.	The H.P. Govt. Order No. Rev. 1-3(Stamp)6/80-III. Dated: 17.04.2017	Order	Exemption in Regn. Fees in f/o Horticulture deptt.	387
43.	The H.P. Govt. Order No. Rev. 1-3(Stamp)6/80-III. Dated: 17.04.2017	Order	Exemption in Stamp duty in f/o Horticulture deptt.	387
44.	The H.P. Govt. Notification No.Rev.(Stamp)Advice/1-2017. Dated: 28.09.2017	Notification	Exemption in Regn Fees in f/o lease holders of pre-independence lease holders of Dalhousi Municipal Council	388
45.	The H.P. Govt. Notification No. Rev.(Stamp)Advice/1-2017. Dated: 28.09.2017	Notification	Exemption in Stamp duty in f/o lease holders of pre-independence lease holders of Dalhousi Municipal Council	388
46.	The H.P. Govt. Notification No. Rev.Stamp(M)1/2017. Dated: 22.03.2018	Notification	Stamp-vendors as authorized collection centers under HP Court Fees (E-stamping) Rules, 2015	389
47.	The H.P. Govt. Order No. Rev.Stamp(F)1-2/2005-Budget. Dated: 27.06.2018	Order	Exemption in stamp duty in f/o Himachali Youth under Mukhyamantri Swavlamban Yojna	389
48.	The H.P. Govt. Order No. Rev.Stamp(F)1-1/2005-Budget. Dated: 27.06.2018	Order	Exemption in stamp duty in f/o Himachali Youth under Mukhyamantri Yuva Aajivika Yojna	390
49.	The H.P. Govt. Order No. Rev. Stamp(F)1-1/2005-Budget. Dated: 25.09.2019.	Order	Exemption in stamp duty in f/o Himachali Youth under Mukhyamantri Swavlamban Yojna and Yuva Aajivika Yojna	390
50.	The H.P. Govt. Notification No. Rev. Stamp (F) 6-1/2009-IV. Dated: 27.02.2020	Notification	Substitution in Clause (c) of Rule 4 of HP Stamp (Prevention of Undervaluation Instrument) Rules, 1992 in r/o built-up structure.	391
51.	The H.P. Govt. Notification No. Rev. Stamp (F) 6-1/2009-III. Dated: 22.05.2020	Notification	Fixation of Circle rates in Rural and Urban Area.	392

52.	The H.P. Govt. Notification No. Stamp(F)1-1/2005. Dated: 03.06.2020	Notification	Concession in registration fees in f/o Micro Small & Medium Enterprises (MSME)	394
53.	The H.P. Govt. Order No.Stamp(F)1-1/2005. Dated: 03.06.2020	Order	Concession in Stamp Duty in f/o Micro Small & Medium Enterprises (MSME)	394
54.	The H.P. Govt. Notification No. Rev.Stamp(F)6-3/2004. Dated: 21.08.2020	Notification	Nodal officer for collection of Stamp Duty through stock exchange	395
55.	The H.P. Govt. Notification No. Rev.Stamp(F)6-1/2009-III-Loose dated 29.11.2021.	Notification	Distance Certificates from road for registration of documents.	395
56.	The H.P. Govt. Notification No. Rev. Stamp (F) 6-1/2020. Dated: 09.12.2021.	Notification	Concession in Stamp Duty under PM SVA Nidhi	396
57.	The H.P. Govt. Notification No. Rev.1-3 (Stamp)7/80-V dated 10.05.2023.	Notification	Enhancement of Court Fees rates under Second Schedule of HP Court Fees Act, 1968.	396
58.	The H.P. Govt. Notification No. Rev.Stamp(F)2-5/2020 dated 07.06.2023.	Notification	Amendment in rule 13 of HP e-Stamping Rules, 2011.	397
59.	The H.P. Govt. Notification No. Rev.Stamp(F)2-5/2020 dated 07.06.2023.	Notification	Amendment in HP Stamp Rules, 1973.	397
Instructions/Clarifications				
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Government of Himachal Pradesh

**Department of Revenue
Stamp-Registration**

No. Rev. 1-4(Stamp)-1/78-loose, Dated Shimla-171002, the 1st July 2008

NOTIFICATION

In exercise of the powers conferred by sub-clause (b) of section 9 of sub-section (b) of the Indian Stamp Act, 1899 (Act No. II of 1899) as applicable to the Himachal Pradesh, the Governor, Himachal Pradesh, is pleased to appoint all the Additional District Magistrates, Sub-Divisional Magistrates and District Revenue Officers in the districts of Himachal Pradesh in their respective jurisdictions as Collector of District for the purpose of Section 47-A of the Act *ibid*, whereby the under-valued instruments are dealt with. This appointment shall be effective from the date publication of the notification in the Official Gazette.

By Order

F.C.-cum-Pr. Secy. (Revenue) to the
Government of Himachal Pradesh.

Endst. No. As above.

Dated: Shimla-171002,

the 1st June, 2008.

Copy for information to:-

1. All the Principal Secretaries/Secretaries to the Govt. of H.P.
2. All the Heads of the Departments in H.P.
3. Inspector General of Registration-cum-DLR, H.P. Shimla-9.
4. The Divisional Commissioners, Shimla/Kangra/Mandi, H.P.
5. All the Deputy Commissioners in H.P.
6. The Secretary to the Governor, Himachal Pradesh.
7. The Secretary, H.P. Vidhan Sabha, Shimla-1.
8. The Registrar, H.P. High Court Shimla.
9. The Registrar, H.P. Administrative Tribunal, Shimla.
10. The Accountant General, Himachal Pradesh, Shimla-3.
11. The D.L.R.-cum-Draftsman, Himachal Pradesh, Shimla.
12. The D.L.R.-cum-Deputy Secretary Law (Opinion) to the Govt. of H.P.
13. The COC to the Financial Commissioner (Appeals) to the Govt. of H.P.

-sd-

(Rameshwar Sharma)
Joint Secy. (Revenue) to the
Govt. of Himachal Pradesh.

(Authoritative English Text of the Notification No. Rev. 1-3(Stamp)6/80-III-loose dated 23-9-2008 as required under Clause (3) of Article 348 of the Constitution of India).

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 23rd September, 2008

No.Rev.1-3(Stamp)6/80-III-loose.—In exercise of the powers conferred by Clause (a) of sub-section (1) of Section-9 of the Indian Stamp Act, 1899 (Act No. II of 1899) as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to remit the entire stamp duty chargeable under the said Act or any instrument executed in respect of mortgage deeds by the agriculturists/horticulturists for Loans borrowed from the Financial Institutions i.e. Nationalized Banks, Regional Rural Banks, Gramin Banks and all Private Banks upto Rs. 10.00 Lakh (Rupees ten Lakhs) only for the purpose of all the schemes promoted in the State under agriculture/horticulture(including herbal medicine & aromatics and Biotechnology Sectors) and allied sectors like Dairy, Fisheries, Poultry etc. and the schemes of Ministry of Agriculture & Cooperation, Animal Husbandry & Dairing, Ministry of Food Processing, National Horticulture Board, Agriculture Processed Food Products Export Development Authority, Medicinal Plant Board etc. with immediate effect in the whole of Himachal Pradesh.

By order,
Sd/-
FC-cum-Principal Secretary.

(Authoritative English Text of the Notification No. 5-10/74-Revenue-A, dated 23-9-2008 as required under Clause (3) of Article 348 of the Constitution of India).

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 23rd September, 2008

No.5-10/74-Revenue-A.—In exercise of the powers conferred upon him by Sections 78 & 79 of the Registration Act, 1908 (XVI of 1908), as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to order that for after the existing item (G-3) of the Article 1 of the Table of Registration Fees annexed to this department notification No. 17-13/66 Revenue-A dated 14th April, 1969, published in the Rajpatra, Himachal Pradesh dated 6th June, 1970 and as amended from time to time, the following new item shall be inserted with effect from the date of its publication in the Rajpatra, Himachal Pradesh, namely :—

- (b-4) “A fee of Rs. 10/-(Rupees ten) only shall be charged for any instrument executed by the agriculturists/horticulturists in favour of the Financial Institutions i.e. Nationalized Banks, Cooperative Banks, Regional Rural Banks, Gramin Banks and all Private Banks upto Rs. 10.00 Lakh (Rupees ten Lakhs) only for the purpose of all the schemes promoted in the State under agriculture/horticulture (including herbal

medicine & aromatics and Biotechnology Sectors) and allied sectors like Dairy, Fisheries, Poultry etc. and the schemes of Ministry of Agriculture & Cooperation, Animal Husbandry & Dairing, Ministry of Food Processing, National Horticulture Board, Agriculture Processed Food Products Export Development Authority, Medicinal Plant Board etc. with immediate effect in the whole of Himachal Pradesh. And Further, the proviso No.9 provided for in the aforesaid notification dated 14th April, 1969 shall be deleted.”

By order,
Sd/-
FC-cum-Principal Secretary

[Authoritative English Text of the Notification No.Rev.1-4(Stamp)-1/78-loose, dated 29-9-2009 as required under Clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 29th September, 2009

No. Rev.1-4(Stamp)-1/78-loose.—In exercise of the powers conferred upon him by Sections 78 & 79 of the Registration Act, 1908 (Act No. XVI of 1908) as applicable to the State of Himachal Pradesh, the Governor, Himachal Pradesh is pleased to order that for after the existing item (b-4) of the Article 1 of the Table of Registration Fees annexed to this department Notification No.17-13/66-Revenue-I, dated 14th April, 1969, published in the Rajpatra, Himachal Pradesh dated 6th June, 1970 and as amended from time to time, the following new item shall be inserted with effect from the date of publication of this notification in the Rajpatra, Himachal Pradesh, namely:-

(b-5): “A registration fee @ 2% subject to minimum of Rs.5/- (Rupees five only) and a maximum of Rs.25,000/- (Rupees twenty five thousand only) shall be chargeable on instruments of assignment of debt by the Financial Institutions chargeable as Conveyance under clause (a) of Article 23 of Schedule 1-A of the aforesaid Act executed in favour of Assets Reconstruction Company constituted under Section 3 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Act No. 54 of 2002) and registered under the Companies Act, 1956 (Act No. 1 of 1956) by the Department of Non-Banking Supervision, Reserve Bank of India, Mumbai from the date of its publication in the Rajpatra (Extra-ordinary), Himachal Pradesh.”

By order,
HARINDER HIRA,
Addl. Chief Secy.-cum-F.C.

[Authoritative English Text of the Notification No. Rev.1-4(Stamp)-1/78-loose, dated 29-9-2009 as required under Clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 29th September, 2009

No. Rev.1-4(Stamp)-1/78-loose.—In exercise of the powers conferred by Clause (a) of subsection (1) of Section 9 of the Indian Stamp Act, 1899 (Act No. II of 1899) as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to reduce the stamp duty to a maximum of Rs. 1 lakh (Rupees One lakh only), chargeable under the said Act on instruments of assignment of debt by Financial Institutions chargeable as Conveyance under clause (a) of Article 23 of Schedule 1-A of the aforesaid Act executed in favour of Assets Reconstruction Company constituted under Section 3 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Act No. 54 of 2002) and registered under the Companies Act, 1956 (Act No. 1 of 1956) by the Department of Non-Banking Supervision, Reserve Bank of India, Mumbai from the date of publication of this notification in the Rajpatra (Extraordinary), Himachal Pradesh.

By order,
HARINDER HIRA,
Addl. Chief Secy.-cum-F.C.(Revenue).

[Authoritative English Text of the Notification No. Rev. Stamp (F) 1-1/2005, dated as required under Clause 348 of the Constitution of India]

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 30th October, 2009

No. Rev. Stamp (F) 1-1/2005.—In supersession to all the previous notifications issued by this department and in exercise of the powers under section 6 of the Registration Act, 1908, the Governor of Himachal Pradesh is pleased to confer upon all Deputy Commissioners in the State, the powers of the Registrar to be exercised within the limits of their jurisdiction.

The Registrars will further appoint any Sub-Registrar or other person in their districts to perform duties of Registrar under section 11 of the Registration Act, 1908 only during their absence from his office on duty in their districts.

The Registrars so appointed will inspect offices of Sub-Registrars at least once a year and will submit their inspection reports to the Inspector General of Registration, H.P. as required under Para 179 of the Registration Manual.

By order,
HARINDER HIRA,
Addl. Chief Secy.-cum-F.C.

(Authoritative English Text of the Notification No.Rev.1-3(Stamp)7/80-II dated 8th February, 2010 as required under Clause (3) of Article 348 of the Constitution of India) Government of Himachal Pradesh.

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 8th February, 2010

No. Rev.1-3(Stamp)7/80-II.— In exercise of the powers conferred by Section 42 of the Himachal Pradesh Court Fees Act, 1968 (Act No. 8 of 1968) and all other powers enabling her in this behalf, the Governor, Himachal Pradesh, is pleased to remit the fees mentioned in the First and Second Schedules to the said Act in respect of the persons who are given legal services under the Legal Services Authorities Act, 1987 and Rules and Regulations made there under with immediate effect in the whole of Himachal Pradesh.

By order,
HARINDER HIRA,
Addl. Chief Secy.-cum-FC (Revenue).

[Authoritative English Text of the Notification No. Rev. Stamp (A) 4-1/2005 dated 17th May, 2010 as required under Clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

(Stamp Registration)

NOTIFICATION

Shimla-171002, the 17th May, 2010

No. Rev.Stamp(A)4-1/2005.—In exercise of the powers conferred by Clause (a) of subsection (1) of Section 9 of the Indian Stamp Act, 1899 (Act No. II of 1899) as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to remit the entire stamp duty chargeable under the said Act on instruments of hypothecation i.e. mortgage without possession executed by the small/marginal agriculturists/horticulturists in respect of Education loans subject to a maximum of Rs. 7.50 lacs, obtained by them from Financial Institutions, i.e. Nationalized Banks, Co-operative Banks registered under the H.P. Cooperative Societies Act, 1968, Regional Rural Banks, Gramin Banks and other Private Banks in Himachal Pradesh, from the date of its publication in the Rajpatra (Extra-Ordinary), Himachal Pradesh.

By order,
HARINDER HIRA,
Addl. Chief Secy.-cum-FC (Revenue)

[Authoritative English Text of the Notification No. Rev.Stamp (A)4-1/2005 dated 17th May, 2010 as required under Article 348(3) of the Constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 17th May, 2010

No. Rev.Stamp (A)4-1/2005.- In exercise of the powers conferred upon him by Sections 78 & 79 of the Registration Act, 1908 (XVI of 1908), as applicable to the State of Himachal Pradesh, the Governor, Himachal Pradesh is pleased to order that after the existing item (b-5) of the Article 1 of the Table of Registration Fees annexed to this department Notification No. 17-13/66-Revenue-I dated 14th April, 1969, published in the Rajpatra, Himachal Pradesh dated 6th June, 1970 and as amended from time to time, the following new item shall be inserted with effect from the date of its publication in the Rajpatra, Himachal Pradesh, namely:-

(b-6): “A fee of Rs. 10/-(Rupees Ten only) shall be chargeable on instruments of hypothecation i.e. mortgage without possession executed by the small/marginal agriculturists/ horticulturists in respect of Education loans subject to a maximum of Rs. 7.50 lacs, obtained by them from Financial Institutions, i.e. Nationalized Banks, Co-operative Banks registered under the H.P. Cooperative Societies Act, 1968, Regional Rural Banks, Gramin Banks and other Private Banks in Himachal Pradesh, from the date of its publication in the Rajpatra (Extraordinary), Himachal Pradesh.”

By order,
HARINDER HIRA,
Addl. Chief Secy.-cum-FC (Revenue).

[Authoritative English Text of the Notification No.Rev.1-3(Stamp)1/85-VI dated 9th June, 2010 as required under Clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 9th June, 2010

No. Rev.1-3(Stamp) 1/85-VI.—In exercise of the powers conferred by Clause (26) of Section 2 of the Indian Stamp Act, 1899 (Act No. II of 1899) as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to implement the E-stamping system in Himachal Pradesh (firstly in Shimla and Solan Districts on pilot basis and thereafter in whole of the State) and to authorize Stock Holding Corporation of India Limited (SHCIL) (authorized by the Govt. of India as Central Record Keeping Agency to oversee this project) for its implementation. Further, the SHCIL branches and the Banks/Post Offices are appointed as Authorized Collection Centers (ACCs) for the collection of stamp duty through this mechanism and the SHCIL will be paid a commission @0.65% (i.e. 65 paise for every Rs.100/- of the value of stamp duty collected through this mechanism). This notification will come into force from the date of its publication in the Rajpatra (Extra-Ordinary), Himachal Pradesh.

By order,
P. C. Kapoor
Principal Secy.-cum-FC (Revenue).

[Authoritative English Text of the Notification No.Rev.1-4(Stamp)1/78-Loose dated 14th June, 2010 as required under Clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 14th June, 2010

No. Rev.1-4(Stamp)1/78-Loose.—In exercise of the powers conferred by Sections 78 & 79 of the Registration Act, 1908 (Act No. XVI of 1908) as applicable to the State of Himachal Pradesh and in continuation to this department notification no. Rev. 1-4(Stamp)-1/78- loose, dated 29th September, 2009, as published in the Rajpatra (Extra-Ordinary), Himachal Pradesh, dated 3rd October, 2009, the Governor of Himachal Pradesh is pleased to add the words “and Banks” after the words “Financial Institutions” appeared in the 10th line of the above notification dated 29th September, 2009.

By order,
P. C. KAPOOR
F.C. - cum- Principal Secy

[Authoritative English Text of the Notification No.Rev.1-4(Stamp)1/78-Loose dated 14th June, 2010 as required under Clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 14th June, 2010

No. Rev.1-4 (Stamp)1/78-Loose.—In exercise of the powers conferred by Clause (a) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (Act No. II of 1899) as applicable to the State of Himachal Pradesh and in continuation to this department notification no. Rev. 1- 4(Stamp)-1/78-loose, dated 29th September, 2009, as published in the Rajpatra (Extra-Ordinary), Himachal Pradesh, dated 3rd October, 2009, the Governor of Himachal Pradesh is pleased to add the words “and Banks” after the words “Financial Institutions” appeared in the 5th line of the above notification dated 29th September, 2009.

By order
P. C. KAPOOR
F.C.-cum- Principal Secy

GOVERNMENT OF HIMACHAL PRADESH.**Department of Revenue.****(Stamp-Registration)**

No. Rev.Stamp(F)8-1/2004,

Dated Shimla-171002, the
NOTIFICATION20th August, 2011

The Governor of Himachal Pradesh is pleased to amend the provision of para 71(2) of the Registration manual as under:-

“(2) Where there is a government treasury or sub-treasury at the same place, the registration fee shall be deposited into the treasury/ sub-treasury through challan by the executants himself and after depositing the fees, a copy of challan shall be attached with the document. In case the document is not accepted by the registering officer for any reason, the fees shall be refunded to the executants after deducting 2% of Rs. 10/- whichever is more.

Provided that in case of purchase of e-stamps for a registration transaction, the registration fees will also be accepted by the e-stamp vendor and the receipt so issued will be substitute for the copy of challan noted above”.

In view of the amendment above, Para 101 is deleted.

This notification shall come into force with immediate effect.

By Order
(Deepak Sanan)
Principal Secretary (Revenue) to the
Government of Himachal Pradesh.

GOVERNMENT OF HIMACHAL PRADESH.**Department of Revenue.****(Stamp-Registration)**

No. Rev.Stamp(F)8-1/2004,

Dated Shimla-171002, the

20th August, 2011**NOTIFICATION**

The Governor of Himachal Pradesh is pleased to carry out the following amendment in the Registration Manual:-

Amendment of Para 103.	<p>In Para 103 of the Registration Manual, the following Sub Para (i) shall be added, namely:- under: “<u>Sub-Para (i)</u> The Registering Officer shall accept as proof of identity any of the photo identity proofs, notified by the Government. The Registering officer shall record in writing when he has reason to doubt the legitimacy of the identity proof produced. In case, executants does not possess any of these photo identity proofs, the executants may continue to be identified as heretofore, by a person personally known to the Registering officer or by a person who possesses any of the photo identity proofs notified by the Government. The Registering Officer shall retain photo copy of the photo identity card so produced by the executants or the identifier, as the case may be.”</p>
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By Order
(Deepak Sanan)
Principal Secretary (Revenue) to the
Government of Himachal Pradesh.

GOVERNMENT OF HIMACHAL PRADESH.**Department of Revenue.****(Stamp-Registration)**

No. Rev.Stamp(F)8-1/2004,

Dated Shimla-171002, the

20th August, 2011**NOTIFICATION**

The Governor of Himachal Pradesh is pleased to notify that the [any one of] following photo identity proofs may be produced in original by an executants or an identifier to meet the requirements of Section 103 of the Registration Manual:-

- (i) PAN Card.
- (ii) Photo identity card issued by Central or State Government Department or a Central or State Government undertaking.
- (iii) Valid Passport.
- (iv) Driving Licence (with photo)
- (v) Photo Debit/Credit Card.
- (vi) Electoral Identity Card.
- (vii) Aadhar Card.

By Order
(Deepak Sanan)
Principal Secretary (Revenue) to the
Government of Himachal Pradesh.

REVENUE DEPARTMENT**(Stamp-Registration)****NOTIFICATION**Shimla-171002, the 07th September, 2011

No. Rev. Stamp (F) 8-1/2004.—The Governor, Himachal Pradesh is pleased to add the word “any one of” before the word the following appearing in first line of this department Notification No. Rev. Stamp (F) 8-1/2004 datd 20-08-2011 with immediate effect in the whole of Himachal Pradesh.

By order
DEEPAK SANAN,
FC –cum- Pr. Secy. (Revenue).

**REVENUE DEPARTMENT
(Stamp-Registration)**

NOTIFICATION

Shimla-171002, the 19th November, 2011

No. Rev. Stamp (F) 8-1/2004.—In partial modification of this department notification No. Rev. Stamp(F) 8-1/2004, dated 20th August 2011, the applicable registration fees of upto Rs. 500/- shall be collected in the registration offices by the registering authorities and deposited into treasury as per past practices and fees above Rs. 500/- shall be deposited into treasury by the executants as per the procedure laid down vide notification ibid.

By order
DEEPAK SANAN,
FC –cum- Pr. Secy. (Revenue).

**Government of Himachal Pradesh
Department of Revenue
Stamp-Registration**

No. Rev. 1-9(Stamp)-3/79/2010-II

Dated Shimla-171002,

the 12-01-2012

NOTIFICATION

In exercise of the powers conferred by Sections 78 and 79 of the Registration Act, 1908 (XVI of 1908), as applicable to the State of Himachal Pradesh, and in supersession of all the previous notifications issued in this regard, from time to time, the Governor of Himachal Pradesh is pleased to prescribe the Article-I of the table of Registration Fees of the documents, as notified vide Notification No. 17-3/66-Rev.-I dated 14th April, 1969 for whole of Himachal Pradesh to be effective from the date of its publication in the Rajpatra, Himachal Pradesh, namely:-

TABLE OF REGISTRATION FEES

(Section 78 and 79 of the Registration Act, 1908)

Description of instrument	Rates of Registration Fee
Article-I.- For the Registration of Documents:	
A. For the registration of following documents relating to immovable property:- (i) Certificate of Sale; (ii) Conveyance/Sale; (iii) Further Charge (with possession); (iv) Gift; (v) Mortgage-Deed (with possession);	Registration fee @ 2:00% of the market value of the property or consideration amount, as the case may be, "whichever is higher", subject to the minimum of rupees one hundred and fee rounded off to nearest rupees Ten shall be charged.
B. On the instruments of assignment of debt by the Financial Institutions and Banks chargeable as Conveyance under Article 23 of Schedule 1-A of the Indian Stamp Act, 1899 executed in favour of	Registration fee shall be charged as per the rates given in clause (A) above.

<p>Assets Reconstruction Company constituted under Section 3 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Act No. 54 of 2002) and registered under the Companies Act, 1956 (Act No. 1 of 1956) by the Department of Non-Banking Supervision, Reserve bank of India, Mumbai.</p>	
<p>C. Lease for immovable property.</p>	<p>Registration fee given in clause (A) above shall be charged on the same amount of the market value of the leased property, on which stamp duty has been assessed under article 35 of Schedule I-A of the Indian Stamp Act, 1899.</p>
<p>D. For the registration of following miscellaneous documents:- (i) Deposit of title-Deeds, Pawan or Pledge; (ii) Bond; (iii) Bottomry Bond; (iv) Exchange Deed; (v) Further Charge (without possession); (vi) Mortgage-Deed (without possession); (vii) Partition Deed; (viii) Release Deed; (ix) Respondentia Bond; (x) Settlement Deed; (xi) Transfer of Lease.</p>	<p>Registration fee @ 0.05% of the value or the consideration amount if any, subject to the minimum of rupees one hundred and maximum of rupees one thousand shall be charged.</p>
<p>E. For the registration of any other documents:- Documents which cannot be brought under the scale prescribed by the preceding clauses of this Table (including Power of Attorney, Will or deposit, withdrawal and opening of Sealed Wills or Adoption Deed etc.).</p>	<p>A registration fee of Rule One hundred shall be charged.</p>

Note 1:- Such fee in the case of duplicates, if presented with the original shall be Rs. 10 only.

Duplicate, if not presented alongwith their original shall be treated like the originals.

Note 2:- The registration fee to be paid on partition deeds shall be calculated on the value of the shares on which stamp duty has been assessed under Article 45 of Schedule 1A to the Indian Stamp Act, 1899.

Provided that no registration fee shall be chargeable on a document executed in favour of or on behalf of Government where registration is payable by the Government.

By Order

(Deepak Sanan)

Principal Secy.-cum-F.C.(Revenue) to the
Government of Himachal Pradesh.

Endst. No. As above.

Dated: Shimla-171002,

the 12.01.2012

Copy for information to:-

1. All the ACS/Pr. Secretaries/Secretaries to the Government of H.P.
2. Registrar General, High Court of Himachal Pradesh, Shimla.
3. Divisional Commissioners, Shimla/Mandi/Kangra Divisions H.P.
4. Secretary to the Governor H.P. Shimla.
5. All the Heads of Departments in Himachal Pradesh.
6. The DLR-cum-Inspector General of Registration H.P. Shimla.
7. All Deputy Commissioners in Himachal Pradesh.
8. The Accountant General H.P. Shimla-171003.
9. The Secretary, H.P. Vidhan Sabha, Shimla.
10. The DLR-cum-Deputy Secretary (Law), H.P. Sectt. Shimla.
11. The Senior Law Officer (Opinion), H.P. Sectt. Shimla.
12. All the Sub Registrars (Tehsildars/Naib-Tehsildars) in H.P.
13. The C.O.C. to the Financial Commissioner (Appeals) to H.P. Government Shimla.
14. The Deputy Controller of Printing & Stationery, H.P. Government Printing Press Shimla-171005 for publication in the Rajpatra of (Extra Ordinary) H.P.
15. The Special Secy. (GAD-Cabinet) to the Govt. of Himachal Pradesh.

-sd-

Addl. Secretary (Revenue) to the
Govt. of Himachal Pradesh.

[Authoritative English Text of Himachal Pradesh Government Notification No. Rev. No. Rev. 1-3(Stamp)1/85-VII dated 15-02-2012 as required under Article 348(3) of the constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 15th February, 2012

No. Rev. 1-3(Stamp)-1/85-VII.—In exercise of the powers conferred by Clause (26) of Section 2 of the Indian Stamp Act, 1899 (Act No. II of 1899) as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to extend implementation of the e-Stamping system introduced vide department notification of even No. Revenue 1-3(stamp)-VI dated 09 June, 2010 to Hamirpur, Kullu, Una Districts in the next phase and thereafter the rest of the State. Stock Holding Corporation of India Limited (SHCIL), authorized by the Govt. of India as Central Records Keeping Agency to oversee this project, shall be associated in the implementation of the system. SHCIL branches and participating Banks/Post offices are appointed as Authorized Collection Centers (ACCs) for the collection of stamp duty through this mechanism and the SHCIL will be paid a commission @ 0.65% (i.e 65 paise for every Rs. 100/- of the value of stamp duty collected through this mechanism). This notification will come into force from the date of its publication in the Rajpatra (Extra-Ordinary), Himachal Pradesh.

By order,
DEEPAK SANAN,
F.C.—cum- Pr. Secy. (Revenue).

Government of Himachal Pradesh
Department of Revenue
(Stamp-Registration)

No. Rev.Stamp(F)8-1/2004

Dated Shimla-171002,

the 25-04-2012

NOTIFICATION

In continuation of this Department notification of even No. Rev.Stamp(F)8-1/2004 dated 20th August, 2011 and in exercise of the powers conferred by the Para-119 of the H.P. Registration Manual, the Governor of Himachal Pradesh is pleased to authorize the registering authority (Registrar and Sub-Registrar as the case may be) to refund the registration fee. The fee shall be refunded to the executants after deducting 2% of the amount of registration fee levied or Rs. 10/- whichever is more. This notification will come into force with immediate effect.

By order,
DEEPAK SANAN,
F.C.-cum- Pr. Secy. (Revenue).

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 16-6-2012

No. Rev. 1-9(Stamp)3/79/2010-II.- In exercise of the powers conferred by Section 78 and 79 of the Registration Act, 1908 (XVI of 1908), as applicable to the State of Himachal Pradesh, the governor of Himachal Pradesh is pleased to further add the **Article-II to IX** at the end of **Article-I** of the Table of Registration Fees, as notified vide Notification No. Rev. 1-9(Stamp)3/79/2010-II dated 12th Jan, 2012 for whole of Himachal Pradesh to be effective from the date of its publication in the Rajpatra, Himachal Pradesh, namely:-

Article-II For inspection of any number or entries or registered documents:	Rs. 50.00 for a calendar year.
Provided that no search fee shall be charged if the search is made at the request of any Court for infestation or inquiry.	
Article-III For granting the copies of registered documents:- (i) up to 5 sheets. (ii) more than 5 sheets.	Rs. 10.00 for single document. Rs. 20.00 for single document.
Explanation.- Government Officers/Officials, who want to search the register or take copies of documents for bonafide public purposes, will be exempted from the payment of the fees under Article-II and III above.	
Article-IV For discretionary registration by the Registrar of the District.	Additional fee of Rs. 50.00 for each document shall be charged.
Note.- The additional fee under this Article is not payable on the registration of Wills. Authorities to Adopt and Depositing. Withdrawing & Opening the Sealed Cover Wills.	
Article-V For the issue of commission and for attending at private residences:- In all cases.	Rs. 50.00 for single transaction.
Note.- In addition to the above fee the person on whose behalf the journeys referred to in paragraph 10 of the Registration Manual are performed shall pay to the Government such additional sum as may be necessary to cover the cost of travelling allowance of registering office: Provided that the place visited is more than one km. from the registration office.	
Article-VI For filing transactions.	Rs. 20.00
Article-VII For the Authentication of a Power of Attorney under section 33 of Registration act, 1908, if such Power of Attorney is executed out of the State of Himachal Pradesh.	Additional fee of Rs. 100.00 shall be charged.
Article-VII	

When under section 36 of the Registration Act, 1908, application is made to issue and to serve a summons, process fee and remuneration of the person summoned, at the rates prescribed for the civil courts of the state are to be levied from the person at whose instance or on whose behalf the application is made. When, however, the person summoned is the person who has executed the document, the remuneration is not to be allowed to him.	
Article-IX For the safe custody of the documents remaining unclaimed after registration is refused. When application for return of registered document or of a document the registration of which has been refunded is made more than 3 months from the date of such registration or refusal, as the case may be.	The custody fee of Rs. 50.00 shall be charged.

By order,
DEEPAK SANAN,
F.C.–cum- Pr. Secy. (Revenue).

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 23-06-2012

No. Rev. Stamp (F) 6-1/2009-1.—In exercise of the powers conferred by section 75 of the Indian Stamp Act, 1899 (Act No. II of 1899), read with section 47-A, as inserted by the Indian Stamp (Himachal Pradesh Amendment) Act, 1988 (Act No. 7 of 1989), the Governor of Himachal Pradesh is pleased to substitute the Sub-Rules (a) and (b) of Rule 4 of the Himachal Pradesh Stamp (Prevention of Undervaluation of Instruments) Rules, 1992 as notified vide Notification No. Rev. 1-2(Stamp) 1/87-Vol-I dated on 26th June 1992, as follows:-

“ (a) In the case of land and house sites.—The market value of land property shall be determined on the rates fixed by the concerned Deputy Commissioners in pursuance of Government Notification No. Rev. Stamp(F)6-1/2009 dated 13th January, 2012 as published in Rajpatra (Extra-Ordinary), Himachal Pradesh dated 20th January, 2012.”

By order,
Deepak Sanan,
F.C.–cum-Pr. Secy. (Revenue).

REVENUE DEPARTMENT**Stamp-Registration****NOTIFICATION**Shimla-171002, the 16th July, 2012

No. Revenue 1-4 (Stamp) 1/78-Loose.—In exercise of the powers conferred by section 75, 76(A) of the Indian stamp Act, 1899 (Act No. II of 1899) as applicable to the Himachal Pradesh, the Governor Himachal Pradesh, is pleased to appoint all the Additional District Magistrates, Sub Divisional Magistrates and District Revenue officers in the Districts of Himachal Pradesh in their respective jurisdictions as Collector of District for the purpose of Chapter-V of the Act *ibid*, whereby the under-valued instruments are dealt with. This appointment shall be effective from the date of publication of the notification in the official Gazette.

By order,
Sd/-
F.C.-cum-ACS (Revenue)

(Authoritative English Text of this department's notification number Revenue Stamp (F)6-1/2009-1, dated 26/6/13 as required under Article 348(3) of constitution of India.)

Government of Himachal Pradesh
Department of Revenue
(Stamp-Registration).

No. Rev. Stamp (F) 6-1/2009-1 Dated Shimla-171002, the 26.6.2013

NOTIFICATION

In exercise of the powers conferred by section 75 read with section 47-A Indian Stamp Act. 1899 (Act No.7 of 1989), the Governor. Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Stamp (Prevention of Undervaluation of Instruments) Rules, 1992 notified vide Government on number Rev. 1-2(Stamp) 1/87-Vol-1, dated 26th June 1992. our published in the Himachal Pradesh. namely:-

1. Short title and Commencement.- (1)These rules may be called the Himachal Pradesh Stamp (Prevention of Undervaluation of Instruments) Amendment Rules, 2013.

These rules shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.

2. Amendment of Rule 4.- In rule 4 of Himachal Pradesh Stamp (Prevention of Undervaluation of Instruments) Rules, 1992, for clause (c) the following shall be substituted, namely:-

"(c) in the case of built up structure.-

I. The following factors shall be taken into consideration for fixing the rates of valuation of residential or non-residential buildings:-

(i) classification of the buildings into Pucca, Semi Pucca and Kutcha;

- (ii) classification of area in which buildings are located on the basis of similar land classification for finalizing per square meter rates in different areas;
- (iii) latest plinth area rates notified by the Himachal Pradesh Public Works Department;
- (iv) premium for annual increase; and
- (v) land area occupied by the structure to be included, proportionately or wholly, as the case may be, included in all transactions unless specifically excluded in the transaction deed.

I. Classification of buildings.

- (a) **Pucca building:** Complete Reinforced Cement Concrete(RCC) structure with Reinforced Cement Concrete columns/beams or load bearing walls with Reinforced Cement Concrete(RCC) slab/ Common Gateway Interface (CGI) sheet roofing. All such buildings having a life span of 90 years as per Public Works Department's specifications.
- (b) **Semi Pucca:** wooden structures with dry masonry and mud plaster with wooden/slate/Common Gateway Interface roofing or Reinforced Cement Concrete(RCC) slab: All such buildings having a life span of 40 years as per Public Works Department's specifications.
- (c) **Katcha Building:** stone wall with dry masonry/mud plaster with wooden and mud straw roofing

III. Calculation of plinth area rates

Himachal Pradesh Public Works Department plinth area rates 2008	Rs. 9,442/- Per Sqm.
-----------------------------------------------------------------	-------------------------

Add 10 % for site development	Rs. 944/-
Add 12.5% for Electricity fittings	Rs. 1,180/-
Add 12.5% for sanitary installation	Rs. 1,180/-
Total	Rs. 12,746/-

IV. The above rate shall be applicable for the lowest category of land rates in every revenue estate as already notified by the concerned Deputy Commissioners. The Deputy Commissioners shall finalize rates for higher categories of land in the concerned revenue estate by making an increase on the base rate for the building in the same proportion as in the land rates. The rates fixed by the Deputy Commissioners shall be applicable upto 31 March of the proceeding year and for the next year rates shall be revised which shall be effective from 1st April till end of the financial year. In each year, the Deputy Commissioner concerned shall notify an enhancement of rates as a percentage of previous rates separately for rural and urban areas in each Tehsil/Sub-Tehsil of the district. The enhancement shall be based on the account actual transaction amount in previous year, inflation and special factors affecting a particular urban rural area. The new rate so arrived at or the actual consideration amount whichever is higher, shall be the applicable rate for calculating stamp duty/registration fee for any transaction.

V. The following multiplicative factor(s) shall be employed to arrive at minimum cost of building/structures so as to provide for depreciation of older buildings:-

Year of completion	Prior to 1970	Between				2010 Onwards
		1970-79	1980-89	1990-99	2000-09	
Duration factor	0.5	0.6	0.7	0.8	0.9	1.0

The following factor shall be employed to the above minimum cost of building structures for different types of structures:-

Structure type	Pucca	Semi Pucca	Katcha
Multiplicative factor	1.0	0.75	0.5

VI. Other conditions.

- (i) Where the entire building is being transferred with land then the total value of the land shall be added in the value of the structure.
- (ii) Where only part of the building is to be transferred the proportionate cost of land shall be added.
- (iii) Any person/party intending to sell/transact the built-up structure(s) shall give a self-declaration to the concerned Registering Officers mentioning area, type of structure, whether electrification and sanitary installations provided or not and year of construction of the structure along with latest copy of Jamabandi in support of ownership/possession of land on which the structure has been built."

By order,

(P. Mitra)

Add. Chief Secy. (Revenue) to the
Government of Himachal Pradesh.

Endst. No. Rev. Stamp (F) 6-1/2009-1, Dated Shimla-171002, the 26-6-2013.

Copy for information and necessary action is forwarded to:-

1. All the Additional C.S/Principal Secretaries/Secretaries to the Govt. of H.P.
2. Registrar General, High Court of Himachal Pradesh, Shimla.
3. Divisional Commissioners, Shimla/Mandi/Kangra Divisions H.P.
4. Secretary to the Governor H.P. Shimla.
5. All the Heads of Departments in Himachal Pradesh.
6. The DLR cum Inspector General of Registration H.P. Shimla.
7. All Deputy Commissioners in Himachal Pradesh.
8. The Accountant General, H.P. Shimla-171003.
9. The Secretary, H.P. Vidhan Sabha, Shimla.
10. The DLR cum Deputy Secretary (Law), to the Govt. of H.P.
11. The Senior Law Officer (Opinion), H.P. Sectt. Shimla.
12. All the Sub-Registrars/Joint Sub-Registrar (Tehsildars/Naib Tehsildars) in H.P.
13. The C.O.C to the Financial Commissioner (Appeals) to the H.P Govt. Shimla.
14. The Deputy Controller of Printing & Stationary. H.P. Government Printing Press Shimla-171005 for publication in the Rajpatra of (Extra Ordinary) H.P.

-sd-

Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.

[Authoritative English Text of this department's notification number No. Rev.1-2 (Stamp)1/87-1 dated 13/08/ 2014 as required under Article 348(3) of the constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

ORDER

Shimla-171002, the 13th August, 2014

No. Rev.1-2 (Stamp)1/87-1.—In exercise of the powers conferred by clause (a) of subsection (1) of section 9 of the Indian Stamp Act, 1899 (Act No. II of 1899), as applicable to the State of Himachal Pradesh, the Governor, Himachal Pradesh is pleased to remit 50% stamp duty on instruments of conveyance deed and lease deed in favour of the new industrial enterprises to be set up in the State from the date of its publication in the Rajpatra (Extra Ordinary), Himachal Pradesh.

By order,
TARUN SHRIDHAR,
F.C-cum-Principal Secy.(Revenue)

[Authoritative English Text of the Notification No. Rev. Stamp(B)1-1/2010-V dated 11/09/2014 as required under Article 348(3) of the constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 11th September, 2014

No. Rev. Stamp (B)1-1/2010-V.—In exercise of the powers conferred by section 74 of the Indian Stamp Act, 1899 (2 of 1899) and section 41 of the Himachal Pradesh Court Fee Act, 1968 (Act No. 8 of 1968) and in the authority derived from the rules made by the Government of India for supply and distribution of stamps, the Governor of Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Stamp Rules, 1973, notified vide notification No. 17-3/67-Rav.1 dated 29th March, 1974, namely:—

1. Short title.—These rules may be called the Himachal Pradesh Stamp (Amendment) Rules, 2014.

2. Amendment of rules 26 and 28.— In rules 26 and 28 of the Himachal Pradesh Stamp Rules, 1973, for the figures “2,000” wherever it occurs, the figures “20,000” shall be substituted.

By order,
(TARUN SHRIDHAR),
F.C-cum-Principal Secy.(Revenue).

[Authoritative English Text of the Notification No. Rev.1-3(stamp)7/80-III dated 9/07/2015 as required under Article 348(3) of the constitution of India.]

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 09th July, 2015

No.Rev.1-3(stamp)7/80-III.—In exercise of the powers conferred by article (f) of rule 2 of the Himachal Pradesh Court Fee (e-stamping) Rules, 2015 as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to authorise Inspector General of Registration, Himachal Pradesh as “the Chief Controlling Authority” for implementing the Himachal Pradesh Court Fee (e-stamping) system in the State.

By order,
TARUN SHRIDHAR,
Addl. Chief Secy. (Revenue).

[Authoritative English Text of the Notification No. Rev.1-3(stamp)7/80-III dated 09/07/ 2015 as required under Article 348(3) of the constitution of India.]

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 09th July, 2015

No.Rev.1-3(stamp)7/80-III.—In exercise of the powers conferred by section 34 of the Himachal Pradesh Court Fees Act, 1968 (Act No. 8 of 1968) as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to implement Himachal Pradesh Court Fee (e-stamping) system in Himachal Pradesh (firstly in Himachal Pradesh High Court on trial basis and then District and Session Courts, Sub-Divisional Civil Courts or any other authorized offices) and to authorize Stock Holding Corporation of India Limited (SHCIL) for its implementation. Further, the SHCIL branches and the Banks/Post Offices are appointed as Authorized Collection Centers (ACCs) for the collection of Court fee through this mechanism and the SHCIL will be paid a Commission @0.65% (i.e 65 paise for every Rs. 100/-of the value of Court fee collected through this mechanism). This notification will come into force from the date of its publication in the Rajpatra (Extra-Ordinary), Himachal Pradesh.

By order,
TARUN SHRIDHAR,
Addl. Chief Secy. (Revenue).

[Authoritative English Text of the Notification No. Rev. Stamp(F)6-2/2010 dated 14-7-2015 as required under Article 348(3) of the constitution of India.]

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 14th July, 2015

No. Rev. Stamp(F)6-2/2010.—In exercise of the powers conferred upon him by sections 78 & 79 of the Registration Act, 1908 (XVI of 1908), as applicable to the State of Himachal Pradesh, the Governor, Himachal Pradesh is pleased to order that after the existing item No. D(vi)(c) of Article 1 of the Table of Registration Fees annexed to this department Notification No. Rev. 1-9(stamp)3/79/2010-II, Dated 12th January, 2012, published in the Rajpatra, Himachal Pradesh on 27th January, 2012, the following new item shall be added/inserted with effect from the date of publication of this notification in the Rajpatra, Himachal Pradesh, namely:—

D(vi)(d) “A fee of Rs. 10/-(Rupees ten) only shall be charged in all cases where the State Government is providing land to the Food Corporation of India on a token lease rent of Rs.1/- in general for constructing godowns in the State of H.P”.

By order,
TARUN SHRIDHAR
Addl. Chief Secy. (Revenue).

[Authoritative English Text of the Notification No. Rev. Stamp(F)6-2/2010 dated 14/7/2015 as required under Article 348(3) of the constitution of India.]

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 14th July, 2015

No. Rev. Stamp(F)6-2/2010.—In exercise of the powers conferred by clause (a) of subsection (1) of section 9 of the Indian Stamp Act, 1899 (Act No. II of 1899) as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to remit the entire stamp duty in all cases where the State Government is providing land to the Food Corporation of India on a token lease rent of Rs. 1/- in general for constructing godowns in the State of Himachal Pradesh with effect from the publication of the notification in the Rajpatra, Himachal Pradesh.

By order,
TARUN SHRIDHAR,
Addl. Chief Secy. (Revenue).

[Authoritative English Text of the Notification No. Rev. Stamp(A)4-1/2011 dated 14/7/2015 as required under Article 348(3) of the constitution of India.]

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 14th July, 2015

No. Rev. Stamp (A)4-1/2011.—In exercise of the powers conferred by clause (a) of subsection (1) of section 9 of the Indian Stamp Act, 1899, (Act No. II of 1899), the Governor of Himachal Pradesh is pleased to remit the entire stamp duty on instruments of hypothecation i.e. mortgage without possession executed by the Bonafide Himachali students for raising education loans subject to a maximum of Rs. 7.50 lacs (Rupees seven lakh & fifty thousand) only from Cooperative, Nationalized and Private Banks licensed by the Reserve Bank of India, from the date of publication of this notification in the Rajpatra, Himachal Pradesh in the State of Himachal Pradesh.

By order,
TARUN SHRIDHAR
Addl. Chief Secy. (Revenue)-

[Authoritative English Text of the Notification No. Rev. Stamp(A)4-1/2011 dated 14/7/2015 as required under Article 348(3) of the constitution of India.]

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 14th July, 2015

No. Rev. Stamp(A)4-1/2011.—In exercise of the powers conferred by clause (a) of subsection (1) of section 9 of the Indian Stamp Act, 1899 (Act No. II of 1899), the Governor of Himachal Pradesh is pleased to remit the entire stamp duty chargeable under the said Act on instruments of mortgage without possession executed by the farmers in respect of agriculture loans upto Rs. 10.00 Lakh (Rs. Ten Lacs) only obtained from the Cooperative, Nationalized and Private Banks licensed by the Reserve Bank of India for agricultural purposes in the State of Himachal Pradesh from the date of its publication in the Rajpatra, Himachal Pradesh.

By order,
TARUN SHRIDHAR,
Addl. Chief Secy. (Revenue).

[Authoritative English Text of the Notification No. Rev. Stamp(A)4-1/2011 dated 14/7/2015 as required under Article 348(3) of the constitution of India.]

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 14th July, 2015

No. Rev. Stamp(A)4-1/2011.—In exercise of the powers conferred upon him by sections 78 and 79 of the Registration Act, 1908 (XVI of 1908), the Governor, Himachal Pradesh is pleased to order that after the existing item D(vi) of Article 1 of the Table of Registration Fees annexed to this department Notification No. Rev. 1-9(Stamp) 3/79/2010-II, dated 12th January, 2012, published in the Rajpatra, Himachal Pradesh on 27th January, 2012, the following new item shall be added/inserted, with effect from the date of publication of this notification in the Rajpatra, Himachal Pradesh, namely:—

“D(vi)(a) A fee of Rs. 10/-(Rupees ten) only shall be charged on instruments of mortgage without possession executed by the farmers in respect of agriculture loans upto Rs. 10.00 Lakh (Rupees Ten Lacs) only obtained from Cooperative, Nationalised and Private Banks licensed by the Reserve Bank of India for agricultural purposes in the State of Himachal Pradesh”.

By order,
TARUN SHRIDHAR,
Addl. Chief Secy. (Revenue).

[Authoritative English Text of the Notification No. Rev. Stamp(A)4-1/2011 dated 14/7/2015 as required under Article 348(3) of the constitution of India.]

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 14th July, 2015

No. Rev. Stamp (A)4-1/2011.—In exercise of the powers conferred by clause (a) of subsection (1) of section 9 of the Indian Stamp Act, 1899, (Act No. II of 1899), the Governor of Himachal Pradesh is pleased to remit the entire stamp duty chargeable under the said Act on the instruments of inter-se-agreements executed by the Self Help Groups for loans upto Rs. 10.00 Lakh (Rs. Ten Lacs) only obtained from the Cooperative, Nationalised and Private Banks licensed by the Reserve Bank of India from the date of publication of this notification in the Rajpatra, Himachal Pradesh in the State of Himachal Pradesh.

By order,
TARUN SHRIDHAR,
Addl. Chief Secy. (Revenue).

[Authoritative English Text of the Notification No. Rev.Stamp(A)4-1/2011 dated 06/8/2015 as required under Article 348(3) of the constitution of India.]

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 6th August, 2015

No. Rev. Stamp(A)4-1/2011.—In exercise of the powers conferred upon him by sections 78 and 79 of the Registration Act, 1908 (XVI of 1908), the Governor, Himachal Pradesh is pleased to order that after the existing item D(vi)(a) of Article 1 of the Table of Registration Fees annexed to this department Notification No. Rev. 1-9(Stamp) 3/79/2010-II, dated 12th January, 2012, published in the Rajpatra, Himachal Pradesh on 27th January, 2012, the following new item shall be added/inserted with effect from the date of publication of this notification in the Rajpatra, Himachal Pradesh, namely:—

“D(vi)(b) A fee of Rs. 10/-(Rupees ten) only shall be charged for any instrument of hypothecation i.e mortgage without possession executed by the Bonafide Himachali students in respect of education loans subject to a maximum of Rs. 7.50 lacs. (Rupees seven lakh & fifty thousand) only obtained by them from Co-operative, Nationalised and Private Banks licensed by Reserve Bank of India in the State of Himachal Pradesh”.

By order,
TARUN SHRIDHAR,
Addl. Chief Secy. (Revenue).

[Authoritative English Text of the Notification No. Rev. Stamp(A)4-1/2011 dated 06/8/ 2015 as required under Article 348(3) of the constitution of India.]

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 6th August, 2015

No. Rev. Stamp(A)4-1/2011.—In exercise of the powers conferred upon him by sections 78 and 79 of the Registration Act, 1908 (XVI of 1908), the Governor, Himachal Pradesh is pleased to order that after the existing item D(vi)(b) of Article 1 of the Table of Registration Fees annexed to this department Notification No. Rev. 1-9(Stamp) 3/79/2010-II, dated 12th January, 2012, published in the Rajpatra, Himachal Pradesh on 27th January, 2012, the following new item shall be inserted/added with effect from the date of publication of this notification in the Rajpatra, Himachal Pradesh, namely:—

“D(vi)(c) A fee of Rs. 10/-(Rupees ten) only shall be charged on instruments of inter-se agreements executed by the Self Help Groups for loans upto Rs. 10.00 Lakh (Rs. Ten Lacs) only obtained from the Cooperative, Nationalized and Private Banks licensed by the Reserve Bank of India in the State of Himachal Pradesh”.

By order,
TARUN SHRIDHAR,
Addl. Chief Secy. (Revenue).

[Authoritative English Text of the Notification No. Rev. 1-3(Stamp)6/80-II dated 05/12/ 2015 as required under Article 348(3) of the constitution of India.]

REVENUE DEPARTMENT
(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 05th December, 2015

No. Rev.1-3(Stamp)6/80-II.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (Act No. II of 1899), the Governor of Himachal Pradesh is pleased to remit the entire stamp duty chargeable under the said Act in favour of all 41 cases for restoration of mortgaged/auctioned land to the borrower members i.e. farmers on clearance of the entire due amount to the bank on the instruments of conveyance/Sale deed executed in favour of the following farmers with effect from the date of its publication in the Rajpatra (e-Gazette), Himachal Pradesh :-

Sr. No.	Loan No.	LP A/c No.	Name of the Distt.	Name & Address of the party	Area of land	Loan Advd.	Year of Advt.	Purpose
1.	DYS- 192	LP-58	Shimla	Sh Mustafa S/o roshan Deen	4b-03b	6000	1990	D.Dev
2.	STO-19	LP-68	Shimla	Sh Ramia S/o Mohia	11b-12b	400000	1999	S.T.O
3.	MRSTO-20	LP-2	Shimla	Sh Mohan Lal S/o Kahan Chand	9b-11b	600000	1999	S.T.O
4.	STO-10	LP-9	Shimla	Sh chain Ram S/o Sangat Ram	10b-03b	500000	1997	S.T.O
5.	MUSTO-23	LP-515	Shimla	Sh Gain Singh S/o Muhroo	14b-08b	550000	1998	S.T.O
6.	MUSTO-27	LP-517	Shimla	Smt Shiv Devi D/o Shiva Nand	18b-11b	540000	1998	S.T.O
7.	MUNF-193	LP-536	Shimla	Sh Vidya Nand S/o thakur Dass	4b-15b	100000	1997	N.F.S
8.	MUDD-127	LP-548	Shimla	Sh Ramesh Chand S/o Krishan Lal	1b-3b	50000	1997	D.Dev
9.	MUNF-39	LP-43	Shimla	Smt Ram Rakhi W/o Ram Asra	2b-19b	40000	1998	N.F.S
10.	STO-12	LP-5	Shimla	Sh Sohan Singh S/o Kaunl Ram	17b-15b	350000	1997	S.T.O
11.	STO-19	LP-7	Shimla	Sh Kewal Ram S/o Jhanta	39b-06b	425000	1998	S.T.O
12.	MTNF-52	LP-16	Shimla	Smt Begi Devi D/o Kanshi Ram	8b-16b	80000	1997	N.F.S
13.	NF-194	LP-12	Shimla	Sh Sanjeev Justa etc. S/o Jagat Ram	14b-18b	1000000	1995	N.F.S
14.	SSTO-56	LP-12	Shimla	Sh Nek Ram etc, S/o Mathu Ram	11b-08b	450000	2003	S.T.O
15.	SMF-5	LP-2	Shimla	Sh Arun Chauhan & Renu Chauhan	16b-17b	1500000	1999	Mushroom
16.	SDD-236		Shimla	Sh Ram Krishan S/o Umed Ram	16b-16b	300000	2003	Dairy Dev.
17.	STO-2	LP-2	Solan	Sh Rajinder Thakur etc, S/o Hari Dass	18b-12b	450000	1997	S.T.O
18.	STO-17	LP-4	Solan	Sh Lal Chand S/o Babu Ram	17b-09b	550000	1999	S.T.O

19.	STO-34	LP-5	Solan	Sh Khem Chand S/o Surat Ram	24b-11b	700000	2002	S.T.O
20.	STO-8	LP-6	Solan	Sh Daulat Ram S/o Naratu	11b-16b	350000	1998	S.T.O
21.	NL-20	LP-07	Solan	Sh Ramesh Kumar S/o Guljari Lal	19b-03b	40000	1999	L. Dev.
22.	DD-56	LP-10	Solan	Sh Devi Ram S/o Dhayala	10b-09b	100000	2001	D.Dev
23.	CH-13	LP-1	Solan	Sh Rajinder Singh S/o Balak Ram	5b-8b-07b	250000	2003	C.H.S
24.	CH-78	LP-3	Solan	Smt Mamta Devi D/o Kamla	9b-3b-0b	400000	2006	C.H.S
25.	NF-13	LP-5	Solan	Sh Amar Singh S/o Garru Ram	05b-0b-0b	150000	2003	N.F.S
26.	ASSTO-155	LP-19	Mandi	Sh Gandhi & Fagnoo S/o Karmoo	17b-13b- 16b	340000	1998	S.T.O
27.	ASSTO-32	LP-23	Mandi	Sh goverdhan S/o Dumnoo	8b-06b-12b	300000	1995	S.T.O
28.	AJSTO-102	LP-1	Mandi	Sh Lakhu Ram S/o Nota Ram	18b-05b- 01b	280000	1999	S.T.O
29.	ATSTO-35	LP-4	Mandi	Sh Suresh Kumar S/o Kashmir Singh	20b-17b	500000	1998	S.T.O
30.	ATNF-93	LP-5	Mandi	Sh Luder Singh S/o Chartu	7b-02b	300000	1998	N.F.S
31.	ATSTO-58	LP-7	Mandi	Sh Nathu Ram S/o Jagat Ram	15b-18b	350000	1999	S.T.O
32.	ATSTO-74	LP-20	Mandi	Sh Sheru S/o Arjun	26b-04b	300000	1998	S.T.O
33.	AMSTO-168	LP-8	Mandi	Smt Jai Devi D/o Dalip Singh	10b-11b- 13b	500000	2001	S.T.O
34.	AMSTO-198	LP-5	Mandi	Sh Bhoop Singh S/o Kanhiya Lal	20b-10b- 07b	500000	1997	S.T.O
35.	AMNFS-360	LP-9	Mandi	Sh Laxmi Kumar S/o Narpat Ram	23b-09b- 04b	800000	1996	N.F.S
36.	CNF-70	LP-1	Chamba	Sh Desh Raj S/o Jagta	11b-19b- 08b	600000	1997	N.F.S
37.	DY-137	LP-2	Chamba	Sh Karam Chand S/o Thuniya	5b-4b-0b	50000	1997	D.Dev
38.	BNF-7	LP-4	Bilaspur	Sh Madan Lal etc, S/o Barastu	13b-10b	35000	1995	N.F.S
39.	DRTI-72	LP-15	Sirmour	Sh Dalip Singh S/o Mohi Ram	26b-16b	30000	1996	R.Irri.
40.	KBSTO-4	LP-1	Kullu	Sh Uttam Ram S/o Daulat Ram	21b-12b	280000	1996	S.T.O
41.	KBSTO-27	LP-2	Kullu	Sh Legan Chand S/o Gauttam Dass	10b-09b	300000	2003	S.T.O
Total					582b-19b	35107588		

By order,
TARUN SHRIDHAR,
Addl. Chief Secy. (Revenue).

REVENUE DEPARTMENT**(Stamp-Registration)****CORRIGENDUM**Shimla-171002, the 22nd March, 2016

No. Rev. 1-3(stamp)6/80-II.—In partial modification of notification of even number dated 05-12-2015, in the line 9 and 10 of page-1 of the notification for “in favour of all 41 cases” may be read as “ in favour of all such cases of farmers in general”.

By order,
(Tarun Shridhar),
Addl. Chief Secy. (Revenue).

[Authoritative English Text of the Notification No. Rev.1-3(Stamp)6/79-IV dated 22/3/2016 as required under Article 348(3) of the Constitution of India].

REVENUE DEPARTMENT**(Stamp-Registration)****NOTIFICATION**Shimla-171002, the 22nd March, 2016

No. Rev.1-3(Stamp)6/79-IV.—In exercise of the powers conferred by sections 78 and 79 of the Registration Act, 1908 (XVI of 1908), as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to order that in Article-1 of the Table of Registration Fees, annexed to this department Notification No. Rev. 1-9 (stamp)3/79/2010-II, dated 12th January, 2012, published in the Rajpatra, Himachal Pradesh on 27th January, 2012, against column(A), below the Rates of Registration Fee the following proviso shall be inserted, with effect from the date of publication of this notification in the Rajpatra (e-Gazette), Himachal Pradesh, namely:-

“Provided that a fee of Rs. 10/- (Rupees ten) only shall be charged on an instrument of gift deed executed by any individual in favour of the Urban Local Bodies and Panchayats in public interest, falling within the limits of the Town and Country Planning areas, in the State of Himachal Pradesh.”.

By order,
(Tarun Shridhar),
Addl. Chief Secy. (Revenue)

[Authoritative English Text of the Notification No. Rev.1-3(Stamp)6/79-IV dated 22/3/2016 as required under Article 348(3) of the Constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, the 22nd March, 2016

No. Rev.1-3(Stamp)6/79-IV.—In exercise of the powers conferred by clause (a) of subsection (1) of section 9 of the Indian Stamp Act, 1899 (Act No. II of 1899), as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to remit the entire stamp duty, chargeable under the said Act, in respect of an instrument of gift deed executed by any individual in favour of the Urban Local Bodies and Panchayats in public interest, falling within the limits of the Town and Country Planning areas, with effect from the date of publication of this Notification in the Rajpatra (e-Gazette), Himachal Pradesh.

By order,
(Tarun Shridhar),
Addl. Chief Secy. (Revenue).

[Authoritative English Text of this Department Notification No. Rev. Stamp(F)1-1/2005-IV dated 21/06/2016 as required under Article 348(3) of the constitution of India.]

REVENUE DEPARTMENT

(Stamp-Registration)

ORDER

Shimla-171002, the 21st June, 2016

No.Rev.Stamp(F)1-1/2005-IV.—In exercise of the powers conferred by section 9 of the Indian Stamp Act, 1899 (Act No. II of 1899), as applicable to State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to order to reduce the Stamp Duty from 4% to 3% in favour of women for registration of built up house for residential purpose on instruments of conveyance, where the conveyance amounts to sale of immovable property and gift deed from the date of its publication in the Rajpatra (e-Gazette), Himachal Pradesh.

By order,
(TARUN SHRIDHAR),
Addl. Chief Secy. (Revenue).

[Authoritative English Text of the Notification No. Rev. 1-3 (Stamp)6/80-III dated 17-04-2017 as required under Article 348(3) of the constitution of India.]

REVENUE DEPARTMENT

(Stamp-Registration)

ORDER

Shimla-171002, the 17th April, 2017

No. Rev. 1-3(Stamp)6/80-III.—In exercise of the powers conferred upon him by sections 78 and 79 of the Registration Act, 1908 (XVI of 1908), as applicable to the State of Himachal Pradesh, the Governor, Himachal Pradesh is pleased to order that a fee of ` 10/- (Rupees ten) shall be charged on the instrument of lease deed executed between the Horticulture Department and the Punjab National Bank, Circle Office Shimla vide which 10 bighas of land was leased out by the Horticulture Department in favour of the above said Bank on lease rent of ` 1 per annum for the 99 years for establishment of the Farmers Training Centre (FTC) at Sunni, District Shimla (H.P) with effect from the date of publication of this order in the Rajpatra (e-Gazette), Himachal Pradesh.

By order,
(TARUN SHRIDHAR),
Addl. Chief Secy. (Revenue).

[Authoritative English Text of the Notification No. Rev.1- 3(Stamp)6/80-III dated 17-04-2017 as required under Article 348(3) of the constitution of India.]

REVENUE DEPARTMENT

(Stamp-Registration)

ORDER

Shimla-171002, the 17th April, 2017

No. Rev. 1-3(Stamp)6/80-III.—In exercise of the powers conferred by clause (a) of subsection (1) of section 9 of the Indian Stamp Act, 1899 (Act No. II of 1899) as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to remit the stamp duty amounting to Rs. 9,95,430/- (Nine Lacs Ninety Five Thousand Four Hundred and thirty only) chargeable on the instrument of lease deed executed between Horticulture Department and Punjab National Bank, Circle Office Shimla vide which 10 bighas of land was leased out by Horticulture Department in favour of the said Bank on lease rent of Rs. 1 per annum for the 99 years for establishment of the Farmers Training Centre (FTC) at Sunni, District Shimla (H.P), with effect from the publication of this order in the Rajpatra (e-Gazette), Himachal Pradesh.

By order,
(TARUN SHRIDHAR),
Addl. Chief Secy. (Revenue).

[Authoritative English Text of this Department Notification No. Rev. (Stamp)Advice/1-2017 dated 28/09/2017 as required under clause (3) of article 348 of the constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-02, the 28th September, 2017

No.Rev.(Stamp)Advice/1-2017.—In exercise of the powers conferred by sections 78 and 79 of the Registration Act, 1908 (16 of 1908), as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to order that Article-1 of the Table of Registration Fees, Annexed to this Department Notification No. Rev. 1-9(stamp)3/79/2010-II, dated 12th January, 2012 published in the Rajpatra, Himachal Pradesh on 27th January, 2012, against Column(A), below the Rates of Registration Fee, the following proviso shall be inserted, with effect from the date of publication of this Notification in the Rajpatra (e-Gazette), Himachal Pradesh, namely:—

“Provided that registration fee shall be charged @ 1% (one percent) of the circle rate/market value of the property on instrument of conveyance deed, to grant ownership rights in favour of pre independence lease holders of Dalhousie Municipal Council, Distt. Chamba, Himachal Pradesh.”

By order,
TARUN SHRIDHAR,
Addl. Chief Secy. (Revenue).

[Authoritative English Text of this Department Notification No. Rev. (Stamp)Advice/1-2017 dated 28/09/2017 as required under clause (3) of article 348 of the constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-02, the 28th September, 2017

No. Rev.(Stamp)Advice/1-2017.—In exercise of the powers conferred by section 9 of the Indian Stamp Act, 1899 (Act No. 2 of 1899), as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to order to reduce the Stamp Duty from 6% to 3% on instrument of conveyance deed to grant ownership rights in favour of pre independence lease holders of Dalhousie Municipal Council, District Chamba, Himachal Pradesh from the date of its publication in the Rajpatra (e-Gazette), Himachal Pradesh.

By order,
TARUN SHRIDHAR,
Addl. Chief Secy. (Revenue).

REVENUE DEPARTMENT
(Stamp-Registration)
 NOTIFICATION
 Shimla-2, the 22nd March, 2018

No. Rev.Stamp(M)1/2017.—In exercise of the powers conferred by Rule 12 and 13 of the Himachal Pradesh Court Fee (e-stamping) Rules, 2015, the Chief Controlling Authority Financial Commissioner (Revenue), Government of Himachal Pradesh authorise all the stamp vendors in Himachal Pradesh, as “Authorized Collection Centres”(ACCs) of the Central Record Keeping Agency to act as an intermediary between the Central Record Keeping Agency and the court fee payer, for collection of court fee and issuing the e- Court fee certificate on the following terms and conditions:—

1. As per the Himachal Pradesh Court Fee (e-stamping) Rules, 2015, concerned Deputy Commissioner of the District on the behalf of Authorised stamp vendors shall make an agreement with the Central Record Keeping Agency i.e. the Manager, Stock Holding Corporation of India Limited (SHCIL). However, before entering into agreement, the Deputy Commissioner concerned shall call for applications from all the stamp vendors and on receipt of such applications from interested stamp vendors shall proceed to enter into the said agreement.

2. The service charges or commission or fee etc. payable to the Authorized Collection Centres shall be decided between the Central Record Keeping Agency and the Authorized Collection Centres. The Central Record Keeping Agency will decide/pay uniform commission to the stamp vendors through concerned Deputy Commissioner on monthly basis.

3. Other terms and conditions will also be applicable as per the Himachal Pradesh Court Fee (e-Stamping) Rules, 2015.

By order,
 ONKAR CHAND SHARMA,
 Principal Secretary (Revenue).

[Authoritative English text of this Department Notification No. Rev. Stamp(F)1-2/2005-Budget, dated 27-06-2018 as required under clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

ORDER

Shimla-2, the 27th June, 2018

No. Rev.Stamp(F)1-2/2005-Budget.—In exercise of the powers conferred by section 9 of the Indian Stamp Act, 1899 (Act No. 2 of 1899), as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to order to reduce the Stamp Duty from existing rate of 6% to 3% in favour of Himachali youth (Age between 18 to 35 years), who purchase private land under ‘Mukhya Mantri Swavlamban Yojna’, on instrument of conveyance deed from the date of its publication in the Rajpatra (e-Gazette), Himachal Pradesh.

By order,
 MANISHA NANDA,
 Addl. Chief Secretary (Revenue).

[Authoritative English text of this Department Notification No. Rev. Stamp(F)1-1/2005-Budget, dated 27-06 -2018 as required under clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

ORDER

Shimla-2, the 27th June, 2018

No. Rev.Stamp(F)1-1/2005-Budget.—In exercise of the powers conferred by section 9 of the Indian Stamp Act, 1899 (Act No. 2 of 1899), as applicable to the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to order to reduce the Stamp Duty from existing rate of 6% to 3% in favour of Himachali youth (Age between 18 to 35 years) who purchases land and building for starting trade or service under ‘Mukhya Mantri Yuva Ajivika Yojna’ on instrument of conveyance deed from the date of its publication in the Rajpatra (e-Gazette), Himachal Pradesh.

By order,
MANISHA NANDA,
Addl. Chief Secretary (Revenue).

[Authoritative English text of this Department Order No. Rev.Stamp(F)1-1/2005-Budget, dated 25 - 09- 2019 as required under clause (3) of Article 348 of the constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

ORDER

Shimla-02, the 25th September, 2019

No. Rev. Stamp(F)1-1/2005-Budget.—In exercise of the powers conferred by section 9 of the Indian Stamp Act, 1899 (Central Act No. 2 of 1899), as applicable in the State of Himachal Pradesh, the Governor of Himachal Pradesh is pleased to order to reduce the Stamp Duty from existing rate of 6% to 3% in favour of Himachali youth of the age between 18 and 45 years, who purchases private land under the Mukhya Mantri Swavlamban Yojna, 2019, on the instrument of conveyance deed from the date of publication of this order in the Rajpatra (e-Gazette), Himachal Pradesh. This scheme has already been notified by the Department of Industries vide Notification No. Ind.A(F)2-1/2018-Loose, dated 23rd February, 2019, by merging two schemes i.e. “Mukhya Mantri Swavlamban Yojna, 2018” and “Mukhya Mantri Yuva Ajivika Yojna, 2018”.

By order,
ONKAR CHAND SHARMA,
Principal Secretary. (Revenue).

[Authoritative English Text of this Department Notification No. Rev. Stamp (F)6-1/2009-IV, dated 27-02-2020 as required under clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171 002, the 27th February, 2020

No. Rev. Stamp (F)6-1/2009-IV.—In exercise of the powers conferred by Section 75 read with Section 47-A of the Indian Stamp Act, 1899 (Act No. 2 of 1899), the Governor of Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Stamp (Prevention of Undervaluation of Instruments) Rules, 1992, notified vide Government notification No. Rev.1- 2(Stamp)1/87-Vol-I, dated 26-06-1992, published in the Rajpatra, Himachal Pradesh on 20-07-1992, namely:—

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh Stamp (Prevention of Undervaluation of Instruments) Amendment Rules, 2020.

(2) These rules shall come into force from the date of their publication of this notification in the Rajpatra (e-Gazette), Himachal Pradesh.

2. Amendment of rule 4.—In rule 4 of the Himachal Pradesh Stamp (Prevention of Undervaluation of Instruments) Rules, 1992, for clause (c) the following shall be substituted, namely:—

“(c). In the case of buildings.—

- (i) type of structure;
- (ii) locality in which constructed;
- (iii) plinth area;
- (iv) year of construction;
- (v) kind of material used;
- (vi) rate of depreciation;
- (vii) fluctuation in rates;
- (viii) any other features that have a bearing on the value;
- (ix) local rates, municipal or other taxes to which such building may be subject and valuation of building with reference to taxation records of local authority concerned;
- (x) the purpose for which the building is being used and the income, if any, by way of rent per annum secured on the building; and
- (xi) any special feature of the case represented by the parties.”

By order,
ONKAR CHAND SHARMA,
Principal Secy. (Revenue).

[Authoritative English Text of this Department Notification No. Rev.Stamp(F)6-1/2009-IV, dated 22 -05- 2020 as required under clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171002, 22nd May, 2020

No. Rev.Stamp(F)6-1/2009-III.—In supersession of this department notification number Rev.Stamp(F)6-1/2009-II dated 12-01-2016, the Governor of Himachal Pradesh is pleased to substitute the existing note appended to Appendix-XXI of the H.P Land Record Manual, 1992, as follows, namely:—

(A) Fixation of Market Value/Circle Rates in Rural and Urban Areas:-

I. Classification of land for valuation: There will be two categories of land depending upon its location from any road in the Revenue Estate/Sub-Estate, as follows:—

- (i) Land, within the distance upto 100 Mtrs. from any road in the Revenue Estate/SubEstate;
- (ii) Land, situated beyond 100 meters from any road in the Revenue Estate/Sub-Estates.

II. Categories of Roads.—The roads in any Revenue Estate/Sub-Estate may be categorised as :—

- (i) National Highway,
- (ii) State Highway and
- (iii) Other Roads.

III. Market Value/Circle rates of land shall be fixed per square meter in the following manner.—Market value/circle rates shall be determined on the basis of “Weighted Average” to be calculated separately for both categories of land i.e. upto 100 meters and beyond 100 meters from road side, for each year, in respect of each and every revenue estate/sub-estate. The “Weighted Average” so determined shall be the market value/circle rate of such revenue estate/sub-estate.

“**Weighted Average**”, means the total consideration amount involved in land transactions taken place in a particular revenue estate/sub-estate, in a particular year, divided by total area (in square meters), involved in such transactions, excluding small transactions.

“**Small Transactions**” means transactions.—

- (i) Below 5 biswas, in urban areas;
- (ii) Below 10 biswas, in rural areas.

Explanations.—Where the land to be transferred is located between the two roads of different specification, the distance from nearest road shall be taken into consideration. In case it is situated at equal distance, in that eventuality, the distance from superior specification of road shall be taken into consideration—

- (a) In case, no transaction has taken place in any revenue estate/sub-estate, the circle rate/value of similarly situated/located adjoining estate/sub-estate, shall be taken into consideration for calculating circle rates/average value of that estate.
- (b) In case land proposed to be transferred is partly within 100 meters from the road and partly beyond 100 meters, in that case stamp duty and registration fee shall be charged proportionately.
- (c) Similarly, where a share or part thereof is being transferred from joint holding, in that case the Stamp duty and Registration fee shall be charged on the basis of Market Value/Circle rate of nearest part of land in that joint holding, from the road.

IV. Authority Competent to notify Market Value/Circle Rates,—The Sub-Divisional Officer (Civil) shall be competent to notify Market Value/Circle rates of land for each revenue estate/sub-estate in their respective jurisdiction. Such rates shall be fixed and notified for each financial year, on the basis of information supplied by the Tehsildars/Naib-Tehsildars. The Tehsildars/Naib Tehsildars will generate the information on the basis of deeds executed/available in their respective offices.

Since, the rates will be required to be notified on or before 31st March of every year which will remain applicable for the ensuing financial i.e. w.e.f. 1st April of the year to 31 March of the next year, the transactions taken place with effect from 1st March to last day of February of subsequent calendar year, shall be taken into consideration for calculation of “Weighted Average”.

Provided that concerned District Collector shall monitor and ensure that market value/circle rates are notified by each and every Sub-Divisional Officers (Civil) well within the time.

(B) Procedure for identifying category of land for a special transaction.

The purchaser as well as seller will be required to file an affidavit stating the distance of the relevant land or holding from a State Highway and National Highway or Other Road in the case of a rural area or from relevant class of Road in the urban area. This will be the basis for the rate to be used for stamp duty calculation:

Provided that where the information in affidavit is subsequently found false, then a penalty up to 50% of the applicable stamp duty/registration shall be levied from purchaser as well as seller in addition to differential amount of stamp duty and registration fee payable for that land. Further, the defaulters shall be liable for criminal action as per provisions of law. The balance applicable duty and fee as well as the penalty, shall be recovered from the transferor and transferee as an arrear of land revenue, if so required.

By order,
ONKAR CHAND SHARMA,
Principal Secy. (Revenue).

[Authoritative English text of this Department Notification No. Stamp(F)1-1/2005 dated 3rd June, 2020, as required under clause (3) of Article 348 of the constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-2, the 3rd June, 2020

No. Stamp(F)1-1/2005.—In exercise of the powers conferred by Sections 78 and 79 of the Registration Act, 1908 (16 of 1908) as applicable to the State of Himachal Pradesh the Governor, Himachal Pradesh, is pleased to add the following proviso below item Nos. (A) & (C) of “Article 1- For the registration of documents” as specified below “TABLE OF REGISTRATION FEES”, as notified vide notification No.Rev.1-9(Stamp)3/79/2010-II, dated 12-01-2012 and published in the Rajpatra, Himachal Pradesh, dated 27-01- 2012, namely :—

“Provided that registration fee shall be charged @50%, 30% & 10% in favour of Micro Small & Medium Enterprises (MSME) and @50%, 30% & 20% in favour of Large Enterprises as well as Anchor Enterprises in category ‘A’, ‘B’ & ‘C’ Areas respectively as per the provisions of 7(III)(i), 8(II)(i) & 10(III) of the Himachal Pradesh Industrial Investment Policy, 2019 which was notified by the Industries Department vide notification Ind-A(F)2-2/2-2019-I, dated 16th August, 2019.”

By order,
(ONKAR CHAND SHARMA),
F.C.-cum-Principal Secretary (Revenue).

[Authoritative English text of this Department Order No. Stamp(F)1-1/2005 dated 3rd June, 2020, as required under clause (3) of Article 348 of the constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

Order

Shimla-2, the 3rd June, 2020

No.Stamp(F)1-1/2005.— In supersession of earlier Order No.Rev.1-2(Stamp)1/87-I, dated 13-08-2014, published in the Rajpatra, Himachal Pradesh, dated 14-08-2014, the Governor of Himachal Pradesh in exercise of the powers conferred by Section 9 of the Indian Stamp Act, 1899 (Central Act, 2 of 1899) as applicable in the State of Himachal Pradesh, is pleased to order to reduce the stamp duty from the rate of general stamp duty as specified in the Schedule I-A appended to the Indian Stamp (Himachal Pradesh Amendment) Act, 2012 to @ 50%, 70% & 90% in favour of Micro Small & Medium Enterprises (MSME) and @50%, 70% & 80% in favour of Large Enterprises as well as Anchor Enterprises in category ‘A’, ‘B’ & ‘C’ Areas respectively as per the provisions of 7(III)(i), 8(II)(i) & 10(III) of the Himachal Pradesh Industrial Investment Policy, 2019 which was notified by the Industries Department vide notification Ind-A(F)2-2/2-2019-I, dated 16th August, 2019, on the instruments of conveyance deed and lease deed in the State from the date of publication of this order in the Rajpatra (e-Gazette), Himachal Pradesh.

By order,
(ONKAR CHAND SHARMA),
F.C.-cum-Principal Secretary (Revenue).

REVENUE DEPARTMENT**(Stamp-Registration).**

NOTIFICATION

Shimla-02, the 21st August, 2020

No. Rev.Stamp(F)6-3/2004.—In exercise of the powers conferred by rule 7(5) of the Indian Stamp (Collection of Stamp-Duty through Stock Exchanges, Clearing Corporations and Depositories) Rules, 2019, the Governor of Himachal Pradesh is pleased to appoint the Divisional Commissioner, Shimla Division, Himachal Pradesh as nodal officer for all official communications with the Principal Officers for purposes of collection of stamp duty in accordance with these rules on behalf of the State of Himachal Pradesh.

By order,
ONKAR CHAND SHARMA,
Principal Secy. (Revenue).

[Authoritative English Text of This Government Notification No. Rev. Stamp (F) 6-1/2009-III-Loose, dated 29 / 11 / 2021 as required under Article 348 (3) of the Constitution of India].

REVENUE DEPARTMENT**(Stamp-Registration)**

NOTIFICATION

Shimla-2, the 29th November, 2021

No.Rev.Stamp(F)6-1/2009-III-Loose.—The Governor, of Himachal Pradesh is pleased to amend the clause (B) of the Notification Rev. Stamp (F) 6-1/2009-III, dated 22-05-2020 as published in the Rajpatra (e-Gazette) H.P. on 22-05-2020, as follows:—

After proviso of clause (B) the following para shall be inserted:—

“In addition to affidavit a distance certificate issued by concerned Village Revenue Officer/Patwari shall be essential document to ascertain the applicable circle rate for property registration in a deed of sale/conveyance, lease, gift, sale certificate, mortgage with possession or other similar kind of deeds before the Sub- Registrar. The Village Revenue Officer/Patwari shall issue the distance certificate by scaling the distance of property from the road on Revenue map (Momi/Latha) and shall also describe relevant class of the road. Where the road is not reflected on the existing revenue map he shall visit the spot for the purpose.”

By order,
Sd/-
(ONKAR CHAND SHARMA),
Principal Secretary (Revenue).

[Authoritative English text of this Government Notification No. Rev. Stamp (F) 6-1/2020, dated 09th December, 2021 as required under Article 348 (3) of the Constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-2, the 09th December, 2021

No. Rev. Stamp (F) 6-1/2020.—In exercise of the powers conferred by Section 9 of the Indian Stamp Act, 1899 (Central Act No. 2 of 1899) as applicable in the State of Himachal Pradesh, the Governor of Himachal Pradesh, is pleased to reduce the Stamp Duty from minimum applicable rate of Rs. 100/- to Rs. 10/- (Rupees ten) to be charged on the instruments of hypothecation agreements for the loans sanctioned to the Street- Vendors, Rehriwala etc. under PM SVA Nidhi Scheme applicable in Urban Area.

By order,

Sd/-

(ONKAR CHAND SHARMA),
Principal Secretary(Revenue).

[Authoritative English Text of this Department Notification No. Rev.1-3 (Stamp) 7/80-V, dated 10-05-2023 as required under clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

(Stamp-Registration)

NOTIFICATION

Shimla-171 002, the 10th May, 2023

No. Rev.1-3(Stamp)7/80-V.—In exercise of the powers conferred by Section 42 of the Himachal Pradesh Court Fees Act, 1968 (State Act No. 8 of 1968), the Governor, Himachal Pradesh is pleased to enhance the following fees chargeable under “THE SECOND SCHEDULE” of the Act *ibid.*, with immediate effect, namely:—

- (A) At serial number 1,—
- (i) Against clause (a), in column number 3 for the words “Two rupees”, the words “Twenty rupees” shall be substituted; and
 - (ii) Against clauses (b) and (c), in column number 3 for the words “Six rupees”, the words “Twenty rupees” shall be substituted;
- (B) At serial number 8,—
- (i) Against clauses (a) and (b), in column number 3 for the words “Thirteen rupees”, the words “Twenty rupees” shall be substituted; and
 - (ii) Against clause (c), in column number 3 for the words “Thirteen rupees”, the words “Twenty rupees” shall be substituted; and
- (C) At serial number 9, against clause (a) in column number 3 for the words “Six rupees”, the words “Twenty rupees” Shall be substituted.

By order,

ONKAR CHAND SHARMA,
Pr. Secretary (Revenue).

[Authoritative English text of this Department Notification No. Rev. Stamp (F) 2-5/2020, dated 07-06-2023 as required under Article 348 (3) of the Constitution of India].

REVENUE DEPARTMENT
(Stamp-Registration)
NOTIFICATION
Shimla-171002, the 7th June, 2023

No. Rev. Stamp (F)2-5/2020.—In exercise of the powers conferred by Sections 10, 74 and 75 of the Indian Stamp Act, 1899 (Act No. 2 of 1899), the Governor of Himachal Pradesh is pleased to make the following rules to amend the Himachal Pradesh e-Stamping Rules, 2011” notified vide notification No. Rev.1-3(Stamp)-1/85-VI, dated 12th July, 2011 and published in the Rajpatra, Himachal Pradesh, dated 18-07-2011, namely:—

1. Short title and commencement.—(1) These rules may be called The Himachal Pradesh e-Stamping (Amendment) Rules, 2023.

(2) These rules shall come into force from the date of publication in Rajpatra (e-gazette) Himachal Pradesh.

2. Amendment of rule 13.—In rule 13 of the Himachal Pradesh e-Stamping Rules 2011 after the words “Such other agencies”, the words “or persons” shall be inserted.

By order,
Sd/-
(ONKAR CHAND SHARMA)
Pr. Secretary (Revenue).

[Authoritative English Text of this Department Notification No. Rev. Stamp (F) 2-5/2020, dated 07-06-2023 as required under Article 348 (3) of the Constitution of India].

REVENUE DEPARTMENT
(Stamp-Registration)
NOTIFICATION
Shimla-171002, the 7th June, 2023

No. Rev. Stamp (F)2-5/2020.—In exercise of the powers conferred by Sections 74 of the Indian Stamp Act, 1899 (Act No. 2 of 1899), and Section 41 of the Himachal Pradesh Court Fee Act, 1968 (Act No. 8 of 1968) and under the authority derived from the rules made by the Government of India for supply and distribution of stamps, the Governor of Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Stamp Rules, 1973 notified vide notification No. 17-3/6-Rev.1 dated 29th March, 1974, namely:—

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh e-Stamping (Amendment) Rules, 2023.

(2) These Rules shall come into force from the date of publication in Rajpatra (e-gazette) Himachal Pradesh.

2. Amendment of rule 26 and 28.—In rule 26 and 28 of the Himachal Pradesh Stamp Rules, 1973, for the figures and sign “20,000” wherever it occurs, the figures and signs “2,00,000” shall be substituted.

By order,
(ONKAR CHAND SHARMA),
Pr. Secretary (Revenue).

No. Revenue 1-2(Stamp)-3/94-IV
 Government of Himachal Pradesh.
 Department of Revenue (Steamp-Regn.)

From

F.C.-cum-Secretary (Revenue) to the
 Government of Himachal Pradesh.

To

The Accountant General (Audit),
 Himachal Pradesh, Shimla-1710003.

Dated : Shimla-171002, the 05.03.2004

Sub:- Clarification with regard to the exemption from the payment of registration fee on loans/deeds executed in favour of the Himachal Pradesh State Cooperative Agricultural and Rural Development Bank by any of its officers or members.

Sir,

In continuation to this department clarification dated 19.12.2003 on the subject cited above, I am directed to further clarify that under section 3 of the Agricultural and Rural Development Bank Act. the Bank can provide loans for the purposes mentioned under the sub section (i) to (iv) of the said Act. Further, under clause (n) of explanation (2) of the said section, the Registrar Coop. Societies is empowered to declare other purposes as the improvement of productive purposes for the purposes of the Act with a prior approval of the Board of Directors.

The Further purposes have been declared as improvement or productive purposes under the aforementioned provision.

1)

- (i) Purchase of machinery for processing of agricultural or horticulture produce.
- (ii) Animal Husbandry and dairy farming such as purchase of milch Cattle, rearing or cross breed female cattle, cattle breeding sheep & goat rearing, piggery, poultry, farmings and purchases of draught bullocks.
- (iii) Forestry.
- (iv) Pisciculture including development of fisheries, catching of fish and activities connected therewith or incidental thereto.
- (v) Sericulture or Apiculture.
- (vi) Marketing storage including rural ware-house, godowns and cold storage and transport of agricultural, horticultural, cottage and industrial products and acquisition or implements and machineries in connection with such activities including animals driven carts.
- (vii) Market yard for agriculture produce.
- (viii) Gobar Gas plants.
- (ix) For working capital or production credit to borrowers of investment credit.
- (x) For setting up of cottage and Village industries.

‘A’ (Approved vide letter No. 10-188/71-Coop. (C&M) dated 26th June, 1985)

- 2) “Purchase of machinery/equipments, like excavators, dumpers, cranes, mixer, Tippers and dosers etc. for use in road construction and leveling of agricultural land”.
- ‘B’ (Approved vide letter No. 5-7/97-Coop. (C&M) dated 16th July, 1998).
3. Rural, Housing Loan Scheme (i.e. constructions of Rural Houses and Repair or Rural Houses.
- ‘C’ (Approved vide letter No. 5-7/97-Coop. (C&M) dated 18th September, 2002).

Therefore, it is clarified that the audit objections should not be raised on the above said purposes in addition to these specified in Section 3 of the Act *ibid*.

Yours faithfully,

-sd-

Joint Secretary(Revenue) to the
Government of Himachal Pradesh.

Endst. No. As above. Dated: Shimla-2, the 05.03.2004.

1. The Inspector General of Registration, H.P. Shimla-9.
2. All the Registrars (Deputy Commissioners) in Himachal Pradesh.
3. All the Sub-Registrar (Tehsildars/Naib Tehsildar) in Himachal Pradesh.
4. The Managing Director, H.P. State Coop. Agricultural & Rural Development Bank Ltd., Kasumpti, Shimla-171009 w.r.t. his reference No. SARDB/Estt./2003-5676, dated 30.12.2003.

-sd-

Joint Secretary(Revenue) to the
Government of Himachal Pradesh.

No. Rev.B.A.(3)-3/2003-II
 Government of Himachal Pradesh.
 Department of Revenue.

From

F.C.-cum-Principal Secretary (Revenue) to the
 Government of Himachal Pradesh.

To

1. The Divisional Commissioner,
 Shimla/Mandi/Kangra at Dharamshala, H.P.
2. The Director,
 Land Records, Himachal Pradesh.
3. All the Deputy Commissioners
 in Himachal Pradesh.
4. The Settlement Officer,
 Kangra and Shimla.
5. All the Sub-Divisional Officer (Civil)
 in Himachal Pradesh.
6. All Tehsildars/Naib Tehsildars
 in Himachal Pradesh.

Dated : Shimla-171002, the 03-01-2009.

Sub:- Instructions for strict compliance of provisions of Section 16(C) of the H.P. Town and Country Planning Act, 1977.

Sir,

I am directed to say that Section 16 (C) of the Himachal Pradesh Town and Country Planning Act, 1977 provides that no Registrar or the Sub-Registrar appointed under the Indian Registration Act, 1908, shall in any planning area constituted under section 13 of the H.P. TCP Act, 1977 register any deed or document of transfer of any sub-division of land by way of sale, gift, exchange, lease or mortgage with possession, unless the sub-division of land is duly approved by the Director, Town and Country Planning subject to such rules as may be framed in this behalf by the State Government.

The Department of Town and Country Planning has brought to the notice of the Government that the provisions of H.P. TCP Act, 1977 are not being implemented by the Registrar or Sub-Registrar in the State defeating the very purpose of incorporating of Section 16 (C), resulting in unplanned and haphazard construction in various Planning/Special Areas throughout the State.

It is, therefore, directed that in order to avoid unplanned and haphazard construction in the State and to ensure planned sub-division of land in order to provide basic amenities such as roads, path, sanitation etc. the provisions of Section 16 (C) of H.P. Town and Country Planning Act, 1977 be implemented strictly to achieve the very objective behind its enactment. The Registrar or

Sub-Registrar will be liable for action in case the provisions of Act, ibid are not implemented in letter and spirit.

All the Divisional Commissioners and the Director, Land Records are directed to ensure strict compliance of these instructions in letter and spirit.

The receipt of this communication be acknowledged.

Yours faithfully,

-sd-

Joint Secretary(Revenue) to the
Government of Himachal Pradesh.

Endst. No. As above. Dated: Shimla-2, the 3rd January, 2009.

Copy forwarded to the Principal Secretary (UD, TCP and Housing) to the Government of Himachal Pradesh, Shimla-2 with reference to her D.O. letter No. TCP(A)(4)1/2007, dated 27th September, 2008 for information.

-sd-

Joint Secretary(Revenue) to the
Government of Himachal Pradesh.

No. Rev.(LR)IGR-A(5)/2/2009-9484

From

Inspector General of Registration,
28, SDA Complex, Shimla-171009.

To

The Settlement Officer,
Shimla, Division Shimla, H.P.

Dated Shimla-171009

22nd November, 2010.

Subject:- Regarding provisions of Registration Act in case of exchange of land with built up structure on it-clarification thereof.

Sir,

Please refer to your letter No. Rev./ST/SML/Peshi/1-140/08-5088 dated 18th October, 2010 on the subject cited above. In this behalf it is stated that under Section 118 of the Transfer of Property Act, 1882, the term of “exchange” has been defined as follows:-

“When two persons mutually transfer the ownership of one thing for the ownership of another, neither things nor both things being money only, the transaction is called an exchange”

Further, Section 17 of the Registration Act, 1908, relating to the ‘documents of which registration is required compulsory’ clarifies the ‘exchange’ as under:-

Section 118 of the Transfer of Property Act, 1882, refers to cases where two persons owning two specific properties transfer or convey their respective ownership to each other. Where the property alleged to be conveyed by a deed of exchange is more than Rs. 100 in value, until the deed of exchange is registered it cannot affect any property nor can it be received in evidence of any transaction affecting immovable property.

A transfer of property in consideration of forbearance to sue is not an exchange because a right to sue or to take proceedings cannot be the subject of ownership. Where certain joint owners of certain property make an oral arrangement with the owner of a different property for mutual transfer of ownership it is a case of exchange which is not valid without registration. If part of the consideration given by the vendee is proprietary interest in land and part is cash consideration, the transaction is that of exchange. Where a house worth Rs. 1500 is exchanged for land worth Rs. 500, the transaction is one of exchange.

It has further been clarified that a deed of exchange relating to immovable property of the value to Rs. 100/- or more requires registration. But the entry in the ‘*roznamcha*’ by a *Patwari* of the oral exchange reported to him by the parties is not a deed of exchange and an unregistered deed of exchange of properties though accompanied by delivery of possession does not create title against each other.

As per Article 31 of Indian Stamp Act, 1899, stamp duty @ 3% of the value of the property of greatest value as set forth in such instrument and in addition to that registration fee @2% of the same value (maximum of Rs. 25,000/-) is required to be levied in the Deed of Exchnage.

You are therefore, requested to proceed further in the matter accordingly.

Yours faithfully,

-sd-

Inspector General of Registration,
H.P. Shimla-171009.

No. 10-10/70-Rev.Stamp(Vol.-IV)
Government of Himachal Pradesh
Department of Revenue (Stamp-Regn.)

To

All the Registrars and
Sub-Registrars in Himachal Pradesh.

Dated 25.06.2011.

Subject:- Registration of documents, identification of parties thereof.

Sir,

It is being noticed that some of the Registering Authorities in the State are insisting on the presence of either nambardars or Advocates for identification of the parties when the document is presented for registration. In this behalf, your attention is attracted to Section 103 of the Registration Manual an extract of which is reproduced below for ready reference:-

“when the registering officer is not personally acquainted with executants, he shall require them to produce persons to testify to their identity who are personally known to him or to some other person whom he personally knows or of whose identity and reliability he is otherwise fully satisfied. Stamp-vendors and petition-writers should never be allowed to identify executants whose deeds they have written, and in any case as a rule the registering officer should not accept persons of this class as witnesses of identity, nor should they have recourse to their own peons for this purpose. Preference should be given where possible to witnesses living in the executant’s neighbourhood and of his class of life. An interested party to a deed should not be allowed to identify the executants of the deed.”

It can be inferred from the above that the Registering Authority is only required to satisfy herself with regard to the identity of the identifier. This can be done through various documentary means nowadays. As such, Registering Authorities are advised to entertain various photograph based identify proofs issued by the various Authorities to ascertain the identity of the identifier provided that the Registering Authority is satisfied about the legitimacy of the authority, issueing the identity proofs. In this regard, passports, motor licences, debit or credit cards, club membership cards, RSBY enrollment card, PAN card, employer or educational institution issued identity cards are examples of identity that can be accepted as proof of identity of identifier.

It is, therefore, directed that the above procedure may be followed while registering the documents to avoid inconvenience to the general public.

Yours faithfully,

-sd-

Principal Secretary (Revenue) to the
Government of Himachal Pradesh.

No. Rev.Stamp(F)8-1/2004
Government of Himachal Pradesh.
Revenue Department (Stamp-Regn.)

From

Principal Secretary (Revenue) to the
Government of Himachal Pradesh.

To

The Collector (Deputy Commissioner),
Bilaspur, District Bilaspur (H.P.).

Dated : Shimla-171002, the 10th February, 2012

Subject:- Regarding refund of Registration Fee.

Sir,

I am directed to enclose herewith the representation received from Shri. Dandu Ram S/o Shri. Mangtu Ram Village Gowan Tehsil Jhandutta, District Bilaspur (H.P.) dated nil on the subject cited above and to say that the SDO(C) may be directed to refund the fees after following procedures in the manner as prescribed for refund of stamp duty of unused stamps.

It is, therefore, advised that the registration fees may be refunded after deducting 2% amount as prescribed in Notification No. Rev.Stamp(F)8-1/2004 dated 20th August, 2011.

Yours faithfully,

-sd-

Addl. Secretary (Revenue) to the
Government of Himachal Pradesh.

No. Rev.B.A.(3)-3/2003-IV
 Government of Himachal Pradesh.
 Department of Revenue.

From

Principal Secretary (Revenue) to the
 Government of Himachal Pradesh.

To

The Deputy Commissioner,
 Solan, District Solan, H.P.

Dated : Shimla-171002, the 18th March, 2014.

Sub:- Regarding coming up of un-authorized colonies in BBN Special Area-obtaining of clarifications/guidelines thereof.

Sir,

I am directed to invite your attention to this department's letter No. Rev.B.A.(3)-3/2003-IV dated 3.1.2009, vide which instructions has been issued for strict compliance of provisions of Section 16 (C) of the Himachal Pradesh Town and Country Planning Act, 1977.

The Town & Country Planner, BBNDA, EPIP-I Jharmajri Baddi, District Solan vide his letter BBNDA/TCP/UAC/2013-51739, dated 21.1.2014 has brought to the notice this Department that in BBNDA area, registrars/sub-registrars are registering conveyance deeds of sale/gifts on share basis etc. in sheer violations of the aforesaid provisions, whereas it is mandatory to obtain prior approval of map of sub-divisions of plot from Baddi Barotiwala Nalagarh Development Authority before alienating or transferring the ownership to next incumbent. This shows that the instructions issued by the department vide letter referred to above are not being adhered to by the revenue authorities.

Apart from above, as per provisions of the H.P. Town & Country Planning Act, 1977 (amended in 2013) under which it is mandatory to apply for registration and license if plot size is more than 2500 Sq. Meters or apartments/dwelling units are more than either in a building, or two or more buildings constructed in the plot. Earlier such provisions were there in HP Apartment & Property Regulation Act, 2005 which has been repealed. But, general public and property dealers were/are not obtaining registrations and licenses under aforesaid statutes. In such a situation the people are not resorting to proper plot sub-divisions and observance of the mandatory provisions of basis amenities as per requirements of modern housing colonies under the amended HP Town & Country Planning Act, 1977, published in rajpatra on 21.09.2013. this practice is resulting in mushrooming of new colonies without the bare necessities of roads, green parks, sewerage, parking etc.

It is, therefore, directed that in order to avoid unplanned and haphazard construction in the State and to ensure planned sub-division of land in order to provide basic amenities such as roads, path, sanitation etc. , the provisions of Section 16(C) of H.P. Town and Country Planning

Act, 1977 be implemented strictly to achieve the very objective behind its enactment. The Registrar or Sub-Registrar will be liable for action in case the provisions of Act, ibid are not implemented in letter and spirit.

In addition to above, it may also be ensured that the provisions of HP Town & Country Planning Act, 1977 (As amended in year 2013) are complied/implemented in letter and spirit.

You are also requested to send detailed report with respect to Baddi Brotiwala Nalagarh Development Authority area in this behalf to this department, at the earliest.

Yours faithfully,

-sd-

(Narendra Kumar)

Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.

Phone No. 0177-2621895

Endst. No. As above.

Dated : Shimla-2, the

18th March, 2014

Copy forwarded to:-

1. The Principal Secretary (TCP) to the Government of Himachal Pradesh for information.
2. All Divisional Commissioners in H.P. for necessary action.
3. All Deputy Commissioners in H.Pl. (Except Solan District) for similar necessary action.
4. The Town & Country Planner, BBNDA, EPIP-I Jharmajri Baddi, District Solan, with reference to his letter referred to above for information.

-sd-

Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.

No.Rev.Stamp(F)6-1/2009-IV
Government of Himachal Pradesh
Revenue Department

Form

Principal Secretary(Revenue) to the
Government of Himachal Pradesh.

To

1. The Inspector-General of Registration-Cum-,
Director of Land Records, Himachal Pradesh.
2. All the Registrars-Cum-District Collectors,
in Himachal Pradesh.
3. All the Sub-Divisional Officer(Civil)
in Himachal Pradesh.

Dated Shimla-171002, the

08-07-2020

Subject: -

Clarification regarding fixation of market value/circle rates of landed property.

Sir,

I am directed to issue raised by some of the Registrars-cum-District Collectors regarding fixation of market value/ circle rates of landed properties notified vide notification No.Rev.Stamps(F)6-1/2009-III, dated 22-05-2020, and to issue following clarifications in this behalf.

1. Where market value/circle rates of the land within 100 meter distance of any category of road comes lesser in comparison to the circle rates/market value of the land beyond 100 meters from such road, in that case, circle rate/average of value of the land within 100 meters of the road shall be fixed the same as the circle rates/market value of land beyond 100 meter distance from the road.
2. Where transaction has not been taken place in any estate/sub-estate and also in adjoining estate/sub-estate, in that case market value/circle rates of next adjoining Estate/Sub-Estate having same topography & features shall be taken into account for calculating circle rates/average value of that Estate/Sub-Estate.

Yours faithfully,

-sd-

(Sushma)

Joint Secretary (Revenue) to the
Government of Himachal Pradesh.

No.Rev.Stamp(F)6-1/2009-IV
Government of Himachal Pradesh
Revenue Department

Form

Additional Chief Secretary (Revenue) to the
Government of Himachal Pradesh.

To

1. The Inspector-General of Registration-Cum-,
Director of Land Records, Himachal Pradesh.
2. All the Registrars-Cum-District Collectors,
in Himachal Pradesh.
3. All the Sub-Divisional Officer(Civil)
in Himachal Pradesh.

Dated Shimla-171002, the 21-10-2020

Subject: - Clarification regarding fixation of market value/circle rates of landed property.

Sir,

In continuation of the letter No.Rev-Stamp(F)6-1/2009-IV dated 08.07.2020 issued from this department, on the subject cited above, I am directed to refer to the points raised by some of the Registrars-cum-District Collectors regarding fixation of market value/circle rates of landed properties notified vide notification No.Rev/ Stamp(F)6-1-/2009-III, dated 22-05-2020 and to issue clarification in this regard that in case no transaction has taken place in any Revenue Estate/Sub Estate, the circle rate value of similarly situated/located adjoining Estate/Sub-Estate in the adjoining Sub Division of the same District having similar topography and features may be taken into consideration for calculating circle rates/average value of that Estate with prior approval of the District Collector.

You are requested to assess and re-notify the value of circle rates accordingly, in the Revenue Estates where there are anomalies in circle rates on account of limitation of Sub-Divisional jurisdictions.

Yours faithfully,

-sd-
(Anil Chauhan)
Joint Secretary (Revenue) to the
Government of Himachal Pradesh.

No.Rev.Stamp(F)6-1/2009-III
 Government of Himachal Pradesh
 Revenue Department (Stamp-Cell).

Form

Additional Chief Secretary (Revenue) to the
 Government of Himachal Pradesh.

To

All the Deputy Commissioners,
 in Himachal Pradesh.

Dated Shimla-171002, the 09-04-2021

Subject: -

Clarification regarding notified circle rates.

Sir,

I am directed to invite your attention to this department's notification No. Rev.Stamp(F)6-1/2009-III dated 22nd May 2020 and to further clarify that in Para (A) III of the Notification, the unit has been specified as square meters. It has come to the notice that there are many villages in the State where the jamabandi is still mentioned in the unit other than square meters (for example Bigha-Biswa, Kanal-Marla). Moreover the conversion factors are also not same in the Districts.

Therefore, it has been decided that circle rates be notified in the same unit as per the Record of Right (Jamabandi) of the concerned revenue estate i.e. circle rates may clearly be notified in terms of per square meters in the case of hectare-Are-Centare, per Bigha-Biswa-Biswansi and per kanal in case of Kanal-Marla system ¹["i.e. smallest unit of measurement in Record of Right (Jamabandi).]

Yours faithfully,
 -sd-

(Praveen Taak)

Dy. Secretary (Revenue) to the,
 Government of Himachal Pradesh.

¹ Added vide Clarification No. Rev. Stamp(F)6-1/2009-III dated 28-3-2022.

No.Rev.Stamp(F)6-1/2009-IV
Government of Himachal Pradesh
Revenue Department

Form

Additional Chief Secretary (Revenue) to the
Government of Himachal Pradesh.

To

All the Deputy Commissioners,
in Himachal Pradesh.

Dated Shimla-171002, the 04-05-2021

Subject: - Clarification regarding fixation of market value/circle rates of landed property.

Sir,

I am directed to refer to the subject cited above and to say that the matter regarding inordinate rise of fall in circle rates has been examined in the department in consultation with Inspector General of Registration, and in view of a large number of queries in this regard it has been decided that the para-III(Market value/Circle rates etc.) of the Notification No.Rev.Stamp(F)6-1/2009-III, dated 22-05-2020 regarding the factors to be taken into consideration while determining the market value/ circle rates etc. will be subject to the following conditions to prevent the irrational/abrupt rise or fall in the circle rates:-

1. A single transaction may not be considered while working out the weighted average and the circle rates in all revenue villages in which no transaction or single transaction has taken place may either be kept unchanged or the circle rates of adjoining or similarly situated revenue village within the District may be adopted after analysing various factors with prior approval of the District Collector.
2. The rise or fall in circle rates may be limited to maximum 7.5% of the circle rates of the previous financial year in a revenue village provided that District Collector in a specific case may deviate from the condition by passing speaking order clearly stating jurisdiction for such deviation

You are requested take further necessary action accordingly.

Yours faithfully,

(Anil Chauhan)
Joint Secretary (Revenue) to the
Government of Himachal Pradesh.

Endst. As above:- Dated Shimla-2, the 4-5-2021

Copy forwarded to:-

1. The inspector General of Registration-cum-Director, Land Records, Shimla-9 for information.

Joint Secretary (Revenue) to the
Government of Himachal Pradesh.

➤ **THE ADMINISTRATION OF EVACUEE PROPERTY ACT, 1950**

THE ADMINISTRATION OF EVACUEE PROPERTY ACT, 1950

(Act XXXI of 1950)

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*On account of the setting up of the two Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances a large number.

[THE] ADMINISTRATION OF EVACUEE PROPERTY ACT, 1950
(ACT XXXI OF 1950)

[17th April 1950]

An Act to provide for the administration of evacuee property and for certain matters connected therewith.

Be it enacted by Parliament as follows:-

CHAPTER I
PRELIMINARY

1. **Short title and extent**—(1) This Act may be called the Administration of Evacuee Property Act, 1950.

(2) It extends to the whole of India except a “[the territories which immediately before the 1st November, 1956 were comprised in the States] of Assam, West Bengal, Tripura, Manipur and Jammu and Kashmir.

Note.- For Statement of Objects and Reasons see Gazette of India, 17-12-1949, Part V, Page 464.

(a) Substituted for “the States” by A.L.O., 1956.

2. **Definitions**—In this Act, unless the context otherwise requires, --

- (a) "allotment" means the grant by a person duly authorised in this behalf of a right of use or occupation of any immovable evacuee property to any other person, but does not include a grant by way of lease;
- (b) "Custodian-General" means the Custodian-General of Evacuee Property in India appointed by the Central Government under section 5;
- (c) "Custodian" means the Custodian for the State, and includes any Additional, Deputy or Assistant Custodian of evacuee property appointed in that State;
- (d) "evacuee" means any person—
- (i) who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances, leaves or has, on or after the 1st day of March, 1947, left, any place in a State for any place outside the territories now forming part of India, or
 - (ii) who is resident in any place now forming part of Pakistan and who for that reason is unable to occupy, supervise or manage in person his property in any part of the territories to which this Act extends, or whose property in any part of the said territories has ceased to be occupied, supervised or managed by any person or is being occupied, supervised or managed by an unauthorised person, or
 - (iii) who has, after the 14th day of August, 1947, obtained, otherwise than by way of purchase or exchange, any right to, interest in or benefit from any property which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan;

- (iv) who has, after the 18th day of October, 1949, transferred to Pakistan, without the previous approval of the Custodian, his assets or any part of his assets situated in any part of the territories to which this Act extends; or
- (v) who has, after the 18th day of October, 1949, acquired, if the acquisition has been made in person, by way of purchase or exchange, or, if the acquisition has been made by or through a member of his family, in any manner whatsoever, any right to, interest in, or benefit from, any property which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan;]

Explanation [I]—For the purposes of sub-clause (iii), the acquisition of any right to, interest in or benefit from any such property as is referred to in that sub-clause by a firm, private limited company or trust of which any person or any member of the family of such person wholly dependent on him for the ordinary necessities of life is a partner, member or beneficiary, as the case may be, shall be deemed to be an acquisition by that person within the meaning of that sub-clause.

Explanation II—For the purposes of sub-clause (iv), the transfer to Pakistan by any person of any reasonable sum of money in accordance with the rules made in this behalf by the Central Government for the purpose of financing any transaction in the ordinary course of his trade or for the maintenance of any member of the family of such person shall not be deemed to be a transfer of his assets within the meaning of that sub-clause.

Explanation III— For the purposes of sub-clause (v), the acquisition of any right to, interest in or benefit from any such property as is referred to in that sub-clause by a firm, private limited company or trust of which any person is a partner, member or beneficiary, as the case may be shall be deemed to be an acquisition by that person of such right, interest or benefit within the meaning of that sub-clause;

(e) [* * * *].

(f) [“evacuee property” means any property in which an evacuee(whether held by him as owner or as a trustee or as a beneficiary or as a tenant or in any other capacity), and includes any property which

Which has been obtained by any person from an evacuee after the 14th day of August 1947, by any mode of transfer which is not effective by reason of the provisions contained in Section 40,] but does not include-

- (i) any ornament and any wearing apparel, cooking vessels or other household effects in the immediate possession of an evacuee;
- (ii) any property belonging to a joint stock company, the registered office of which was situated before the 15th day of August 1947, in any place now forming part of Pakistan and continued to be so situated after the said date;
- (g) “member of the family” means any member of the family of any person who is wholly dependent upon the earnings of such person for the provisions of the ordinary necessities of life or who shares with such person in the ordinary expenses of the household to which they jointly belong or who owns property or carries on business jointly with such person;
- (h) “prescribed” means prescribed by rules made under this Act;

- (i) “property” means property of any kind, and includes any right or interest in such property;
- (j) “unauthorised person” means any person (whether duly empowered in this behalf by the evacuee or otherwise) who, after the 14th day of August 1947, has been occupying, supervising or managing the property of an evacuee without the approval of the Custodian.
 - a) The word ‘or’ and Cls. (iv) and (v) were inserted by the administration of Evacuee Property (Amendment) Act, 1953 (II of 1953), S. 2 (a) (1). (6-5-1953).
 - b) Existing Explanation was numbered as Explanation I and Explanations II and III were inserted, *ibid*, S. 2 (A) (2), (6-5-1953).
 - c) Clause (e) was omitted, *ibid*, S. 2 (b). (6-5-1953).
 - d) Substituted, *ibid*, S. 2 (c). (6-5-1953).

3. References to enactments not in force in Part B States. (Omitted by the Administration of Evacuee Property (Amendment) Act, 1953, S. 3. [6-5-1953.]

4. **Act to override other laws**—[(1)] The provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

[2] For the removal of doubts, it is hereby declared that nothing in any other law controlling the rents of, or evictions from, any property shall apply, or be deemed ever to have applied, to evacuee property.]

- (a) Existing section was numbered as sub-section (1) and sub-section (2) was added by the Administration of Evacuee Property (Amendment) Act, 1954 (42 of 1954). S. 2, (8-10-1954)

CHAPTER II

EVACUEE PROPERTY AND VESTING THEREOF IN THE CUSTODIAN

5. **Appointment of Custodian-General, Deputy Custodian-General, etc**—The Central Government may, by notification in the Official Gazette, appoint a Custodian - General and as many Deputy and Assistant Custodians - General as may be necessary for the purpose of discharging the duties imposed upon the Custodian-General and the Deputy and Assistant Custodians-General by or under this Act.

6. **Appointment of Custodians, etc.**—[(1) The Central Government may, by notification in the Official Gazette, appoint for any State a Custodian, and as many Additional, Deputy or Assistant Custodians of Evacuee Property as may be necessary for the purpose of discharging the duties imposed on the Custodian by or under this Act, and the same person may be appointed, as the custodian, or as the case may be, Additional, Deputy or Assistant Custodian of Evacuee Property for two or more States.]

(2) Subject to the provisions of this Act, all Custodians, Additional, Deputy or Assistant Custodians of evacuee property shall discharge the duties imposed on them by or under this Act under the general superintendence and control of the Custodian -General.

(3) Subject to the provisions of sub-section (2), Additional, Deputy and Assistant Custodians shall discharge the duties imposed on them by or under this Act under the general

superintendence and control of the Custodian for the State, but the [Central Government] may, by general or special order, provide for the distribution of work among them.

Provided that nothing in this sub-section shall be deemed to empower the Custodian to question any order made by an Additional, Deputy or Assistant Custodian in respect of any matter which the Additional, Deputy or Assistant Custodian is empowered by or under this Act to determine.

(a) Sub-section (1) was substituted for old-sub-section (1) by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 2 (a) (w.e.f. 22-10-1956).

For the validation of appointments of certain Assistant Custodians of Evacuee Property, see S. 2 of the M.P. Administration of Evacuee Property (Validation) Act (M.P; Act 11 of 1958).

(b) Substituted for the words "State Government", *ibid*, S. 2 (b) (i) (w.e.f. 22-10-1956).

(c) Proviso inserted, *ibid*, S. 2 (b) (ii) (w.e.f. 22-10-1956).

7. Notification of evacuee property-- (1) Where the Custodian is of opinion that any property is evacuee property within the meaning of this Act, he may, after causing notice thereof to be given in such manner as may be prescribed to the persons interested, and after holding such inquiry into the matter as the circumstances of the case permit, pass an order declaring any such property to be evacuee property.

[(1A)] Where during the pendency of any proceeding under sub-section (1) for declaring any property to be evacuee property any person interested in the property dies, the proceeding shall, unless the Custodian otherwise directs, be continued and disposed of as if such person were alive.]

(2) Where a notice has been issued under sub-section (1) in respect of any property, such property shall, pending the determination of the question whether it is evacuee property or otherwise, be incapable of being transferred or charged in any way, except with the leave of the Custodian, and no person shall be capable of taking any benefit from such transfer or charge except with such leave.

(3) The Custodian shall, from time to time, notify, either by publication in the Official Gazette or in such other manner as may be prescribed, all properties declared by him to be evacuee properties under sub-section (1).

(a) Inserted (and shall be deemed always to have been inserted) by the Administration of Evacuee Property (Amendment) Act, 1954 (42 of 1954), S.3.

[7-A. Property not to be declared evacuee property on or after 7th May 1954.- Notwithstanding anything contained in this Act, no property shall be declared to be evacuee property on or after the 7th day of May, 1954:

Provided that nothing contained in this section shall apply to-

(a) any property in respect of which proceedings are pending on the 7th day of May, 1954 for declaring such property to be evacuee property; and

(b) the property of any person who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances had left on or after the 1st day of March, 1947, any place now forming part of India, and who on the 7th day of May, 1954 was resident in Pakistan.

Provided further that no notice under Section 7 for declaring any property to be evacuee property with reference to Clause (b) of the preceding proviso shall be issued after the expiry of six months from the commencement of the Administration of Evacuee Property (Amendment) Act, 1954.

Explanation I.-A person shall be deemed to have been resident in Pakistan on the 7th day of May, 1954, within the meaning of Clause (b) the first proviso, if he was ordinarily residing in Pakistan before that date, month standing that he was temporarily absent from Pakistan on that date.

Explanation II.-A person who had left India for Pakistan before the 7th day of May, 1954, on the authority of a passport or any other valid travel document issued by any competent authority in India, and who was temporarily residing in Pakistan on that date, shall not be deemed to have been resident in Pakistan on that date within the meaning of Clause (b) of the first proviso.

Explanation III.-A person who had left Pakistan for India on or after the 18th day of July, 1948, and who was in India on the 7th day of May, 1954, shall, unless he came to India under a valid permit for permanent return or for permanent settlement, issued under the Influx from Pakistan (Control) Act, 1949, be deemed to have been resident in Pakistan on the 7th day of May, 1954, within the meaning of Clause (b) of the first proviso.]

(a) Inserted by the Administration of Evacuee Property (Amendment) Act, 1954 (42 of 1954), S. 4 (w.r.e.f. 7-5-1954).

(b) The influx from Pakistan (Control) Act, 1949 (23 of 1949) is repealed by S.2 of the Influx from Pakistan Control Repealing Act, 1952 (76 of 1952). For the continuance in force any permit issued, See S.3 of the said Repealing Act.

8. Vesting of evacuee property in the Custodian.- (1) Any property declared to be evacuee property under section 7 shall be deemed to have vested in the Custodian for the State—

- (a) in the case of the property of an evacuee as defined in sub-clause (i) of clause (d) of section 2, from the date on which he leaves or left any place in a State for any place outside the territories now forming part of India ;
- (b) in the case of the property of an evacuee as defined in sub-clause (ii) of clause (d) of section 2, from the 15th day of August, 1947; and
- (c) in the case of any other property, from the date of the notice given under sub-section (1) of section 7 in respect thereof.

(2) Where immediately before the commencement of this Act, any property in a State had vested as evacuee property in any person exercising the powers of Custodian under any law repealed hereby the property shall, on the commencement of this Act, be deemed to be evacuee property declared as such within the meaning of this Act and shall be deemed to have vested in the Custodian appointed or deemed to have been appointed for the State under this Act, and shall continue to so vest;

Provided that where at the commencement of this Act there is pending before the High Court, the Custodian or any other authority for or in any State any proceeding under section 8 or section 30 of the Administration of Evacuee Property Ordinance, 1949 (XII of 1949), or under any other corresponding law repealed by the Administration of Evacuee Property Ordinance, 1949, (XXVII of 1949), then notwithstanding anything contained in this Act or in any other law for the

time being in force, such proceeding shall be disposed of as if the definitions of 'evacuee property' and 'evacuee' contained in section 2 of this Act had become applicable thereto.

[(2A) Without prejudice to the generality of the provisions contained in sub-section (2), all property which under any law repealed hereby purports to have vested as evacuee property in any person exercising the powers of Custodian in any State shall, notwithstanding any defect in, or the invalidity of, such law or any judgment, decree or order of any court, be deemed for all purposes to have validly vested in that person, as if the provision of such law had been enacted by Parliament and such property shall, on the commencement of this Act, be deemed to have been evacuee property declared as such within the meaning of this Act and accordingly, any order made or other action taken by the Custodian or, any other authority in relation to such property shall be deemed to have been validly and lawfully made or taken.]

(3) Where any property in a State belonging to a joint stock company had vested in any person exercising the powers of a Custodian under any law previously in force, then nothing contained in clause (f) of section 2 shall affect the operation of sub-section (2), but the Centre Government may, by notification in the Official Gazette, direct that the Custodian shall be divested of any such property in such manner and after such period as may be specified in the notification.

(4) Where after any evacuee property has vested in the Custodian any person is in possession thereof, he shall be deemed to be holding on behalf of the Custodian and shall on demand surrender possession of it to the Custodian or to any other person duly authorised by him in this behalf.

(a) Inserted and deemed always to have been inserted by Act 1 of 1960, S. 2.

(b) Substituted for "State Government" by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 3 (w.r.e.f. 22-10-1956).

9. Power of Custodian to take possession of evacuee property vested in him.- If any person in possession of any evacuee property refuses or fails on demand to surrender possession thereof to the Custodian or to any person duly authorized by him in this behalf, the Custodian may use or cause to be used such force as may be necessary for taking possession of such property and may, for this purpose, after giving reasonable warning and facility to any woman not appearing in public to withdraw, remove or break open any lock, bolt or any door or do any other act necessary for the said purpose.

10. Power and duties of the Custodian generally.- (1) Subject to the provisions of any rules that may be made in this behalf, the Custodian may take such measures as he considers necessary or expedient for the purposes of securing, administering, preserving and managing any evacuee property and generally for the purpose of enabling him satisfactorily to discharge any of the duties imposed on him by or under this Act and may, for such purpose as aforesaid, do all acts and incur all expenses necessary or incidental thereto.

(2) Without prejudice to the generality of the provisions contained in sub-sections (1), the Custodian may, for any of the purposes aforesaid,

(a) carry on the business of the evacuee ;

(b) appoint a manager for the property of the evacuee or for carrying on any business or undertaking of the evacuee and authorise the manager to exercise any of the powers of the Custodian under this section ;

- (c) enter, or authorise any other person to enter, any land or premises to inspect any evacuee property;
- (d) take all such measures as may be necessary to keep any evacuee property in good repair;
- (e) complete any building which has vested in him and which requires to be completed;
- [(f), (g) and (h) * * * * *].
- (i) take such action as may be necessary for the recovery of any debt due to the evacuee;
- (j) institute, defend or continue any legal proceeding in any civil or revenue Court on behalf of the evacuee or refer any dispute between the evacuee and any other person to arbitration or compromise any claims, debts or liabilities on behalf of the evacuee;
- [(k) * * * * *].
- (I) in any case where the evacuee property which has vested in the Custodian consists of a share or shares in a company, exercise, notwithstanding anything to the contrary contained in the Indian Companies Act, 1913 (VII of 1913) or in the articles of association of the company, the same rights in the matter of making a requisition for the convening of a meeting or of presenting a petition to the court under the provisions of the Indian Companies Act, 1913, or the articles of association of the company or in any other matter as the evacuee shareholder himself could have done had he been present, although the name of the Custodian does not appear in the register of members of the company ;
- (II) in any case where the evacuee property which has vested in the Custodian consists of fifty-one per cent or more of the shares in a company, the Custodian may take charge of the management of the whole affairs of the company and exercise, in addition to any of the powers vested in him under this Act, all or any of the powers of the directors of the company notwithstanding that the registered office of such company is situated in any part of the territories to which this Act extends, and notwithstanding anything to the contrary contained in this Act or the Indian Companies Act, 1913, or in the articles of association of the company;

Provided that the custodian shall not take charge of such management of the company except with the previous approval of the Central Government;]

- (m) incur any expenditure, including the payment of taxes, duties, cesses and rates to Government or to any local authority or of any amounts due to any employee of the evacuee or of any debt due by the evacuee to any person ;
- (n) pay to the evacuee, or to any member of his family or to any other person as in the opinion of the Custodian is entitled thereto, any sums of money out of the funds in his possession ;
- (o) transfer in any manner whatsoever any evacuee property, notwithstanding anything to the contrary contained in any law or agreement relating thereto:

Provided that the Custodian shall not sell any immovable property or any business or other undertaking of the evacuee, except with the previous approval of the Custodian-General;

- (p) acquire any non-evacuee interest in evacuee property, whether by way of purchase or otherwise:

Provided that no such acquisition shall be made except with the previous approval of the Custodian-General.]

- (q) delegate, by general or special order, all or any of his functions under this Act to such officers or persons as he thinks fit :

[* * * *].

- (a) Clauses (f), (g), (h), (k) and (p) were omitted by the Administration of Evacuee Property (Amendment) Act, 1956, (91 of 1956), S. 4 (22-10-1958)
- (b) Clause (ii) was inserted by the Administration of Evacuee Property (Amendment) Act, 1953 (II of 1953), S. 4 (6-5-1953.)
- (c) The words “or of any amounts due to any employee of the evacuee or of any debt due by the evacuee to any person” were omitted by Act 91 of 1956, S. 4.
- (d) Inserted by Act 1 of 1960, S. 3 (27-2-1960)
- (e) Proviso to Cl. (q) omitted by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 4 (22-10-1956).

[10-A. Power to recover rent or damages in respect of evacuee property vested in the Custodian— (1) Where any person is in arrears of rent in respect of any evacuee property vested in the Custodian, the Custodian may, by order, require that person to pay the same within such time and in such installments as may be specified in the order.

(2) Where any person is deemed to be holding any evacuee property on behalf of the Custodian under sub-section (4) of Section 8, the Custodian may, having regard to such principles of assessment of rent as may be prescribed, by order, assess the rent payable in respect of such property and that person shall be liable to pay the rent so assesses.

(3) Where any person is, or has at any time been, in unauthorized possession of any evacuee property vested in the Custodian, the Custodian may, having regard to such principles of assessment of damages as may be prescribed, assess the damages on account of the use and occupation of such property and may, by order, require that person to pay the damages within such time and in such installments as may be specified in the order.

(4) Where any person being in possession of any evacuee property vested in the Custodian has caused damage to any such property, the Custodian may assess the compensation payable on account of the damages so caused and may, by order, require that person to pay the compensation within such time and in such installments as may be specified in the order.

(5) No order shall be made under sub-section (2) or sub-section (3) or sub-section (4), until after the issue of a notice in writing to the person concerned calling upon him to show cause within such time as may be specified in the notice why such order should not be made and until his objections, if any, and any evidence he may produce in support of the same have been considered by the Custodian.]

- (a) Inserted by Act 1 of 1960, S. 4 (27-2-1960).

11. Special provisions with respect to certain trust properties.- [(1) Where any evacuee property which has vested in the Custodian is property in trust for a public purpose of a religious or charitable nature, it shall be lawfull for the Central Government, notwithstanding anything contained in the instrument of trust or any law for the time being enforce, to appoint any general or special orders, new trustees in place of the evacuee trustees and the property shall remain vested in

the Custodian only until such time as new trustees are re-appointed in the manner provided by law, and pending the appointment of such new trustees the trust property and the income thereof shall be applied by the Custodian for fulfilling, as far as possible, the purpose of the trust.]

(2) In respect of any Wakf--alal—aulad.-

- (a) where the mutawalli is an evacuee, the property forming the subject-matter of the wakf shall vest in the Custodian subject to the rights of the beneficiaries under the wakf, if any, who are not evacuees ;
- (b) where not all the beneficiaries are evacuees, the rights and interests of such of the beneficiaries as are evacuees shall alone vest in the Custodian.
 - a. Substituted by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 5 (w.r.e.f. 22-10-1956).

12. Power to vary or cancel leases or allotments of evacuee property.-(1) Notwithstanding anything contained in any other law for the time being in force, the Custodian may cancel any allotment or terminate any lease or amend the terms of any lease or agreement under which any evacuee property is held or occupied by a person, [whether such allotment, lease or agreement was granted or entered into before or after the commencement of this Act.]

[Provided that in the case of any lease granted before the 14th day of August 1947, the Custodian shall not exercise any of the powers conferred upon him under this sub-section unless he is satisfied that the lease-

- (a) has sublet, assigned or otherwise parted with the possession of the whole or any part of the property leased to him; [or]
- (b) has used or is using such property for a purpose other than that for which it was leased to him;] [or]
- (c) has failed to pay rent in accordance with the terms of the lease.

Explanation—In this sub-section, ‘lease’ includes a lease granted by the Custodian and ‘agreement’ includes an agreement entered into by the Custodian.]

(2) Where by reason of any action taken under sub-section (1), any person has ceased to be entitled to possession of any evacuee property, he shall on demand by the Custodian surrender possession of such property to the Custodian or to any person duly authorised by him in this behalf.

(3) If any person fails to surrender possession of any property on demand under sub-section (2), the Custodian may, notwithstanding anything to the contrary contained in any other law for the time being in force, eject such person and take possession of such property in the manner provided in section 9.

- (a) Substituted for the words and figures “where such allotment, lease or agreement has been granted or entered into after the 14th day of August 1947” by the Administration of Evacuee Property (Amendment) Act, 1953 (11 of 1953), S. 5 (a), (6-5-1953).
- (b) Proviso was added, *ibid*, S. 5 (b) . (6-5-1953).
- (c) Clause (c) and Explanation were added by the Administration of Evacuee Property (Amendment) Act, 1954 (42 of 1954), S. 5 (8-10-1954). The Explanation shall be deemed always to have been added.

[12-A. **Special provisions with respect to transfer of tenancy rights of evacuees.**- (1) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, where tenancy rights have vested in the Custodian as evacuee property and the Custodian has granted a lease in respect of as such property, the Custodian may, in any case where the lessor under whom the property was held immediately before it vested in the Custodian is not an evacuee, declare, by general or special order, that with effect from such date as may be specified in the order he shall stand absolved of all responsibilities with respect to the property or the lease granted by him.

- (2) On the making of any such declaration as is referred to in sub-section (1),-
- (a) the lease granted by the Custodian shall be deemed to have effect as if granted by the lessor under whom the property was held immediately before the Custodian assumed possession or control thereof and shall continue to have such effect until it is determined by lapse of time or by operation of law;
 - (b) all sums realised by the Custodian in respect of the said lease before the date of the declaration referred to in sub-section (1) shall, subject to the deduction of fees, if any, payable to the Custodian, become payable to the lessor against whom the lease has now effect.

(3) Nothing contained in this section shall-

- (a) be deemed to empower the Custodian to grant, without the consent in writing of the original lessor or his successor-in-interest-
 - (i) where the original lease is for a specified period, any lease for a period extending beyond the date on which the original lease would have expired; or
 - (ii) where the original lease is from year to year or month to month or on any other similar tenure, any lease on a tenure different from that of the original lease;
- (b) render the Custodian liable to any person for any sum in excess of the sum payable to the lessor under Clause (b) of sub-section (2), or
- (c) prejudice any rights of the lessor or the lessee, to which he may be entitled under any other law for the time being in force, consistently with the terms and conditions, if any, of the lease granted by the Custodian.]

(a) Section 12A was inserted by the Administration of Evacuee Property (Amendment) Act, 1953 (II of 1953), S. 6 (6-5-1953).

13. Payments to Custodian to be valid discharge.- (1) Any amount due to any evacuee in respect of any property which has vested in the Custodian or in respect of any transaction entered into by the evacuee, shall be paid to the Custodian by the person liable to pay the same.

(2) Any payment made otherwise than in accordance with sub-section (1) shall not discharge the person paying it from his obligation to pay the amount due, and shall not affect the right of the Custodian to enforce such obligation against any such person.

14. Recouping of expenditure by Custodian.- Any expenditure incurred by the Custodian in the exercise of any power conferred by or under this Act shall, in relation to any evacuee property in respect of which it has been incurred, be a charge on such property and shall, subject to the provisions of section 51, have priority over all other charges on the property, and such

expenditure may be met or recouped by the Custodian out of the income accruing from such property or the sale proceeds thereof.

15. Maintenance of accounts by Custodian.-(1) The Custodian shall maintain a separate account of the property of each evacuee possession where of has been taken by him, and shall cause to be made therein entries of all receipts and expenditure in respect thereof.

(2) The accounts shall be maintained in such form and in such manner as may be prescribed.

The [(Central Government)] shall cause the accounts maintained under this section to be inspected and audited at such intervals and by such persons as may be prescribed.

(a) Substituted for the words "State Government" by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 4 (w.r.e.f. 22-10-1956).

16. Restoration of evacuee property.-[1] Subject to such rules as may be made in this behalf, any evacuee or any person claiming to be an heir of an evacuee may apply to the Central Government or to any person authorised by the Central Government in this behalf (hereinafter in this section referred to as 'the authorised person') that any evacuee property which has vested in the Custodian to which the applicant would have been entitled if this Act were not in force, may be restored to him.]

[(1-A) No application made under sub-section (1) shall be entertained unless-

(a) before making the application, the applicant has filed all appeals and revision applications permissible under this Act against the order declaring the property of the evacuee to be evacuee property and the Custodian-General has made a final order in the case; and

(b) the application is made within sixty days of the final order of the Custodian-General;

Provided that any such application by an evacuee who migrated to West Pakistan from the State of Uttar Pradesh during the period between the 1st day of February, 1950 and 31st day of May, 1950 and who is permitted to return to India for permanent resettlement may be entertained if it is made within sixty days of the return of the evacuee to India:

Provided further that nothing contained in this sub-section shall apply to an application under sub-section (1) which is pending on the commencement of the Administration of Evacuee Property (Amendment) Act, 1954.

Explanation—In this sub-section, the expression 'Custodian-General' Shall include a Deputy Custodian-General and an Assistant Custodian-General.]

[(2) On receipt of an application under sub-section (1), the Central Government or the authorised person, as the case may be, shall cause public notice thereof to be given in the prescribed manner, and after causing an inquiry into the claim to be held in such manner as may be prescribed shall-

(a) if satisfied-

(i) that the conditions prescribed by rules made in this behalf have been satisfied;

(ii) that the evacuee property is the property of the applicant; and

(iii) that it is just or proper that the evacuee property should be restored to him;

make an order restoring the property to the applicant, or

(b) If not satisfied, reject the application:

Provided that where the application is rejected on the ground that the evacuee property is not the property of the applicant, the rejection of the application shall not prejudice the right of the applicant to establish his title to the property in a Civil Court, or

- (c) If there is any doubt with respect to the title of the applicant to the property, refer him to a Civil Court for the determination of his title:

Provided that no order for the restoration of any evacuee property shall be made under this sub-section unless provision has been made in the prescribed manner for the recovery of any amount due to the Custodian in respect of the property or the management thereof.

(3) Upon the restoration of the property to the evacuee or to the heir, as the case may be, the Custodian shall stand absolved of all responsibilities in respect of the property so restored, but such restoration shall not prejudice the rights, if any, in respect of property which any other person may be entitled to enforce against the person to whom the property has been so restored:

Provided that every lease granted, in respect of the property by or on behalf of the Custodian shall have effect against the person to whom restoration is made until such lease is determined by lapse of time or by operation of law.

[Explanation.- For the purpose of the proviso to this sub-section, an allotment shall be deemed to be a lease and shall have effect against the person to whom the restoration is made to the same extent and in the same manner as if it were a lease.]

(4) The Custodian shall, on demand, furnish to the evacuee or to the heir, as the case may be, a statement containing an abstract of the account of the income received and expenditure incurred in respect of the property.

- (a) Sub-section (1) was substituted by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 6 (w.r.e.f. 22-10-1956).
 (b) Sub-section (1A) was inserted by the Administration of Evacuee Property (Amendment) Act, 1954 (42 of 1954), S. 6 (8-10-1954).
 (c) Sub-section (2) was substituted for sub-sections (2) and (2A) by Act 91 of 1956, S.6.
 (d) Explanation was added by Act 42 of 1954, S. 6.

CHAPTER III

CERTAIN CONSEQUENCES OF PROPERTY VESTING IN CUSTODIAN

17. Exemption of evacuee property from processes of court, etc.- [(1) Save as otherwise expressly provided in this Act, no evacuee property which has vested or is deemed to have vested in the Custodian under the provisions of this Act shall, so long as it remains so vested, be liable to be proceeded against in any manner whatsoever in execution of any decree or order of any Court or other authority and any attachment or injunction or order for the appointment of a receiver in respect of any such property subsisting on the commencement of the Administration of Evacuee Property (Amendment) Act, 1951, shall cease to have effect on such commencement and shall be deemed to be void.

(2) Where, after the 1st day of March, 1947, any evacuee property which has vested in the Custodian or is deemed to have vested in the Custodian under the provisions of this Act has been sold in execution of any decree or order of any Court or other authority, the sale shall be set aside if

an application in that behalf has been made by the Custodian to such court or authority on or before the 17th day of October, 1950.]

- (a) Substituted (and shall be deemed always to have been substituted) by the Administration of Evacuee Property (Amendment) Act, 1951 (22 of 1951).
- (b) The Act received the assent of the President on 28-4-1951.

18. Occupancy or tenancy rights not to be extinguished. – (1) Where the rights of an evacuee in any land or in any house or other building consist or consisted of occupancy or tenancy rights, nothing contained in any law for the time being in force or in any contract or in any instrument having the force of law or in any decree or order of any Court, shall extinguish or be deemed to have extinguished any such rights either on the tenant becoming an evacuee within the meaning of this Act or at any time thereafter so as to prevent such rights from vesting in the Custodian under the provisions of this Act or to prevent the Custodian from exercising all or any of the powers conferred on him by this Act in respect of any such rights, and, notwithstanding anything contained in any such law, contract, instrument, decree or order, neither the evacuee nor the Custodian, whether as an occupancy tenant or as a tenant for a certain time, monthly or otherwise, of any land, or house or other building shall be liable to be ejected or be deemed to have become so liable on any ground whatsoever for any default of-

- (a) the evacuee committed after he became an evacuee or within a period of one year immediately preceding the date of his becoming an evacuee; or
- (b) the Custodian.

(2) Where any person acquires or has acquired any rights under a Provincial Act or a State Act in respect of any property by reason of being in possession of that property, whether in pursuance of a grant, lease, or allotment made by the Custodian or otherwise, the acquisition of such rights shall not in any way effect or be deemed to have affected the rights and powers conferred on the Custodian under this Act in respect of that property.]

- (a) Substituted by the Administration of Evacuee Property (Amendment) Act, 1953 (11 of 1953), S. 8. (6-5-1953).

CHAPTER IV

PROPERTY OF INTENDING EVACUEES

19. to 23.- [Chapter IV was repealed by the Administration of Evacuee Property (Amendment) Act, 1953 (11 of 1953), S. 9. (6-5-1953.)]

CHAPTER V

APPEALS, REVIEW AND REVISION

24. Appeals from orders under sections 7, 40 and 48 –[(1) Any person aggrieved by an order made under section 7, S. 40 or S. 48 may prefer an appeal-

- (a) to the Custodian, where the original order has been passed by a Deputy or Assistant Custodian and the amount or the value of the property which is the subject-matter of the order does not exceed two thousand rupees;
- (b) to the Custodian-General, in any other case.

(1A) An appeal shall lie to the Custodian-General from any order made on appeal by the Custodian under Cl. (a) of sub-sec. (1) on the ground that the order is contrary to law.

(1B) An appeal under this section shall be made in such manner and within such time as may be prescribed.

(2) The Custodian to whom an appeal is preferred under clause (a) of sub-section (1) may dispose of it himself or may make it over for disposal to an Additional Custodian or to a Deputy Custodian authorised by the Custodian in writing in this behalf (in this Chapter referred to as the Authorised Deputy Custodian).

Provided that no appeal from an order of a Deputy Custodian shall be made over for disposal to the Authorised Deputy Custodian.

(a) Substituted for sub-section (1) by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 7 (w.e.f. 22-10-1956). By virtue of S. 15 of the Amending Act the provisions of sub-section (1) as substituted apply to all appeals instituted after the commencement of the Amending Act.

25. Appeals from other orders.—[Repealed by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956). S. 8 (22-10-1956).]

26. Powers of review or revision of Custodian, etc.—[Repealed by the Administration of Evacuees Property (Amendment) Act, 1956 (91 OF 1956), S. 8. (22-10-1956).]

27. Powers of revision of Custodian-General. - (1) The Custodian-General may at any time, either on his own motion or on application made to him in this behalf, call for the record of any proceeding in which any [* * *] Custodian has passed an order for the purpose of satisfying himself as to the legality or propriety of any such order and may pass such order in relation thereto as he thinks fit:

Provided that the Custodian-General shall not pass an order under this sub-section prejudicial to any person without giving him a reasonable opportunity of being heard.

[(1-A)* * * *].

(2) * * * *

(3) * * * *]

[Explanation.- The power conferred on the Custodian-General under this section may be exercised by him in relation to any property, notwithstanding that such property has been acquired under Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954.]

(a) The words “District Judge or” are omitted by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 9 (w.e.f. 22-10-1956).

(b) Sub-sections (1-A), (2) and (3) are omitted, *ibid.*

(c) Inserted by Act 1 of 1960, S. 5 [27-2-1960.]

28. Finality of orders under this Chapter. - Save as otherwise expressly provided in this Chapter, every order made by the Custodian-General,[1-A], Custodian, Additional Custodian, Authorised Deputy Custodian, Deputy Custodian or Assistant Custodian shall be final and shall not be called in question in any court by way of appeal or revision or in any original suit, application or execution proceeding.

- (a) The words “District Judge” were omitted by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 9 (w.e.f. 23-10-1956).

CHAPTER VI PENALTIES AND PROCEDURE

29. Penalty for failure to surrender possession of evacuee property. [Repealed by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 8. (22-10-1956).]

30. Penalty for wrongfully paying or receiving rents, etc. [Repealed by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 8. (22-10-1956).]

31. Penalty for concealing evacuee property. [Repealed by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S.8 (22-10-1956).]

32. **Penalty for causing damage to evacuee property.** - Any person who willfully destroys or causes damages to any evacuee property or unlawfully converts it to his own use shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

33. Penalty for false declaration in certain cases. [Repealed by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), Section 8. (22-10-1956).]

34. **Penalty for offences not expressly provided for.** - Any person who contravenes any provision of this Act or of any rule or order made thereunder, or obstructs the lawful exercise of any power conferred by or under this Act, or makes default in complying with any requirement of this Act or of any rule or order made thereunder, shall, if no express provision is made by this Act for punishment of such contravention, obstruction or default, be punishable with imprisonment for a term which may extend to six months, or with fine or with both.

35. **Penalty for offences committed by companies.** [Repealed by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), Section 8. (22-10-1956).]

36. **Penalty for abetment.** - Any person who abets any of the offences punishable under this Act shall be punishable with the punishment provided for the offence.

37. **Offences to be cognizable.** - Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences under this Act shall be cognizable.

38. **Procedure for prosecution.** - No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the [Central Government] or any officer authorised in this behalf, by general or special order, by the State Government.

- (a) Substituted for the “State Government” by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 3 (w.e.f. 22-10-1956).

39. **Offence may be tried summarily.** - Any Magistrate empowered to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898, may, if an application is made in this behalf by the complaint and the Magistrate thinks fit, try any offence under this Act in accordance with the provisions contained in Sections 262 to 265 of that Code, but nothing contained in sub-section (2) of Section 262 of that Code shall apply to any such trial.

CHAPTER VII
MISCELLANEOUS

40. Validity of transfers respecting property subsequently declared to be evacuee property.- (1) No transfer made after the 14th day of August, 1947, [but before the 7th day of May, 1954,] by or on behalf of any person in any manner whatsoever of any property belonging to him shall be effective so as to confer any rights or remedies in respect of the transfer on the parties thereto or any person claiming under them or either of them, if, at any time after the transfer, the transferor becomes an evacuee within the meaning of this Act, unless the transfer is confirmed by the Custodian in accordance with the provisions of this Act.

(2) Nothing contained in sub-section (1) shall apply to the transfer for valuable consideration of any such property as is referred to therein any of the following cases, namely:-

- a) where the transfer has been made with the previous approval of the Custodian before the commencement of the Administration of Evacuee Property (Amendment) Act, 1953;
- b) where the transferor has not left [* * *] India for Pakistan within a period of two years from the date of the transfer.

Provided that in the case of a transfer made before the commencement of the Administration of Evacuee Property (Amendment) Act, 1953, the transferor had not left India for Pakistan before such commencement, notwithstanding that a period of two years had already elapsed before such commencement;

- c) where the transfer is made after the commencement of the Administration of Evacuee Property (Amendment) Act, 1953, and-
 - (i) The value of the property or properties transferred in any one year is less than five thousand rupees, or
 - (ii) The transfer is made with the previous approval of the Custodians or in the prescribed cases with the previous approval of the Custodian-General.

(3) An application under sub-section (1) for the confirmation of any transfer may be made by the transferor or the transferee or any person claiming under, or lawfully authorised by, either of them to the Custodian within two months from the date of transfer or within two months from the date of the declaration or notification referred to in sub-section (1) whichever is later, and the provisions of Section 5 of the Indian Limitation Act, 1908 (IX of 1908) shall apply to any such application.

(4) Where an application under sub-section (1) has been made to the Custodian for confirmation, he shall hold an inquiry in respect thereof in the prescribed manner and may reject the application if he is of opinion that-

- (a) the transaction has not been entered into in good faith or for valuable consideration, or
- (b) the transaction is prohibited under any law for the time being in force, or
- (c) the transaction ought not to be confirmed for any other reason.

(5) Where, in respect of any transfer made before the commencement of the Administration of Evacuee Property (Amendment) Act, 1953, any application for confirmation thereof has been rejected solely on the ground-

- (a) that although the transaction, was entered into the good faith, the consideration paid was not adequate, or
- (b) that the application was barred by limitation,
then, notwithstanding anything to the contrary contained in any law or contract or decree or order of a Civil Court or other authority, but subject to any rules that may be made by the Central Government in this behalf, the Custodian may and shall, where the application for confirmation was rejected by the Custodian-General, if the Custodian-General so directs, exercise any of the following powers in respect of the transfer, namely:-
- (i) confirm the transfer if the consideration paid for the transfer is adequate;
 - (ii) confirm the transfer, if the transferee agrees to pay to the Custodian the difference in value between the value of the property as assessed by the Custodian and the amount actually paid by the transferee to the transferor;
 - (iii) if the transferee agrees, take possession of such part of the property as, after dividing it by metes and bounds, is equivalent in value to the difference between the value of the property as assessed by the Custodian and the amount paid by the transferee to the transferor;
 - (iv) if the transferee agrees, take possession of the entire property by paying off to the transferee the amount which the Custodian finds as having been actually paid by the transferee to the transferor as consideration for the transfer; or
 - (v) if the transferee does not agree to any of the courses referred to in Clauses (ii) to (iv) inclusive, auction the property and if the sale proceeds exceed the amount actually paid by the transferee, pay to the transferee the amount paid by him and take over the balance and if the sale proceeds are equivalent to, or fall short of, the amount actually paid by the transferee, pay the entire sale proceeds to the transferee.

Provided that where any application for confirmation of a transfer is rejected on the ground specified in Clause (b) of this sub-section the powers conferred on the Custodian by this section shall not be exercised unless the Custodian finds that the transaction has been entered into in good faith.

(6) If the application is not rejected under sub-section (4), the Custodian may confirm the transfer either unconditionally or on such terms and conditions as he may think fit to impose.

(7) The Custodian may, in respect of any application for confirmation of a transfer pending before him on the commencement of the Administration of Evacuee Property (Amendment) Act, 1953, which is liable to be rejected on either of the grounds specified in Clauses (a) and (b) of sub-section (5), exercise any of the powers conferred on him under that sub-section.

[(3) * * * * * .)]

- (a) Section 40 was substituted for the old S. 40 by Administration of Evacuee Property (Amendment) Act, 1953 (11 of 1953), S. 13 (6-5-1953).
- (b) These words and figures were added by the Administration of Evacuee Property (Amendment) Act, 1954 (42 of 1954), S. 8 (w.e.f. 7-5-1954).
- (c) The words "or does not leave" were omitted by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 11 (w.e.f. 22-10-1956).
- (d) Sub-section (8) was omitted, *ibid.*

41. **[Transactions relating to evacuee property, void in certain circumstances.-** Subject to the other provisions contained in this Act, every transaction entered into by any person in respect of property declared or deemed to be declared to be evacuee property within the meaning of this Act, shall be void unless entered into by or with the previous approval of the Custodian.]

(a) Substituted by the Administration of Evacuee Property (Amendment) Act, 1953 (11 of 1953), S. 13 (6-5-1953).

42. **Power to call for information.-** The Custodian may, for the purpose of securing, administering, preserving and managing any evacuee property and generally for the purpose of enabling him satisfactorily to discharge any of the duties imposed on him by or under this Act, require any person to submit to him such accounts, books or other documents or to furnish to him such information relating to any evacuee property as he may reasonably think necessary.]

(a) Inserted by Act 1 of 1960. Original S. 42 was repealed by Act XCI of 1956, S.8 (22-10-1956).

43. **Vesting of property in Custodian not affected by death of evacuee, etc. -** Where in pursuance of the provisions of this Act any property has vested in the Custodian, neither the death of the evacuee and the evacuee property nor the fact that the evacuee who had a right or interchange in that property and ceased to be an evacuee at any material time shall affect the vesting or render invalid anything done in consequence thereof.

44. **Certain officers to be public servants. -** The Custodian-General, the Custodian and every other person duly appointed to discharge any duties imposed on them by this Act or the rules or orders made thereunder shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

45. **Powers of the Custodian while holding inquiry. -** For the purposes of holding and inquiry under this Act, the Custodian shall have the same powers as are vested in a civil Court under the Code of Civil Procedure, 1903, when trying a suit, in respect of the following matters, namely:-

- (a) enforcing the attendance of any person and examining him on oath ;
- (b) compelling the discovery and production of documents ;
- (c) any prescribed matter ;

and the inquiry by the Custodian shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code and the Custodian shall be deemed to be a Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure , 1898.

46. **Jurisdiction of civil courts barred in certain matters. -** Save as otherwise expressly provided in this Act, no civil or revenue Court shall have jurisdiction-

- (a) to entertain or adjudicate upon any question whether any property or any right to or interest in any property is or is not evacuee property, or
- (b) [* * * * (].
- (c) to question the legality of any action taken by the Custodian General or the Custodian under this Act; or
- (d) in respect of any manner which the Custodian-General or the Custodian is empowered by or under this Act to determine.

- a) Clause (b) was omitted by the Administration of Evacuee Property (Amendment) Act, 1953 (11 of 1953), S. 14 (6-5-1953).

47. Protection of action taken in good faith. - (1) No suit, prosecution or other legal proceeding shall lie against the Custodian-General or the Custodian or any person acting under the direction of the Custodian in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

(2) No suit or other legal proceeding shall lie against the Central Government, the State Government, the Custodian-General or the Custodian or any other person in respect of any damage caused or likely to be caused by anything which in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

48. Recovery of certain sums as arrears of land revenue. - Any sum payable to the Government or to the Custodian in respect of any evacuee property, under any agreement, express or implied, lease or other document or otherwise howsoever, may be recovered in the same manner as an arrear of land revenue.

(2) If any question arises whether a sum is payable to the Government or to the Custodian within the meaning of sub-sec. (1), the Custodian shall, after making such inquiry as he may deem fit, and giving to the person by whom the sum is alleged to be payable an opportunity of being heard decide the questions and the decision of the Custodian shall, subject to any appeal or revision under this Act, be that and shall not be called in question by any Court or other authority.

(3) For the purposes of this section, a sum shall be deemed to be payable to the Custodian, notwithstanding that its recovery is barred by the Indian Limitation Act, 1908, or any other law for the time being in force relating to limitation of actions.]

(a) Substituted by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 12 (w.e.f. 22-10-1956).

(b) Now, the Limitation Act, 1953 (36 of 1963).

49. Records to be public documents. - All records prepared or registers maintained under this Act shall be deemed to be public documents within the meaning of the Indian Evidence Act, 1872, and shall be presumed to be genuine until the contrary is proved.

50. Notice of suit to the Custodian. - (1) If in any suit it appears to the civil or revenue Court that a question relating to the property of an evacuee or an intending evacuee is involved, the Court shall not proceed to determine that question until after notice has been given to the Custodian.

(2) A Court may, at any stage of a suit or proceeding, either on its own motion or on application made in this behalf by the Custodian, make an order that the Custodian shall be added as a party to the suit or proceeding, if the Court is satisfied that such addition is necessary or proper for the satisfactory determination of the suit or proceeding.

51. Fees payable to the Custodian. - (1) The [Central Government] may fix the fees payable to the Custodian for the management or disposal of any property vested in him.

(2) Such fees shall be payable out of the income or sale proceeds of such property and shall be a first charge on the property.

(a) Substituted for the words "State Government" by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 3 (w.e.f. 22-10-1956).

52. Power to exempt. - The Central Government may, by notification in the Official Gazette, declare that all or any of the provision of this Act or of the rules made thereunder shall not apply, or shall be deemed never to have applied, or shall cease to apply, or shall apply only with such modifications or subject to such conditions, restrictions or limitations as may be specified in the notification, to or in relation to any class of persons or class of property.]

(a) Substituted by the Administration of Evacuee Property (Amendment) Act, 1953 (11 of 1953), S. 15 (6-5-1953).

53. Power to give directions. - The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions contained in this Act or of any rules or orders made thereunder.

54. Power of Central Government to take action with regard to evacuee property. - The Central Government may, for the purpose of regulating the administration of any property which has vested in the Custodian under the provisions of this Act, pass such order or direct such action to be taken in relation thereto as, in its opinion, the circumstances of the case require and as is not inconsistent with any of the provisions contained in this Act.

55. Delegation of powers. - (1) The Central Government may direct that any power exercisable by it under this Act shall be exercisable also by such officer or authority subordinate to the Central Government or by the State Government or by such officer or authority subordinate to the State Government as may be specified in the direction.

[(2) Any power exercisable by a State Government by virtue of a direction under sub-section (1) may, unless otherwise provided in such direction, be exercised also by such officer or authority as the State Government may specify in this behalf.]

(3) Subject to the provisions of this Act and of the rules and orders made thereunder, the Custodian-Tenant may delegate all or any of his powers under this Act to any Additional, Deputy or Assistant Custodian, subject to such conditions, if any, as may be specified by the Custodian.

(4) Subject to the provisions of this Act and of the rules and orders made thereunder, the Custodian may delegate all or any of his powers under this Act to any Additional, Deputy or Assistant Custodian, subject to such conditions, if any, as may be specified by the Custodian.

(a) Inserted by Act 1 of 1960, S. 7 (27-2-1960).

56. Power to make rules. - (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :--

(a) the terms and conditions of service of the Custodian-General;

(b) the manner in which inquires under this Act may be held ;

[(bb) the transfer by the Custodian of any case pending before any officer subordinate to him or the withdrawal to himself for disposal of any case so pending or the exercise of any similar powers by the Custodian-General in respect of cases pending before any officer subordinate to him;]

(c) the manner in which evacuee properties which have vested in the Custodian may be notified ;

- (d) the manner in which possession of any evacuee property may be taken by the Custodian ;
- (e) the manner in which any person claiming any right to, or interest in, any property which has been notified an evacuee property may have his claim registered and disposed of;
- (f) the manner in which any attachment may be made by the Custodian ;
- (g) the manner in which trust properties which have vested in the Custodian may be administered or otherwise dealt with;
- (h) the circumstances in which, and the conditions subject to which, the Custodian may sell any immovable property vested in him, and the procedure governing the grant of leases and the period for which leases may be granted ;
- (i) the circumstances in which leases and allotments may be cancelled or terminated or the terms of any lease or agreement varied;
- (j) the securities in which the Custodian may invest any moneys held by him ;
- [(jj) the manner in which rent of any property or damage for unauthorized possession of any property may be assessed, and the principles which may be taken into account in assessing such rent or damages;]
- (k) the manner in which any moneys due to the Custodian may be recovered;
- (l) the form and manner in which books of accounts and other records shall be maintained by the Custodian ;
- (m) the form in which any notice under this Act may be issued, the manner of this service and publication and the form in which any demand may be made by the Custodian ;
- (n) the nature of cases and the circumstances in which and the conditions subject to which certificates for restoration of property under section 16 may be issued ;
- (o) [* * * * *]
- (p) the powers vested in a civil court which may be exercised by the Custodian while holding any inquiry under this Act ;
- (q) the manner in which applications for the previous approval of the Custodian may be made under section 40 and the matters which he shall take into account in granting such approval, and the nature of the cases and the circumstances in which the Custodian may confirm or refuse to confirm a transfer under that section;]
- (r) the form and manner in which and the time within which appeals and applications for revision may be preferred under Chapter V and the fees payable in respect thereof;
- (s) the terms and conditions of service of the Custodian and other officers appointed under this Act and for the furnishing of security by them;
- (t) the work to be performed by the Custodian and the Additional, Deputy or Assistant Custodian;
- (u) the delegation of powers of the Custodian to the Additional, Deputy or Assistant Custodians;
- (v) the fees payable to the Custodian for the management and disposal of any property vested in him and the manner in which such fees shall be paid;
- (w) the persons by whom and the time at which books of accounts maintained under this Act may be inspected and audited;
- (x) any other matter which has to be or may be prescribed under this Act.]
- (3) * * * * *

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

- (a) Clause (bb) was inserted by the Administration of Evacuee Property (Amendment) Act, 1953, (11 of 1953) S. 16 (1) (a) (6-5-1953).
- (b) Clause (o) was omitted by the Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956), S. 13 (a) (w.e.f. 22-10-1956).
- (c) Clause (q) was substituted by Act 11 of 1953, S. 16 (1) (b).
- (d) Clauses (s) to (x) were substituted for Cl. (s) by Act 91 of 1956, S. 13 (b).
- (e) Sub-section (3) was omitted, *ibid*, S. 13 (c).
- (f) Inserted by Act I of 1960, S. 8 (a).
- (g) Substituted by Act 1 of 1960, S. 8 (b).

For the Administration of Evacuee Property (Central) Rules, 1950, see Gazette of India, 1950, Pt. II, S. 3, p. 832.

57. Temporary amendment of Section 54 of the Indian Income-tax Act, 1922. - During the continuance of this Act, sub-section (3) of Section 54 of the Indian Income-tax Act, 1922, shall have effect as if after clause (o) thereof, the following clause had been inserted, namely :-

"(p) of any such particulars to the Custodian of Evacuee Property appointed under the Administration of Evacuee Property Act, 1950, for the purpose of enabling him to discharge the duties imposed upon him by or under the said Act".

- (a) Since repealed and replaced by the Income-tax Act, 1961 (43 of 1961).

58. Repeals and savings. - (1) The Administration of Evacuee Property Ordinance, 1949 and the Hyderabad Administration of Evacuee Property Regulation are hereby repealed.

(2) If, immediately before the commencement of this Act, there is in force in any State to which this Act extends any law which corresponds to this Act and which is not repealed by sub-section (1), that corresponding law shall stand repealed.

(3) The repeal by this Act of the Administration of Evacuee Property Ordinance, 1949, or the Hyderabad Administration of Evacuee Property Regulation or of any corresponding law shall not affect the previous operation of that Ordinance, Regulation or corresponding law and subject thereto, anything done or any section taken in the exercise of any power conferred by or under that Ordinance, Regulation or corresponding law, shall be deemed to have been done or taken in the exercise of the powers conferred by or under.

- **THE HIMACHAL PRADESH AGRICULTURAL CREDIT OPERATIONS AND MISCELLANEOUS PROVISIONS (BANKS) ACT, 1972**
- **THE HIMACHAL PRADESH AGRICULTURAL CREDIT OPERATIONS AND MISCELLANEOUS PROVISIONS (BANKS) RULES, 1975**

**THE HIMACHAL PRADESH AGRICULTURAL CREDIT OPERATIONS AND
MISCELLANEOUS PROVISIONS (BANKS) ACT, 1972**

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SCHEDULE

**THE HIMACHAL PRADESH AGRICULTURAL CREDIT OPERATIONS AND
MISCELLANEOUS PROVISIONS (BANKS) ACT, 1972**

(ACT NO. 7 OF 1973)¹

(Received the assent of the Governor on the 24th March, 1973 and was published in R.H.P. Extra., dated the 18th April, 1973 at page 571-582)

An Act to make provisions to facilitate adequate flow of credit for agricultural production and development through banks and other institutional credit agencies and for matters connected therewith and/or incidental thereto.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-third Year of Republic of India as follows:-

**CHAPTER I
PRELIMINARY**

1. **Short title, extent and commencement.**- (i) This Act may be called the Himachal Pradesh Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1972.

(ii) It shall extend to the whole of the State of Himachal Pradesh.

(iii) It shall come into force from such date² as the State Government may, by notification in the Official Gazette, appoint in this behalf and different dates may be appointed for different provisions of the Act and for different areas of the State.

2. **Definitions.**- In this Act, unless the context otherwise requires,-

- (a) "agriculture" and "agriculture purpose" shall include making land fit for cultivation, cultivation of land, improvement of land including development of sources of irrigation, raising and harvesting of crops, horticulture, forestry, planting and farming and cattle breeding, animal husbandry, dairy farming, seed farming, pisciculture, apiculture, sericulture, piggery, poultry farming and such other activities as are generally carried on by agriculturists, dairy farmer, cattle breeders, poultry farmers and other categories of persons engaged in similar activities

¹ For Statement of objects and Reasons, see R.H.P. Extra, dated the 10th June, 1972. p. 525 and for Authoritative Hindi Text See R.H.P. Extra., dated 3-1-1987, P. 45.

² The Act enforced in the whole of Himachal Pradesh w.e.f. the 15th September, 1973, vide Not. No. 8-29/71-Fin, (W & M), dated the 31st August, 1973, published in R.H.P., dated 8-9-1973, P. 1338.

including marketing of agricultural products, their storage and transport and the acquisition of implements and machinery in connection with any such activity;

- (b) "agriculturist" means a person who is engaged in agriculture;
- (c) "Agro-Industries Corporation" means a company or other body corporate, one of the principal objectives of which is to undertake activities connected with or intended for the development of agriculture and not less than fifty-one per cent of the paid-up share capital of which is held by the Central Government or by any State Government or Governments or partly by the Central Government and partly by one or more State Governments;
- (d) "bank" means,-
 - (i) a banking company as defined in the Banking Regulation Act, 1949 (10 of 1949);
 - (ii) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);
 - (iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks), Act 1959 (38 of 1959);
 - (iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970);
 - (v) any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949 (10 of 1949);
 - (vi) the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963 (10 of 1963);
 - (vii) the Agro-Industries Corporation as defined in sub-section (c);
 - (viii) the Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956 (1 of 1956);
 - (ix) any other financial institution¹ notified by the State Government in the Official Gazette as a bank for the purpose of this Act;
- (e) "co-operative society" means a co-operative society registered or deemed to be registered under the Himachal Pradesh Co-operative Societies Act, 1968 (3 of 1969) the object of which is to provide financial assistance as defined in clause (f) of this section to its members and includes a co-operative land mortgage/development bank; and
- (f) "financial assistance" for the purpose of this Act means assistance granted by way of loans, advances, guarantee or otherwise for agricultural purpose.

CHAPTER II

RIGHT OF AGRICULTURISTS TO ALIENATE LAND/INTERESTS IN LAND IN FAVOUR OF BANKS

3. Removal of restrictions on alienation.-Notwithstanding anything contained in any law for the time being in force or any custom or tradition, it shall be lawful for an agriculturist, whose rights of alienation of land or of any interest therein are restricted, to alienate the land or his interest therein, including by creation of a charge or mortgage on such land or interest in favour of a bank for the purpose of obtaining financial assistance from that bank.

4. State Government may by notification vest agriculturists not having alienable rights with such rights.- Notwithstanding anything contained in any law for the time being in force, the

¹ For such institutions see Not. No. 9-29/71-Fin. (W & M), dated the 15th Jan. 1975, 8-2/71-Fin. (W&M) dated 24th July, 1976 and 8-29-71 Fin. (W&M) dated 29th January, 1979.

State Government may, by notification¹ in the Official Gazette, vest any class or classes of agriculturists not having rights of alienation in land or any interest therein including,-

- (i) persons belonging to Scheduled Tribes covered by the Himachal Pradesh Transfer of Land (Regulation) Act, 1969 (15 of 1969),
- (ii) tenants other than occupancy tenants,
- (iii) occupancy tenants of the areas falling within Himachal Pradesh prior to 1st November, 1966,
- (iv) lessees of the State Government who are agriculturists, with rights of alienation including the right to create a charge or mortgage on such land or interest in favour of a bank for the purpose of obtaining financial assistance from that bank without any restrictions, or subject to such restrictions as may be specified in the notification.

5. Charge on crop and other movable property in favour of bank.- (1) It shall be lawful for an agriculturist to create a charge on the movable property owned by him or on the crops raised by him, standing or otherwise, or other produce from land cultivated by him, to the extent of his interest therein, in favour of a bank, to secure financial assistance from that bank notwithstanding that he may not be owner of the land on and from which the crop is raised.

(2) Notwithstanding anything to the contrary in the Himachal Pradesh Co-operative Societies Act, 1968 (3 of 1969) or any other law for the time being in force, no charge in respect of financial assistance extended by a co-operative society to an agriculturist shall have priority over a charge on the crops raised by him, standing or otherwise, or any other movable property in respect of any financial assistance given to him by a bank provided the financial assistance made by the bank is prior in point of time to that of the financial assistance extended by the co-operative society.

(3) A bank may, distrain and sell through an official of the State Government, designated in this behalf by the State Government, the crop or other produce or other movable charged to that bank to the extent of the agriculturist's interest therein and appropriate the proceeds of such sale towards all moneys due to the bank from that agriculturists.

6. Creation of charge on land in favour of a bank by declaration.-(1) Where an agriculturist creates a charge on land, or any other immovable property which he owns or in which he has an interest in respect of any financial assistance given to him by a bank, he may make a declaration on the lines of the form set out in the schedule hereto or as near thereto as circumstances permit, declaring that thereby he creates, in favour of the bank, a charge on such land or his interest therein or other immovable property, as the case may be, to secure the financial assistance given to him by the bank.

(2) A declaration made under sub-section (1) may be varied from time to time by the agriculturist with the consent of the bank in whose favour the declaration has been made. Such variation shall take effect from such date on which the variation, if it had been original declaration, would have effect under section 9.

¹ See Not. No. 8-29/71 Fin. (W & M), dated the 5th June, 1973.

CHAPTER III
CHARGES AND MORTGAGES IN FAVOUR OF BANKS AND THEIR PRIORITIES

7. Removal of disability in creation of charges and mortgages.- Notwithstanding anything to the contrary contained in the Himachal Pradesh Co-operative Societies Act, 1968 (3 of 1969) or any other law for the time being in force and notwithstanding that any land or interest therein stands already charged or mortgaged to a co-operative society, it shall be lawful for an agriculturist to create a charge or mortgage on such land or interest therein in favour of a bank as security for any financial assistance given to the agriculturist by that bank.

8. Priority of charges and mortgages in favour of the Government, a bank and a co-operative society.- (1) Notwithstanding anything to the contrary in any law for the time being in force but subject to any prior claim of the Government in respect of land revenue,-

- (a) no charge or mortgage created on any land or interest therein, after the commencement of this Act, in favour of the Government or a co-operative society shall have priority over a charge or mortgage on such land or interest created by an agriculturist in favour of a bank as security for financial assistance given to the agriculturist the bank after the commencement of this Act and prior to the charge or mortgage in favour of the Government or the co-operative society; and
- (b) any charge or mortgage created on any land or interest therein in favour of a bank in respect of financial assistance given to an agriculturist by that bank shall have priority over any other charge or mortgage that may have been created over such land or interest in favour of any person other than the Government, a co-operative society or any other bank, prior to the date on which the charge or mortgage was created in favour of the bank.

(2) Where different charges or mortgages over the same land or interest therein have been created by an agriculturist in favour of the Government, a co-operative society or a bank or more than one bank, any such charge or mortgage created as security for financial assistance given by the Government, co-operative society or the bank or banks by way of term loan for development purposes shall have priority over the other charges or mortgages created in favour of the Government, co-operative society or any of the banks, provided prior notice of any such financial assistance by way of term loan for development purpose had been given to such Government, co-operative society or bank and such Government, co-operative society or bank has concurred in such financial assistance and where more than one such charge or mortgage is as security for financial assistance given by way of term loan, the charges or mortgages by way of security for term loan for development purposes will rank for priority in accordance with the dates of their creation.

*Explanation.-*For the purposes of this section "term loan for development purposes" shall mean financial assistance which would generally lead to improvement of agriculture and/or building up of assets in agriculture but shall not include financial assistance for meeting working capital, expenses seasonal agricultural operations and marketing of crops.

(3) Nothing in this section shall apply to borrowings only from one or more co-operative societies including land mortgage banks.

9. Registration of charge and mortgage in favour of banks.- (1) Notwithstanding anything contained in the Indian Registration Act, 1908 (16 of 1908), a charge in respect of which a

declaration has been made under subsection (1) of section 6 or in respect of which a variation has been made under sub-section (2) of that section or a mortgage executed by an agriculturist in favour of a bank in respect of financial assistance given by that bank, shall be deemed to have been duly registered in accordance with the provisions of that Act with effect from the date of such charge, variation or mortgage, as the case may be, provided that the bank sends to the Sub-Registrar within the local limits of whose jurisdiction the whole or any part of the property charged or mortgaged is situate, within the time stipulated by the State Government for this purpose, by a registered post acknowledgement due, a copy of the document creating such charge, variation or mortgage duly certified to be a true copy by an employee of the bank authorised to sign on its behalf.

(2) The Sub-Registrar receiving the declaration in respect of a charge or variation or a mortgage referred to in sub-section (1) shall, as immediately as practicable on receipt thereof, record in a register to be maintained in this behalf, the fact of the receipt of such declaration, variation or mortgage for registration.

10. Noting of charge or mortgage created in favour of a bank, in the record-of-rights.- Whenever a charge or a mortgage on land or interest therein is created in favour of a bank by an agriculturist, the bank may give intimation to the Tehsildar or such other revenue official as may be designated in this behalf by the State Government of the particulars of the charge or mortgage in its favour. The Tehsildar or the other revenue official shall make a note of the particulars of charge or mortgage in the record-of-rights relating to the land over which the charge or mortgage has been created.

11. Restrictions on creation of tenancy by an agriculturist borrower.- (1) Notwithstanding anything contained in any law for the time being in force, an agriculturist who has availed himself of financial assistance from a bank by creating a charge or mortgage on land or interest therein, shall not, so long as the financial assistance continues to be outstanding, lease or create any tenancy rights on such land or interest therein without prior permission in writing of the bank if he has not already leased or created tenancy right thereon at the time of availing of the financial assistance from the bank.

(2) Any lease granted or tenancy rights created in contravention of this section shall be void.

CHAPTER-IV

ARRANGEMENTS FOR RECOVERY OF DUES BY BANKS

12. Removal of bar to attachment and sale by process of court.- Nothing in any law shall prevent in any manner a bank from causing any land or any interest therein charged or mortgaged to it by an agriculturist to secure any financial assistance, to be attached and sold through a civil court and applying the proceeds of such sale towards all money due to it from that agriculturist including the costs and expenses as may be awarded by the court.

13. Recovery of dues of a bank through a prescribed authority.-(1) an official of the State Government notified by the State Government as the prescribed authority¹ for the purpose of this section may on the application of a bank, make an order on any agriculturist or his heir or legal representative, directing the payment of any sum due to the bank on account of financial assistance

¹ See Not. Nos. 8-29/71-Fin (W&M) dated 31st March, 1979 and Fin-I F (F) 1-26/83 dated 11th April, 1985.

availed of by the agriculturist, by the sale of any land or any interest therein upon which the payment of such money is charged or mortgaged:

Provided that no order shall be made by the prescribed authority under this section for the sale of any land or any interest therein or any other movable property upon which the payment of money is charged or mortgaged unless the agriculturist or the heir or legal representative of the agriculturist, as the case may be, has been served with a notice by the prescribed authority, calling upon him to pay the amounts due.

(2) Every order passed by the prescribed authority in terms of subsection (1) shall be deemed to be a decree of a civil court and shall be executed in the same manner as a decree of such court.

(3) Nothing in this section shall debar a bank from seeking to enforce its rights in any other manner open to it under any other law for the time being in force.

14. Right of a bank to acquire and dispose of immovable property.- (1) Notwithstanding anything contained in any law for the time being in force, a bank shall have power to itself acquire agricultural land or interest therein or any other immovable property which has been charged or mortgaged to it by an agriculturist in respect of any financial assistance availed of by him, provided the said land or interests therein or any other immovable property has been sought to be sold by public auction and no person has offered to purchase it for a price which is sufficient to pay to the bank the moneys due to it.

(2) A bank which acquires land or interest therein or any other immovable property in exercise of the power vested in it under sub-section (1) shall dispose it of by sale, within a period to be specified by the State Government in this behalf.

(3) If the bank has to lease out any land acquired by it under subsection (1), pending sale thereof as indicated in sub-section (2), the period of lease shall not exceed one year at a time and the lessee shall not acquire any interest in that property notwithstanding any provisions to the contrary contained in any other law for the time being in force.

(4) A sale by a bank of land or interest therein in terms of this section shall be subject to any provisions of any law in force which may place restrictions on purchase of land by non-agriculturists or ceiling for acquisition of land or by a person not belonging to a particular Tribe or Scheduled Caste or fragmentation of land.

15. Exemption to banks from restrictions on acquisition of land in excess of ceiling.- Nothing in any law for the time being in force placing a ceiling or limit on the holding of land shall apply to a bank acquiring a land in terms of section 14 and holding such land till such time the bank is in a position to sell the land in the manner provided in section 14 or otherwise, at a price which is adequate to cover its dues.

CHAPTER V

FINANCING OF CO-OPERATIVE SOCIETIES BY BANKS

16. Bank eligible to become member of a co-operative society.- Notwithstanding anything contained in the Himachal Pradesh Co-operative Societies Act, 1968 (3 of 1969), or any

law for the time being in force, it shall be lawful for a bank to become a member of a co-operative society.

17. Power of co-operative societies to borrow from banks.- Notwithstanding anything contained in the Himachal Pradesh Co-operative Societies Act, 1968 (3 of 1969), it shall be lawful for any co-operative society to borrow from a bank.

18. Inspection of books of a co-operative society by a bank.- (1) A bank shall have the right to inspect the books of any co-operative society which has either applied to the bank for financial assistance or is indebted to the bank on account of financial assistance granted earlier.

(2) The inspection may be carried out by an officer or any other member of the paid staff of the bank with the previous sanction in writing of the Registrar of Co-operative Societies.

(3) The officer or any other member of the paid staff of the bank undertaking such inspection, shall, at all reasonable times, have access to the books of accounts, documents, securities, cash and other properties belonging to or in the custody of the co-operative society inspected by him, and shall also be supplied by such society such information, statements and returns as may be required by him to assess financial condition of the society and the safety of financial assistance to be made to the society or already made to it.

19. Disputes between a bank and a co-operative society.-(1) Notwithstanding anything contained in any other law for the time being in force, any dispute touching the constitution, management or the business of a co-operative society, between a bank financing a cooperative society and the co-operative society so financed other than disputes regarding the disciplinary action taken by the society or its committee against a paid employee of the society, shall be referred by either of the parties to the dispute to the Registrar of Co-operative Societies for decision.

(2) Where any question arises whether, for purposes of the foregoing sub-section, a matter referred to for decision is a dispute or not, the question shall be decided by the Registrar of Co-operative Societies whose decision shall be final.

20. Settlement of disputes.-(1) If the Registrar is satisfied that any matter referred to him or brought to his notice is a dispute within the meaning of section 19, the Registrar shall decide the dispute himself or refer it for disposal to a nominee or a board of nominees appointed by him.

(2) Where any dispute is referred under the foregoing sub-section for decision to the Registrar's nominee or board of nominees, the Registrar may at any time, for reasons to be recorded in writing, withdraw such dispute from his nominee or board of nominees and may decide the dispute himself or refer it again for decision to any other nominee or board of nominees appointed by him.

(3) Notwithstanding anything contained in section 19, the Registrar may, if he thinks fit, suspend proceedings in regard to any dispute if the question at issue between a co-operative society and a bank is one involving complicated questions of law and fact, until the question has been tried by a regular suit instituted by one of the parties to the dispute. If any such suit is not instituted within two months from the Registrar's order suspending proceedings, the Registrar shall take action as is provided in sub- section (1).

21. Procedure for hearing of disputes.-The Registrar or his nominee or board of nominee's hearing a dispute under the last preceding, section shall hear the dispute in the manner that may be prescribed by the Registrar in this behalf.

22. Decision of Registrar or his nominee or board of nominee.-When the dispute is referred for decision, the Registrar or his nominee or the board of nominees may, after giving a reasonable opportunity to the parties to the dispute to be heard, make an award on the dispute, on the expenses incurred by the parties to the dispute in connection with the proceedings and fees, expenses payable to the Registrar or his nominee or, as the case may be, to the board of nominees. Such an award shall not be invalid merely on the ground that it was made after the expiry of the period fixed for deciding the dispute by the Registrar and shall, subject to appeal or review or revision by the co-operative tribunal of the State, be binding on the parties to the dispute.

23. Recovery of money awarded.-Every award given by the Registrar or the Registrar's nominee or the board of nominees under section 22, shall, if not carried out, on a certificate signed by the Registrar, be deemed to be a decree of a civil court and shall be executed in the same manner as a decree of such court.

24. Powers of a bank to proceed against defaulting members of a co-operative society.-
(1) If a co-operative society is unable to pay its debts to a bank from which it has borrowed, by reason of its members defaulting in the payment of the moneys due by them, the bank may direct the committee of such society to proceed against such members by taking action under the Himachal Pradesh Co-operative Societies Act, 1968 (3 of 1969).

(2) If the committee of the co-operative society fails to proceed against its defaulting members within a period of ninety days from the date of receipt of such direction from the bank, the bank itself may proceed against such defaulting members in which event, the provisions of the Himachal Pradesh Co-operative Societies Act 1968 (3 of 1969), the rules and the bye-laws made thereunder shall apply as if all references to the society or its committee in the said provisions, rules and bye-laws were references to the bank.

(3) Where a bank has obtained a decree or award against a co-operative society indebted to it, the bank may proceed to recover such money firstly from the assets of the co-operative society and secondly from the members of the co-operative society to the extent of their debts due to the society.

25. Audit, inspection and inquiry reports of societies to be available to banks.-The Registrar of Co-operative Societies shall draw the attention of the bank financing a co-operative society to the defects noticed in every audit, inquiry or inspection of such society conducted as per provisions of the Himachal Pradesh Co-operative Societies Act, 1968 (3 of 1969), and shall also supply a copy each of such audit, inquiry or inspection report if demanded, in writing by the bank.

CHAPTER VI MISCELLANEOUS

26. Exemption from legislations relating to money lending and agriculturists' debt relief.-Nothing in any law for the time being in force dealing with money lending or agriculturists' debt relief shall apply to financial assistance availed of by an agriculturist from a bank.

27. Mortgages executed by managers of joint Hindu families.-(1) Notwithstanding anything contained in any law for the time being in force, mortgages executed after the commencement of this Act by the manager of a joint Hindu family in favour of a bank for securing financial assistance for an agricultural purpose shall be binding on every member of such joint Hindu family.

(2) Where a mortgage executed in favour of a bank is called in question on the ground that it was executed by the manager of a joint Hindu family for a purpose not binding on the members (whether such members have attained majority or not) thereof, the burden of proving the same shall lie on the party alleging it.

28. Modified application of section 8 of Act No. XXXII of 1956.- Section 8 of the Hindu Minority and Guardianship Act 1956 (32 of 1956), shall apply to mortgages in favour of a bank subject to the modification that reference to the court therein shall be construed as reference to the Collector or his nominee and the appeal against the order of the Collector or his nominee shall lie to the Commissioner.

29. Power of State Government to make rules.-(1) The State Government may make rules¹ to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act and all such rules shall be published in the Official Gazette.

(2) The rules framed under sub-section (1) shall be subject to previous publication.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Himachal Pradesh Legislative Assembly while it is in session and if, before the expiry of the session in which it is so laid or the session immediately following, the House makes any modification in the rule or decides that the rule should not be made, rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

¹ Rules made vide Not. 8-29/71-Fin (W&M) dated the 31st July, 1975, published in R.H.P. dated 9.8.1975, p.924-927.

SCHEDULE

Declaration under section 6(1)

I,.....(aged.....years) residing atbeing desirous of availing myself of financial assistance from the.....bank make this declaration as required by section 6(1) of the Himachal Pradesh Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1972, that I.....own/ have interest as tenant in the land specified below, and I hereby create a charge on the said land/interest in land in favour of the bank for securing the financial assistance, which the bank may make and for all future assistance, if any, which the bank may make to me together with interest, costs and expenses thereon.

Name of Revenue Estate	Name of Tehsil	Name of District	Khasra number	Boundaries South, North, East, West	Area in acres
1	2	3	4	5	6

Assessment		Approximate value	Encumbrances, if any		Remarks if any
Rupees	Paise		Nature	Amount	
7		8	9	10	11

In witness whereof, I, Shri.....Hereunder set my hand this.....day of.....in the year one thousand nine hundred and.....

Witnesses.

Signed and delivered by the above named in the presence of:-

(1)

(2)

Signature of declarant.

ATTESTED BY

Forwarded with compliments to the Tehsildar with a request to include the particulars of the charge created under the declaration in the record-of-rights and to return to the bank for its record

Manager/Agent.

Bank.

.....Place.

Returned with compliments to the Manager/Agent Bank. The charge created under the declaration is duly included in the record-of-rights on theday of 20

Tehsildar.

Forwarded with compliments to the Sub-Registrar with a request to record the particulars of the charge created under the declaration in his office.

Manager/Agent.

.....Bank.

.....Place.

Returned with compliments to the Manager/Agent Bank. The charge created under the declaration is duly recorded.

Sub-Registrar.

**HIMACHAL PRADESH AGRICULTURAL CREDIT OPERATIONS AND
MISCELLANEOUS PROVISIONS (BANKS) RULES, 1975**

FINANCE DEPARTMENT

NOTIFICATION

Shimla-171002, the 31st July, 1975

No. 8-29/71-Fin.(W&M). - In exercise of the powers conferred by section 29(1) of the Himachal Pradesh Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1972 (Act No 7 of 1973) the Governor, Himachal Pradesh, is pleased to make the following rules entitled as the Himachal Pradesh Agricultural Credit Operations and Miscellaneous Provisions (Banks) Rules, 1975, the same having been previously published in the Himachal Pradesh Rajpatra, dated the 5th April, 1975.

CHAPTER I

Preliminary

1. Short title and commencement. - (1) These rules shall be called the Himachal Pradesh Agricultural Credit Operations and Miscellaneous Provisions (Banks) Rules, 1975.

(2) These shall come into force at once.

2. Definitions. - Under these rules, unless there is anything repugnant in the subject or context:-

- (a) "Act" means the Himachal Pradesh Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1972 (Act No. 7 of 1973);
- (b) "Collector" means the head revenue officer of a district and includes any officer appointed or authorised by the Government under these rules to exercise all or any of the powers of a Collector;
- (c) "Section" means a section of the Act; and
- (d) all other words and expressions used in these rules but not defined in these rules shall have the meanings respectively assigned to them in the Act.

CHAPTER II

Distrain and Sale of Movables

3. Application by the bank for distraint-section 5(3). - (1) Where any charge has been created on any crop, produce or other movable property in favour of a Bank in respect of financial assistance and the whole or any part of the amount due in respect thereof remains unpaid, the Bank may apply to the Collector of the district concerned for distraint and sale of such crop, produce or property.

(2) Every application under sub-section (1) shall be in Form 'A'.

(3) The copy of the document creating the charge duly certified to be a true copy by an employee of the Bank authorised to sign on its behalf shall be filed along with the application referred to in sub-rule (1).

4. Service of notice to show cause against distraint on the agriculturist or his legal representative etc. - If the Collector is satisfied that the application is in order, he shall cause to be served on the agriculturist or his heir or legal representative, a written notice of demand in form 'B'

calling upon him to pay the amount specified in the notice within a period of fifteen days from the date of service thereof, or to show cause why the property charged may not be distrained and sold.

5. Mode of service of notice under rule 4. - The notice referred to in rule 4 shall be served by delivering a copy to the agriculturist or his heir or legal representative or to any adult male member of his family at his usual place of residence or to his authorised agent, or when such service cannot be effected, by affixing a copy of the notice on some conspicuous part of his residence.

6. Procedure where no cause is shown against distraint of property charged. - If the amount specified in the notice referred to in rule 4 or the balance if any, is not paid within the time allowed therefor, or if no cause is shown, or where cause shown is considered by the Collector to be insufficient, he shall attach the property charged.

7. Custody of distrained property. - The Collector shall make proper arrangements for custody and preservation of distrained property during the interval between distraint and sale thereof. The applicant or an officer of the Bank concerned, if so authorised by the applicant, shall, if required by the Collector, undertake the custody and preservation of the property distrained.

8. Time when the distraint can be made. - The attachment shall be made at any time between sun rise and sun-set.

9. Distraint of crops or ungathered produce. - If crops or ungathered produce of the land belonging to the agriculturist or his heir or legal representative are distrained, the Collector may cause them to be sold when it becomes fit for reaping or gathering, or at his option may cause them to be reaped or gathered in due season and stored in proper place until sold.

10. Entry of the distrainer on private premises for distraining. - (1) Wherever the Collector for the purpose of the attachment of the properties referred to in sub-rule (1) of the rule 3 has the information for the reasons to believe that-

- (a) any portion of the properties to be attached under Act and the Rules framed thereunder, has been concealed or is likely to be concealed;
- (b) any person who has been required under these rules to produce or cause to be produced, any books, accounts, documents, or other information in his custody or power has omitted or failed to produce, or cause to be produced, such books, accounts, documents or other information; or
- (c) any books, accounts, receipts, vouchers, certificates, reports or other documents belonging to any property to be attached are likely to be tampered with, falsified or manufactured:

he may authorise any of his subordinate officer to effect the search or inspection under this rule.

(2) Whenever any place liable to search or inspection under sub-rule (1) is closed, any person residing in, or being in charge of, such place, shall, on demand of the officer authorised by the Collector under sub-rule (1) and on production of authority to conduct the search in question, allow free ingress thereto, and afford all reasonable facilities for search therein.

(3) If ingress to such place cannot be obtained under sub-rule (2), it shall be lawful, in any case for an officer conducting search or inspection, to enter such place and search therein, and in order to effect entrance into such place, stable, cow-shed, grainery, godown, out-house or other building, to break open the lock of any door, box, safe, almirah or other receptacle for exercising the powers conferred by sub-rule (1) where the keys thereto are not available, if after notification of

his authority and purpose and demand of admittance duly made, he cannot otherwise obtain the admittance.

Provided that, if any such place is an apartment in the actual occupancy of a female who, according to custom, does not appear in public, such officer shall before entering such apartment give notice to such female that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

(4) Before making a search under this rule, the officer authorised to do so shall call upon two or more independent respectable inhabitants of the locality in which the place to be searched is situate or of any other locality if no such inhabitant of such locality is available or is willing to be a witness to the search, to attend and witness the search and may issue an order in writing to them or any of them so to do.

(5) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer and signed by such witness; but no person witnessing a search under this rule shall be required to attend the Court as a witness of the search unless specifically summoned by it.

(6) The occupant of the place searched, or some persons on his behalf, shall, in every instance, be permitted to attend during search, and a copy of the list prepared under this rule, signed by the said witness shall be delivered to such occupants or person. When any person is searched under this rule, a list of all things taken in possession shall be prepared and a copy thereof shall be delivered to such person.

(7) Any person who, without reasonable cause, refuses or neglects to attend and witness search under this rule, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

11. Sale of distrained property by public auction. - (1) The Collector may sell or cause to be sold by public auction any property distrained under rule 6 or such part thereof as may in his opinion be necessary to satisfy the demand together with expenses of the distraint and the costs of the sale.

(2) The distrainer shall at any time before the date of sale cause proclamation of the date and place of the intended sale to be made by beat of drum in the village in which the agriculturist or his heirs, or legal representatives reside or the properties referred to in sub-rule (1) of rule 3 are kept and in such other place or places as the Collector may consider necessary to give due publicity to the intended sale.

(3) The Collector may in his discretion adjourn the sale to a specified day recording the reasons for such adjournment. Where a sale is adjourned for a longer period than fifteen days, a fresh proclamation under sub-rule (2) shall be made unless the agriculturist or his heir or legal representative consents to waive it.

12. Recovery of sale proceeds from purchaser. - The purchaser shall not be permitted to carry away any part of the property until he has paid for it in full.

13. Release of distrained property on payment of the amount due by the agriculturist or any person claiming interest in the property. - Where prior to the date fixed for sale, the agriculturist or his heir or legal representative or any person acting on his behalf or any person claiming an interest in the property distrained pays the full amount due, including interest, and other

expenses incurred in the distraint and sale of the property charged, the distrainer shall not proceed with the sale and shall release the property forthwith.

CHAPTER III

Charge and Mortgage of Immovable Properties

14. Time limit within which intimation of charge/mortgage etc. is to be sent by the Bank to the Registrar. - (1) Within a period one month from the date of such execution, a copy of document creating a charge, variation or mortgage referred to in (sic) section (1) of section 9 shall not be a carbon copy but shall be neatly hand-written, printed, or type-written, or a cyclostyled copy of type-written matter on only one side of the paper.

(2) Such copy shall be sent by the Bank to the Sub-Registrar of the area.

15. Inspection of the records of the Sub-Registrar. - Where a copy of the document creating a charge, variation or mortgage has been sent to the Sub-Registrar under section 9, the Bank or any employee thereof duly authorised in this behalf, may at any time inspect the relevant record of the Sub-Registrar concerned to ensure whether the said copy has been filed in accordance with sub-section (1) of the said section.

16. Noting of charge or mortgage under section 10. - The Tehsildar to whom the intimation is given by the Bank under section 9, shall not normally take more than 30 days from the receipt of intimation from the Bank to make a note in the record-of-rights under section 10.

CHAPTER IV

Sale of land and interest therein

17. Action to be taken by the Bank prior to the making of application under section 13. - If an agriculturist has defaulted in the repayment of three consecutive instalments, the Bank shall serve a registered notice on the defaulter calling upon him to clear the dues within one month from the date of the issue of the notice and if the borrower does not comply with the notice within the stipulated period, a second notice giving him a further period of one month shall be served upon him through registered post. After the expiry of the period of the second notice, it shall be presumed that the means available to the Bank have been exhausted. Thereafter, the Branch Manager of the Bank may move the Collector within the local limits of whose jurisdiction the whole or any part of the property charged or mortgaged is situated; for initiating the action under section 13.

18. Application under section 13. - (1) Every application by a Bank under sub-section (1) of section 13 for the sale of any land or interest therein shall be made by the bank in Form 'C' to the Collector. The application shall be accompanied by sufficient number of copies thereof along with copies of notices in Form 'D' for service on the agriculturist or his heirs or legal representatives.

(2) The copy of the document creating the charge duly certified to be a true copy by an employee of the Bank authorised to sign on its behalf shall be filed along with the application referred to in sub-rule (1).

19. Service notice under Section 13. - On receipt of the application referred to in rule 18, the Collector shall cause to be noted thereon, the date of its presentation and if it is satisfied that the application is in order, a notice in Form 'D' shall be served on the agriculturist or his heirs or legal representatives, as the case may be.

20. Supply of certified copy of the order passed by the prescribed authority to the aggrieved party. - Any person affected by any order passed by the Collector under sub-section (1) of section 13 of the Act, shall be entitled to be furnished with a certified copy thereof and any other connected document on application duly made in that behalf.

21. Time within which the Bank has to dispose of the property under section 14(2). - A Bank acquiring land or interest therein under sub-section (1) of section 14 shall dispose it of by sale, within a period not exceeding five years from the date on which the 1st public auction under sub-section (1) of section 13 was concluded by the Collector.

22. Notice, summon etc. to be issued under the Act/Rules. - Every order, notice, summon or intimation issued by any authority under the Act or under these Rules shall bear the signatures of such authority or such other authority as may be duly authorised in this behalf, and shall be authenticated by the seal of such authority.

Form "A"

(See rule 3(2))

Before the Collector, Tehsil, District, Applicant (Bank).

Versus

..... Opposite party (Agriculturist or his heirs or legal representatives).

Application under sub-section (3) of section 5 of the Himachal Pradesh Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1972, for the distraint and sale of crop, produce or other movable property.

1. Name and address of the agriculturist. (If the
agriculturist is dead, the name of his heir or legal
representative should also be stated.)
2. The amount of the financial assistance
3. Date when the charge was created
4. Date when the loan was actually advanced
5. The nature of the transaction and the terms of the
loan
6. Total amount due (including interest)
7. Payments, if any, made by agriculturist along with
the date of such payment
8. Net amount due on the date of application
(excluding cost)
9. Description of the property charged/mortgaged

It is, therefore, requested that the property hereinbefore mentioned may be distrained and sold, and the amount due be paid to the Bank.

Agent/Officer-in-charge.

.....Bank.

Dated.....

Enclosures:

- 1.
- 2.
- 3.
- 4.

Form "B"
(See rule 4)

Before CollectorDistrict.....

Notice under rule 4 of the Himachal Pradesh Agricultural Credit Operations and Miscellaneous Provisions (Banks) Rules, 1975.

To

Shri.....
.....
.....

Whereas Shri borrowed a sum of Rs on 197 as financial assistance from.....Bank.....Branch, district.....by creating a charge on the crops, produce or other movables specified below;

And whereas, the amount due to the said Bank has not yet been paid, and the Bank has made an application (copy enclosed) that the property specified below be distrained and sold; You are, therefore, called upon to pay the sum of Rs within a period of fifteen days from the date of service of this notice and/or to show cause why the property specified below be not distrained and sold, and the amount due be not paid to the Bank from the sale proceeds thereof.

Description of the crop, produce or other movable charged.
.....
.....

.....
(Distrainer).

Dated.....
Seal.

FORM "C"
(See rule 18)

Before the Collector, Sub-Division District
Applicant (Bank).

Versus

.....Opposite party (Agriculturist or his heirs or legal representatives).

Application under section 13(1) of the Himachal Pradesh Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1972, for the sale of land or interest therein.

1. Name of the agriculturist to whom the financial
assistance was granted (if the agriculturist is dead,
the name of his heirs or legal representatives should
also be stated)
2. The amount of the financial assistance
3. Date when the deed was executed
4. Date when the deed was registered
5. Date when the loan was actually advanced
6. The nature of the transaction and the terms of the
loan
7. Total amount due (including interest)
8. Payments, if any, made by the agriculturist along
with the date of such payments
9. Net amount due on the date of application
(excluding cost)
10. Description of the property charged/mortgaged

It is, therefore, requested that the amount due to the Bank may be directed to be paid by the sale of the property hereinbefore mentioned.

Agent[Officer-in-charge

.....

.....

Dated.....

Enclosures:

- 1.
- 2.
- 3.
- 4.

FORM "D"

(See rules 18 and 4)

Before the Collector Sub-Division District

Notice under section 13(1) of the Himachal Pradesh Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1972

To

Shri.....

Whereas, Shri.....borrowed a sum of Rs.....as financial assistance from.....Branch, district..... on the basis of a deed of charge/mortgage executed on.....in respect of the property specified below: -

And whereas, the amount due to the said Bank has not yet been paid and the Bank has made an application (copy enclosed) that the property specified below be sold.

Now, therefore, in exercise of the powers under the proviso to section 13(1) of the Himachal Pradesh Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1972, you are hereby called upon to pay the entire amount due to the said Bank, within a period of one month from the date of service of this notice.

Please take notice that in the case of default, the property specified below shall be sold in accordance with the provisions of the Act and rules made thereunder:-

Description of the property charged/mortgaged:

.....

Dated.....

Seal.

.....
 (Prescribed Authority)

Enclosures:

- 1.
- 2.
- 3.
- 4.

(R.H.P., dated the 9th August, 1975, p. 924-927).

- **THE HIMACHAL PRADESH TRANSFER OF LAND (REGULATION) ACT, 1968**
- **THE HIMACHAL PRADESH TRANSFER OF LAND (REGULATION) RULES, 1969**

THE HIMACHAL PRADESH TRANSFER OF LAND (REGULATION) ACT, 1968

AGREEMENT OF SECTIONS

SECTIONS:

1. Short title, extent and commencement.
2. Definitions.
3. Regulation of transfer of land.
4. Application for permission for transfer of land.
5. Ejectment.
6. Appeal.
- 6-A. Review.
7. Finality of orders.
8. Right title or interest held by persons belonging to Scheduled Tribes in land not to be attached.
- 8-A. Amendment of the Limitation Act, 1963, in its application to proceedings under Section 8.
9. Penalty.
10. Power to make rules.

THE HIMACHAL PRADESH TRANSFER OF LAND (REGULATION) ACT, 1968

(Act No. 15 of 1969)¹

(Received the assent of the President of India on the 15th May, 1969, and was published in Hindi and English in R.H.P.Extra., dated the 28th June, 1969 at page 526-528.)

AN ACT to regulate the transfer of Land in the "State of Himachal Pradesh" in the interest of persons belonging to the Scheduled Tribes and for matters connected therewith.

Amended, repealed or otherwise affected by,-

- (i) A.O. 1973, published in R.H.P. Extra., dated 20th January, 1973 at pages 91-112.
- (ii) H.P. Act No. 16 of 1986², assented to by the President on 18th May, 1986 published in R.H.P. Extra., dated 2nd July, 1986 pages 1163.
- (iii) H.P. Act No. 2 of 2003³, assented to by the President on 14th January, 2003 published in R.H.P. Extra., dated 12th March, 2003 pages 3621-3626.
- (iv) H.P. Act No. 4 of 2023, assented to by the President on 10th March, 2023 published both in Hindi and English in R.H.P. Extra., dated 27th April, 2023 pages 772-774.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth year of the Republic of India as follows:

1. Short Title, extent and commencement.- (1) This Act may be called the Himachal Pradesh Transfer of Land (Regulation) Act, 1968.

¹ For Statement of Objects and Reasons see R.H.P. Extra., dated the 30th November, 1968 p. 1166.

² For Statement of Objects and Reasons see R.H.P. Extra., dated 8th March, 1986, pages 350.

³ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 28th August, 2002, pages 1524 & 1529.

(2) It extends to such area of the State of Himachal Pradesh, as from time to time be notified in the Official Gazette.

(3) It shall come into force at once.

2. Definitions.-In this Act, unless the context otherwise requires,-

- (a) "Commissioner" means the Commissioner appointed under the Land Revenue Act in force in Himachal Pradesh;
- (b) "Co-operative Land Mortgage Bank" means a Co-operative Land Mortgage Bank registered as such under the Punjab Cooperative Land Mortgage Banks Act, 1957 (26 of 1957) as in force in the State of Himachal Pradesh.;
- (c) "Co-operative Society" means a Co-operative Society registered as such under the Himachal Pradesh Co-operative Societies Act, 1956(13 of 1956) or the Punjab Co-operative Societies Act, 1961 (25 of 1961), as in force in the territory transferred to Himachal Pradesh under the Punjab Re-Organisation Act, 1966(31 of 1966);
- (d) "Deputy Commissioner" in relation to any district, means the Deputy Commissioner of that district;
- (e) "Financial Commissioner" means the Financial Commissioner of Himachal Pradesh;
- ¹[(ee) "Gram panchayat" means an Institution as established under section 8 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994) ;
- (eee) "Gram Sabha" means a body established under section 4 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994);]
- (f) "Land" means a portion of the earth's surface, whether or not under water, and includes all things attached to, or permanently fastened to anything attached to such portion but does not include minerals, natural gas, petroleum, timber, trees, growing crops and grass; .
- ²[(ff) "Panchayati Panchayat" means a Gram Panchayat or a Panchayat Samiti or a Zila Parishad constituted under the Himachal Pradesh Panchayat Raj Act, 1994(4 of 199);]
- (g) "Prescribed" means prescribed by rules made under this Act;
- (h) "Scheduled Tribes" shall have the same meaning as assigned to it in clause (25) of Article 366 of the Constitution; and
- (i) "State Government" means the Government of Himachal Pradesh.

3. Regulation of transfer of land.-³[(1) No person belonging to Scheduled Tribe 'shall transfer his interest in any land including any constructed premises by way of sale, mortgage, lease, gift or otherwise to any person not belonging to such tribes except with the previous permission in writing of the State Government:

Provided that the State Government before 'according such permission shall consult the Gram Sabha or Panchayats at the appropriate level:

Provided further that nothing in this sub-section shall apply to any transfer,-

¹ Clauses (ee) and (eee) inserted by H.P. Act No.2 of 2003 published in R.H.P. (Extra-ordinary) on 12-3-2003 at page 3624.

²Clause (ff) inserted by H.P. ActNo.2 of 2003 published in R.H.P., (Extra-ordinary) on 12-3-2003 at page 3624.

³ Substituted by H.P. Act. No.2 of 2003 published in R.H.P.(Extra-ordinary) on 12- 3-2003 at page 3624.

- (a) by way of lease of a building on rent; and'
- (b) by way of mortgage, for securing loan, to any ¹[Scheduled Commercial Bank or to any Co-operative Bank having its headquarter within the State or to any] Co-operative Land Mortgage Bank or to any Co-operative Society, all members of which belong to Scheduled Tribes:

Provided further that previous permission in writing of the State Government and prior consultation of Gram Sabha or Panchayats at appropriate level shall be required, for making the acquisition of land under ²[the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013] in the Scheduled Areas for development of projects and before re-settling or rehabilitating persons evicted by such projects in the scheduled areas, the actual planning and implementation of the projects in the scheduled areas shall be coordinated at the State level;]

(2) Every transfer of interest in land made in contravention of the provisions of sub-section (1) shall be void.

4. Application for permission for transfer of land.- (1) Any person belonging to any Scheduled Tribe who desires to make a transfer of his interest of any land to a person not belonging to such tribe, may make an application to the Deputy Commissioner for the grant of permission for such transfer.

(2) Every application under sub-section (1) shall be made in the prescribed form and shall contain the prescribed particulars and shall be accompanied by such fees as may be prescribed.

³(3) On receipt of any such application for the grant of permission, the Financial Commissioner shall refer the application to the Deputy Commissioner and the Deputy Commissioner, after making such inquiry as he thinks fit, shall submit the application with his remarks to the Commissioner who after recording his opinion about such transfer of land shall forward the application to the State Government for decision, and the State Govt. after due consideration shall grant or refuse the permission:

Provided that where permission is refused, the State Government shall record in writing the reasons for such refusal and shall communicate such refusal to the applicant as well as to the Gram Sabha or Panchayats at the appropriate level.]

(4) Before granting or refusing permission under this section, the ⁴[State Government] shall have regard to the following matters, namely:-

- (a) the financial position of the applicant;
- (b) the age and physical condition of the applicant;
- (c) the purpose for which the transfer is proposed to be made; and
- ⁵[(cc) recommendations of the concerned Gram Sabha or Panchayats at the appropriate level; and] .

¹ Inserted vide Act. No. 4 of 2023.

² Subs. vide Act. No. 4 of 2023.

³Sub-section (3) substituted by H.P. Act No. 2 of 2003 published in R.H.P. (Extraordinary) on 12-3-2003 at page 3625.

⁴ Substituted for the words "Deputy Commissioner", vide H.P. Act. No.2 of 2003 published in R.H.P. (Extra-ordinary) on 12-3-2003 at page 3625.

⁵ Inserted by H.P. Act No.2 of 2003 published in R.H.P. (Extra-ordinary) on 12-3- 2003, at page 3625.

- (d) such other relevant matters as the ¹[State Government] may think fit in the circumstances of the case.

5. Ejectment.-(I) if, as a result of transfer of any land in contravention of the provisions of section 3, any person other than a person belonging to any Scheduled Tribes, is found to be in possession of that land, the Deputy Commissioner or any other officer authorised in writing by the State Government in this behalf, ²[or the Panchayats at the appropriate level,] may, without prejudice to the provisions of section 9 serve a notice upon such person requiring him to vacate the land within ninety days from the date of service of the notice and to remove any building, fence or any other structure which may have been raised on such land:

Provided that if there are any crops actually growing on the land at the time of such requisition, such person shall be entitled to retain possession of the land until such crops are harvested.

(2) Every person to whom a requisition is made under sub-section (1) shall be bound to comply with such requisition.

³**6. Appeal.**-- (1) Any person aggrieved by an order made under section 5 may, within thirty days from the date of communication of the order, prefer an appeal to the Commissioner:

Provided that the Commissioner, may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Commissioner shall dispose of the appeal expeditiously after giving the appellant an opportunity of being heard.]

⁴**6-A. Review.**- The State Government may review its order passed under section 4 for sufficient and good reasons suo-motu or on an application of an interested party:

Provided that the State Govt. shall not pass any order reversing or modifying its previous orders without giving the parties concerned an opportunity of being heard, and fresh consultation of the Gram Sabha or Panchayat concerned at the appropriate level.]

⁵**7. Finality of orders.**-The orders made in appeal by the Commissioner under section-6 and, subject only to such order, the order made by the Deputy Commissioner or any other officer authorised in writing by the State Govt. under section-5 or the Panchayats at the appropriate level, shall be final.]

8. Right, title or interest held by persons belonging to Scheduled Tribes in land not to be attached.-⁶[(1)] No right, title or interest held by a person belonging to Scheduled Tribe in any land shall be liable to be attached or sold in execution of any decree or order in favour of any person

¹ Substituted for the words "Deputy Commissioner", vide H.P. Act. No.2 of 2003 published in R.H.P. (Extra-ordinary) on 12-3-2003 at page 3625

² Words" or the Panchayats at appropriate level", inserted by H.P. Act. No.2 of 2003, published in R.H.P. (Extra-ordinary) on 12-3-2003 at page 3625.

³ Section 6 substituted by H.P. Act. No.2 of 2003 published in RH.P. (Extra-ordinaiy) on 12-3-2003 at page 3626.

⁴ New Section 6-A inserted by H.P. Act. No.2 of 2003 published in R.H.P. (Extraordinary) on 12-3-2003 at page 3626.

⁵ Section 7 substituted by H.P. Act. No2 of 2003 published in R.H.P. (Extraordinary) on 12-3-2003 at page 3626.

⁶ Section 8 re-numbered as sub-section (1) by H.P. Act. No. 16 of 1986 published in R.H.P. (Extra-ordinary) on 2-7-1986 at page 116.

not belonging to a Scheduled Tribe of any court except when the amount due under such decree or order is due to the State Government or to any Co-operative Land Mortgage Bank or Co-operative Society.

¹[(2) Notwithstanding anything to the contrary contained in the Code of Civil Procedure or any other law for the time being in force, any court, 5 of 1908 vested with the appellate or revisional jurisdiction, may, either on its own motion or on an application moved to it by any person belonging to a Scheduled Tribe, set aside any sale of his property in execution of a decree in favour of a person not belonging to a Scheduled Tribe.]

Explanation.-For the removal of doubts, it is hereby declared that the court shall not refuse to take cognizance of an application, or refuse, to exercise the power conferred upon it, under this sub-section, simply for the reason that the applicant or the person to whom the property in question belonged failed to raise the objection so that extent before the court which either passed the decree or passed any order in execution proceedings thereof.]

²[8-A. **Amendment of the Limitation Act, 1963, in its application to proceedings under section 8.**-In the Limitation Act, 1963 in its 36 of 1963 application to the proceedings under section 8, in the Schedule, after the words 'Twelve years' occurring in the second column against article 65, the words, brackets and figure but 'thirty years' in case of immovable property belonging to a member of a Scheduled Tribe specified in relation to the state of Himachal Pradesh in the Constitution (Scheduled Tribes) Order 1950, shall be inserted.]

9. **Penalty.**-If any person contravenes or attempts to contravene or abets the contravention of any of the provisions of section-3 or section-5, he shall be punishable with fine which may extend to ³[five thousand] rupees and in the case of a continuing contravention, with an additional fine which may extend to ⁴[five hundred] rupees for every day during which such contravention continues after conviction for the first such contravention.

10. **Power to make rules.**-(1) The State Government may make rules for the purpose of carrying out the provisions of this Act.

- (2) Without prejudice to the generality of the foregoing power, such rules may provide for-
- (a) the form of application for the grant of permission under section 4, the particulars it may contain, the fees which should accompany it and the manner of depositing such fees; and
 - (b) any other matter which has to be, or may be prescribed under this Act.

¹Added by H.P. Act. No. 16 of 1986 published in R.H.P. (Extra-ordinary) on 2-7-1986 at page 1163.

² Section 8-A added by H.P. Act. No. 16 of 1986 published in R.H.P. (Extraordinary) on 2-7-1986 at page 1163.

³ For the words "two hundred", the words "five thousand" Substituted by H.P. Act No. 2 of 2003 published in R.H.P. (Extra-ordinary) on 12-3-2003 at page 3626

⁴ For the words "fifty", the words "five hundred" substituted by H.P. Act. No.2 of 2003 published in R.H.P. (Extra-ordinary) on 12-3-2003 at page 3626.

THE HIMACHAL PRADESH TRANSFER OF LAND (REGULATION) RULES, 1969

Published vide Notification No. 22-1/69-Wel-Sectt, dated 6th December, 1969

Welfare Department

No. 22-1/69-Wel-Sectt. - In exercise of the powers conferred by sections 4 and 10 of the Himachal Pradesh Transfer of Land (Regulation) Act, 1968, the Lieutenant Governor, Himachal Pradesh is pleased to make the following Rules:-

1. Title and Commencement. –

- (1) These rules may be called the Himachal Pradesh Transfer of Land (Regulation) Rules, 1969.
- (2) These shall come into force at once.

2. Definitions. - In these rules unless there is anything repugnant in the subject or context,-

- (a) "Act" means the Himachal Pradesh Transfer of Land (Regulation) Act, 1968(15 of 1969);
- (b) All words and expressions used in these rules and not defined herein shall have the same meaning as are respectively assigned to them in the Act.

3. Application form and fees. –

- (a) A member of scheduled tribe who intends to transfer his interest in any land to a person not belonging to such tribe may make an application to the Deputy Commissioner in Form I (Attached to these Rules) for the grant of permission for such transfer.
- (b) The rate of application fee will be rupee one for each applications in the form of court fee stamp to be affixed on the application submitted by the applicant under section 4(1) of the Act.

4. Mode of enquiry. - The Deputy Commissioner shall make or cause to make an enquiry on the receipt of application on the following lines:-

- (i) The Enquiry Officer should satisfy himself that the object of transfer stated by the applicant is the true object and that all other information given in the application is correct.
- (ii) Has the officer advised the applicant to apply for a loan from the Government or any Co-operative Land Mortgage Bank, or to any co-operative Society of the kind mentioned in clause 3(b) of the Act.
- (iii) The officer should report whether the applicant agrees to take a loan from the Government and if so, whether transfer would still be necessary?
If he disagrees to take such loan, reasons should be mentioned
- (iv) Is the applicant has been inducted by anybody to sell the land?
- (v) Is the officer satisfied that the permission if granted would be in the best interest of the applicant?

5. Orders of the Deputy Commissioner. –

- ¹[(a) After the enquiry has been made, the Enquiry Officer who shall not be below the rank of the Sub-Divisional Magistrate or Revenue Assistant, shall return the application to the Deputy Commissioner along with his recommendations]
- (b) On receipt of the application with the recommendations of the Enquiry Officer, the Deputy Commissioner shall pass orders, thereby granting or refuse permission to transfer of land and inform the applicant in writing.

Form

[Application for the transfer of land under rule 3(a) of the Himachal Pradesh transfer of land (Regulation) rules, 1969]

1. Name of the applicant in (block letters).....
2. Father's name.....
3. Address.....
4. Tribe of the applicant.....
5. Description of land to be transferred (areas of land, field number, village, wet or dry areas).....
6. Total area of land held by the applicant at the time of submitting application, with location of each piece of land, along with name of village.....
7. The number of family members dependent on him.....
 - (i) Description of each family member with age and his relationship.....
 - (ii) Age and physical condition of the applicant.....
8. Total income of the applicant per annum from land and other sources separately.....
9. Name, caste and residence of the person(s) to whom the land is to be alienated.....
10. Kind of transfer proposed by the applicant (mortgage, sale etc.) and his object in asking for the transfer.....
11. Present market value of the land proposed to be alienated.....
12. Amount at which the applicant proposed to make the transfer
13. Whether there is no other Scheduled Tribes person prepared to have the land alienated in his favour for the market value of the land.....

¹ RHP, dated the 27-12-1969, Pages 1560-1561.

- 14. Purpose of transfer.....
- 15. On how many former occasions has the applicant applied for permission under section 4(3) of the Act.....

Signature of the applicant

Station.....

N.B. - The assessment of the market value will be assessed by the Deputy Commissioner concerned in accordance with the rules/instructions on the subject

Orders of The Deputy Commissioner

Station.....

Dated.....

Signature

.....Designation

- **THE HIMACHAL PRADESH PUBLIC PREMISES AND LAND (EVICTION AND RENT RECOVERY) ACT, 1971**
- **THE HIMACHAL PRADESH PUBLIC PREMISES AND LAND (EVICTION AND RENT RECOVERY) RULES, 1971**

THE HIMACHAL PRADESH PUBLIC PREMISES AND LAND (EVICTION AND RENT RECOVERY) ACT, 1971

ARRANGEMENT OF SECTIONS

SECTIONS:

1. Short title, extent and commencement.
2. Definitions.
3. Unauthorized occupation of public premises.
4. Issue of notice to show cause against order of eviction.
5. Eviction of un-authorized occupants.
6. Disposal of property left in public premises by un-authorized occupants.
7. Power to require payment of rent or damages in respect of public premises.
8. Power of Collector.
9. Appeals.
10. Finality of orders.
11. Offences and penalty.
12. Power to obtain information.
13. Liability of heirs and legal representatives.
14. Recovery of rent etc., as arrears of land revenue.
15. Bar of jurisdiction.
16. Protection of action taken in good faith.
17. Power to make rules.
18. Repeal.

THE HIMACHAL PRADESH PUBLIC PREMISES AND LAND (EVICTION AND RENT RECOVERY) ACT, 1971

(ACT No. 22 OF 1971)¹

(Received the assent of the Governor on the 5th November, 1971 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 19th November, 1971, pp. 1448-1454.

Amended, repealed or otherwise affected by:-

- (i) H.P. Act No. 9 of 1983², assented to by the Governor on the 20th April, 1983, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 30th April, 1983, pp. 505-507.
- (ii) H.P. Act No. 18 of 2007³, assented to by the Governor on the 26th December, 2007, published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated 29th September, 2007, pp. 6149-6151.

¹For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh, (Extra-ordinary), dated 24th September, 1971, p. 1235.

²For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh, (Extra-ordinary), dated 17th March, 1983, p. 296.

³ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 7th September, 2007, pp. 4972 and 4978.

- (iii) H.P. Act No. 15 of 2009¹, assented to by the Governor on the 17th September, 2009, published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated 22nd September, 2009, pp. 3992-3995.
- (iv) H.P. Act No. 1 of 2012², assented to by the Governor on the 18th January, 2012, published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated 28th January, 2012, pp. 5323-5324.

An Act to provide for the eviction of un-authorised occupants from public premises and for certain incidental matters.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless the context otherwise requires,-

- (a) “Collector” means the Collector of the district, and includes any other officer appointed by the State Government for performing the functions of the Collector under this Act;
- (b) “corporate authority” means any company or corporation referred to in sub-clauses (ii) and (iii) of clause (e) of this section;
- (c) “estate” has the meaning assigned to it in the Himachal Pradesh Land Revenue Act, 1953 (6 of 1954);
- (d) “premises” means any land, whether used for agricultural or non-agricultural purposes, or any building or part of a building and includes,-
 - (i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building, and
 - (ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;
- (e) “public premises” means any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the State Government and includes any premises belonging to, or taken on lease by, or on behalf of-

¹Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For the Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh dated 28th August, 2009, pp. 3107 and 3110-3111.

²Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh dated 22nd December, 2011, pp. 4748-4749.

- (i) any municipal corporation/committee, notified area committee, panchayat Samiti, Panchayat or improvement trust ¹[XXXXXXXXXXXX],
- (ii) any company as defined in section 3 of the Companies Act, 1956, in which not less than fifty one per cent of the paid up share capital is held by the State Government, ²[XXXXXX]
- (iii) any corporation (not being a company as defined in section 3 of the Companies Act, 1956 or a local authority) established by or under a Central Act as defined in clause (7) of section 3 of the General Clauses Act, 1897, or a Himachal Pradesh Act and owned or controlled by the State Government ³[, and]
- ⁴[(iv) any Co-operative Society registered or deemed to have been registered under the Himachal Pradesh Cooperative Societies Act, 1968;]
- (f) “prescribed” means prescribed by rules made under this Act;
- (g) “rent” in relation to any public premises means the consideration payable periodically for the authorised occupation of the premises, and includes-
 - (i) any charge for electricity, water or any other services in connection with the occupation of the premises; and
 - (ii) any tax (by whatever name called) payable in respect of the premises, where such charge or tax is payable by the State Government, the corporate authority or a local body as given in sub-clause (i) of clause (e) of this section.

3. Unauthorized occupation of public premises.- For the purposes of this Act, a person shall be deemed to be in unauthorised occupation of any public premises-

- (a) where he has whether before or after the commencement of this Act entered into possession thereof otherwise than under and in pursuance of any allotment, lease or grant; or
- (b) where he, being an allottee, lessee or grantee, has by reason of the determination or cancellation of his allotment, lease or grant in accordance with the terms in that behalf therein contained, ceased, whether before or after the commencement of this Act, to be entitled to occupy or hold such public premises; or
- (c) where any person authorised to occupy any public premises has, whether before or after the commencement of this Act-
 - (i) sub-let in contravention of the terms of allotment, lease or grant, without the permission of the State Government or of any other

¹The sign “or a Wakf property registered with the Himachal Pradesh Wakf Board” added vide H.P. Act No. 18 of 2007 and omitted vide H.P. Act No. 1 of 2012.

²Word “and” omitted vide H.P. Act No. 9 of 1983.

³Substituted for the sign “,” inserted H.P. Act No. 9 of 1983.

⁴New sub-clause (iv) added vide H.P. Act No. 9 of 1983.

authority competent to permit such sub-letting the whole or any part of such public premises, or

- (ii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such public premises.

Explanation.-For the purposes of clause (a) a person shall not merely by reason of the fact that he has paid any rent be deemed to have entered into possession as allottee, lessee or grantee.

4. Issue of notice to show cause against order of eviction.- (1) If the Collector is of opinion that any persons are in unauthorised occupation of any public premises situate within his jurisdiction and that they should be evicted, the Collector shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

(2) The notice shall-

- (a) specify the grounds on which the order of eviction is proposed to be made; and
- (b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the public premises, to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issue thereof.

(3) The Collector shall cause the notice to be affixed on the outer door or some other conspicuous part, of the public premises, or of the estate in which the public premises are situate, and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been duly given to all persons concerned.

(4) Where the Collector knows or has reasons to believe that any persons are in occupation of the public premises, then, without prejudice to the provisions of sub-section (3), he shall cause a copy of the notice to be served on every such person by post or by delivering or tendering it to that person or in such other manner as may be prescribed.

5. Eviction of unauthorized occupants.- (1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the Collector is satisfied that the public premises are in unauthorized occupation, the Collector may, on a date to be fixed for the purpose, make an order of eviction, for reasons to be recorded therein directing that the public premises shall be vacated by all persons who may be in unauthorized occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises or of the estate in which the public premises are situate:

¹[Provided that subject to the provisions of this Act or any rules made thereunder, the Collector shall make an order of eviction within a period of six months from the date of issuance of notice under section 4, however, the period may further be extended by three months for the reasons to be recorded in writing.]

¹Proviso inserted vide H.P. Act No. 15 of 2009

¹[(2) If any person refuses or fails to comply with the order of eviction within fifteen days of the date of its publication under sub-section (1), the Collector or any other officer duly authorized by him in this behalf may evict that person, within fifteen days after expiry of the above mentioned period, and take possession of the public premises and may, for that purpose, use such force as may be necessary.]

(3) The Collector shall impose upon the person evicted under this section a fine upto ten thousand rupees or the market value of the premises whichever is higher.]

6. Disposal of property left on public premises by un-authorized occupants.- (1) Where any persons have been evicted from any public premises under section 5, the Collector may, after giving fourteen days' notice to the persons from whom possession of the public premises has been taken and after publishing the notice in at least one newspaper having circulation in the locality, remove or cause to be removed or sell by public auction any property remaining on such premises.

(2) Where any property is sold under sub-section (1), the sale proceeds thereof shall, after deducting the expenses of the sale and the amount, if any, due to the State Government, a corporate authority or a local body as given in sub-section (i) of clause (e) of section 2 on account of arrears of rent or damages or costs, be paid to such person or persons as may appear to the Collector to be entitled to the same:

Provided that where the Collector is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he may refer such dispute to the civil court of competent jurisdiction and the decision of the court thereon shall be final.

7. Power to require payment of rent or damages in respect of public premises.- (1) Where any person is in arrears of rent payable in respect of any public premises, the Collector may, by order, require that person to pay the same within such time as may be specified in the order.

(2) Where any person is, or has at any time been, in unauthorised occupation or any public premises, the Collector may, having regard to such principles of assessment of damages as may be prescribed, assess the damages on account of the use and occupation of such premises and may, by order, require that person to pay the damages within such time as maybe specified in the order.

(3) No order under sub-section (1) or sub-section (2) shall be made against any person until after the issue of a notice in writing to the person calling upon him to show cause within such time as may be specified in the notice why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same have been considered by the Collector:

²[Provided that every order under sub-sections (1) and (2) shall be made within a period of six months, however, the period may further be extended by three months for the reasons to be recorded in writing.]

¹For sub-section (2), sub-sections (2) and (3) substituted vide H.P. Act No. 15 of 2009.

²Proviso inserted vide H.P. Act No. 15 of 2009.

8. Power of Collector.- A Collector shall, for the purpose of holding any inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) any other matter which may be prescribed.

9. Appeals.- (1) An appeal shall lie from every order of the Collector made in respect of any public premises under section 5 or section 7 to the Commissioner .

(2) An appeal under sub-section (1) shall be preferred-

- (a) in the case of an appeal from an order under section 5, within thirty days from the date of publication of the order under subsection (1) of that section; and
- (b) in the case of an appeal from an order under section 7, within thirty days from the date on which the order is communicated to the appellant:

Provided that the Commissioner may entertain the appeal after the expiry of the period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Where an appeal is preferred from an order of the Collector, the commissioner may stay the enforcement of that order for such period and on such conditions as he deems fit.

¹[(4) Every appeal under this section shall be disposed of by the Commissioner within a period of three months.]

(5) The costs of any appeal under this section shall be in the discretion of the Commissioner.

10. Finality of orders.- Save as otherwise expressly provided in this Act, every order made by the Collector or Commissioner under this Act, shall be final and shall not be called in question in any original suit, application or execution proceeding, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

11. Offences and penalty.-²[(1) If any person who has been evicted from any public premises under this Act, again occupies the premises without authority for such occupation, he shall be punishable with imprisonment which may extend to one year or with fine which may extend to twenty thousand rupees or twice the market value of the premises, whichever is higher, or with both.]

(2) Any Magistrate convicting a person under sub-section (1) may make an order for evicting that person summarily and he shall be liable to such eviction without prejudice to any action that may be taken against him under this Act.

12. Power to obtain information.- If the Collector has reasons to believe that any persons are in unauthorised occupation of any public premises, the Collector or any other officer authorised

¹Sub-section (4) substituted vide H.P. Act No. 15 of 2009.

²Sub-section (1) substituted vide H.P. Act No. 15 of 2009.

by him in this behalf may require those persons, or any other person to furnish information relating to the names and other particulars of the persons in occupation of the public premises and every person so required shall be bound to furnish the information in his possession.

13. Liability of heirs and legal representatives.- (1) Where any person against whom any proceeding for the determination of arrears of rent or for the assessment of damages is to be or has been taken dies before the proceeding is taken or during the pendency thereof, the proceeding may be taken or, as the case may be, continued against the heirs or legal representatives of that person.

(2) Any amount due to the State Government, any corporate authority or a local body as mentioned in sub-clause (i) of clause (e) of section 2 from any person whether by way of arrears of rent or damages or costs shall, after the death of the person; be payable by his heirs or legal representatives, but their liability shall be limited to the extent of the assets of the deceased in their hands.

14. Recovery of rent etc., as arrears of land revenue.- If any person refuses or fails to pay the arrears of rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) of that section or the costs awarded to the State Government, any corporate authority or a local body as given in sub-clause (i) of clause (e) of section 2 under sub-section (5) of section 9 or any portion of such rent, damages, or costs, within the time, if any, specified therefore in the order relating thereto, the Collector shall proceed to recover the amount due as arrears of land revenue.

15. Bar of jurisdiction.- No civil court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person who is in unauthorized occupation of any public premises or the recovery of the arrears of rent payable under sub-section (1) of section (7) or the damages payable under sub-section (2) of that section or the costs awarded to the State Government, corporate authority or a local body as given in sub-clause (i) of clause (e) of section 2 under sub-section (5) of section 9 or any portion of such rent, damages or costs.

16. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall lie against the State Govt. or the Commissioner or the Collector in respect of anything which is in good faith done or intended to be done in pursuance of this Act, or of any rules or orders made thereunder.

17. Power to make rules.- (1) The State Government may, by notification in the Official Gazette, make rules not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, and without prejudice to the generality of the preceding sub-section, such rules may provide for all or any of the following matters, namely:-

- (a) the form of any notice required or authorised to be given under this Act, and the manner in which it may be served;
- (b) the holding of inquiries under this Act;
- (c) the procedure to be followed in taking possession of public premises;
- (d) the manner in which damages for unauthorized occupation may be assessed and the principles which may be taken into account in assessing such damages;
- (e) the manner in which appeals may be preferred and the procedure to be followed in appeals; and

(f) any other matter which has to be or may be prescribed.

(3) All rules made under this Act shall as soon as may be after they are made, be laid before the State Legislature and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following:

18. Repeal.- The Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1959 (31 of 1959), as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organization Act, 1966 (31 of 1966) is hereby repealed.

THE HIMACHAL PRADESH PUBLIC PREMISES AND LAND (EVICTION AND RENT RECOVERY) RULES, 1971

ARRANGEMENT OF RULES

Rules

1. Short title.
 2. Definition.
 3. Forms of notices and orders.
 4. Manner of service of notices and orders.
 5. Holding of enquiries.
 6. Manner of taking possession of public premises.
 7. Assessment of damages.
 8. Procedure I appeals.
 9. Repeal and savings.
- FORM 'A'
FORM 'B'
FORM 'C'
FORM 'D'
FORM 'E'
FORM 'F'

LOCAL SELF GOVERNMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 10th March, 1972

No 1-12/71-LSG.- in exercise of the powers conferred by section 17 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No 22 of the 1971) the Governor, Himachal Pradesh, is pleased to make the following rules entitled as the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Rules, 1971 the same having been previously published in Himachal Pradesh Rajpatra (Extraordinary issue), dated 13th December, 1971:-

1. **Short title-** These rules may be called the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Rules, 1971.

2. **Definition-**

(1) In these rules-

- (a) 'Act' means the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971;
- (b) 'Form' means a form appended to these rules.

(2) Words and expressions used but not defined in these rules shall have the meaning, if any, assigned to them in the Act.

3. **Form of notices and orders-** A notice or orders under the Act shall be in one of the appropriate forms (A, B, C, D, E, & F)¹ appended to these rules.

¹ Ins. by Not. No. 1-12/71-L.S.G. dt. 7.1.1974 published in R.H.P. Extra. Dt. 11.1.1974, P. 31-32.

4. Manner of service of notices and orders.-

- (a) Where the person on whom a notice under sub-section (1) of section 4, or sub-section (1) section 6 of the Act is to be served cannot be found, a copy of such notice shall, in addition to any other manner of service specified in the Act, be affixed in a conspicuous part of the last Known place of business of such person or be delivered to some adult members of his family.
- (b) The Collector may also proclaim the contents of any notice of the locality by beat of drum.

5. Holding of enquires.-

- (1) Where any person on whom in notice or order under this Act has been served desires to be heard through his representative, he should authorize such representative, in writing.
- (2) The Collector shall record the summary of the evidence tendered before him. The summary of such evidence and any relevant documents filed before him shall form part of the record of the proceedings.

6. Manner of taking possessions of public premises.-

(1) If any obstruction is offered or is in the opinion of the Collector likely to be offered to the possession of any public premises under the Act, the Collector or any other officer duly authorised by him in this behalf may obtain necessary police assistance.

(2) Where any public premises of which possession is to be taken under the Act, is found locked, the Collector or any other officer duly authorized by him in this behalf may either seal the premises or in the presence of two witnesses break open the locks or open or cause to be opened any door, gate or other barrier, and enter the premises:

Provided that-

- (1) no entry shall be made into or possession taken of a public premise before sunrise or after sunset;
- (2) Where any public premises is forced open, an inventory of the articles found in the premises shall be prepared in the presence of two witnesses.

7. Assessment of damages:- In assessing damages for unauthorized use and occupation of any public premises, the Collector shall take into consideration the following matters, namely:-

- (a) the purpose and the period for which the public premises were in unauthorized occupation;
- (b) the nature, size and standard of the accommodation available in such premises;
- (c) the rent that would have been realized if the premises been let on rent for the period of unauthorized occupation to a private person.
- (d) any damage done to the premises during the period of unauthorized occupation;
- (e) any other matter relevant for the purpose of assessing the damages.

8. Procedure in appeals: -

- (a) An appeal preferred under section 9 of the Act, shall be in writing, shall set forth concisely the ground of objections to the order appealed against, and shall be accompanied by a copy of such order.

- (b) On receipt of the appeal and after calling for and pursuing the record of the proceedings before the Collector appellate officer shall appoint time and place for the hearing of the appeal and shall give notice thereof to the Collector against whose order the appeal is preferred and to the appellant.

9. Repeal and savings: - Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable are hereby repealed:

Provided that any order made or Action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

FORM 'A'

Form of notice under sub-section (1) of section 4 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971.

To

Shri/Shrimati/Kumari _____

Whereas, I the undersigned, am of opinion, on the grounds specified below, that you are in unauthorized occupation of the public premises mentioned in the schedule below and that you should be evicted from the said premises.

GROUND

Now, therefore, in pursuance of sub-section (1) of section 4 of the Act, I hereby call upon you to show cause on or before the*----- why such an order of eviction should not be made.

SCHEDULE

Date-----

Signature and Seal of Collector

*This date should be a date not earlier than ten days from the date of issue of the notice.

FORM 'B'**Order under sub-section (1) of section 5 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act,1971**

Whereas, I the undersigned, am satisfied for the reasons recorded below that Shri/Shrimati/Kumari _____ is /are in unauthorized occupation of the public premises specified in the schedule below.

REASONS

Now, therefore, in exercise of the powers conferred on me by sub-section (1) of section 5 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971, I hereby order the said Shri/Shrimati/Kumari _____ and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises with in thirty days of the date of publication of this order. In the event of refusal of failure to comply with this order within the period specified above, the said Shri/Shrimati/Kumari _____ and all other persons concerned are liable to be evicted from the said premises , if need be by the use of such force as may be necessary.

SCHEDULE

Date.....

Signature and seal of the Collector

FORM 'C'**Form of notice under sub-section (1) of section 6 of the Himachal Pradesh Public premises and Land (Eviction and Rent Recovery) Act, 1971**

To

Shri/Shrimati/Kumari.....

Whereas on the----- you were evicted from the Public premises described in the scheduled below which was unauthorisedly occupied by you.

Now, therefore, in exercise of the powers conferred on me by sub-section(1) of section 6 of the Act, I hereby give you notice that after fourteen days of the service of this notice on you, any property remaining on the said premises will be liable to be removed or disposed of by public auction. In case you desire to take possession of your property and remove the same from the said premises, you will be permitted to do so on written authority from the undersigned provided any arrears of rent/damages due from you are paid within the said period of fourteen days.

SCHEDULE

Signature and Seal of the Collector

Date-----

FORM 'D'**Order under sub-section (1) of section 7 of the Himachal Pradesh Public premises and Land (Eviction and Rent Recovery) Act, 1971.**

To

Shri/Shrimati/Kumari.....

Whereas, you are in occupation of the public premises described in the scheduled in the scheduled below:-

And Whereas, a sum of Rs _____ being the arrears of the rent from the _____ day of _____ 20 _____ upto the _____ day of _____ 20 _____ in respect of said premises is due and payable by you to the Government.

Now, therefore, in exercise of the powers conferred on me by sub-section (1) of section 7 of the Himachal Pradesh Public premises and Land (Eviction and Rent Recovery) Act, 1971, I hereby require you to pay the said sum on or before the _____. In case the said sum is not paid within the said period, it will be recovered as an arrear of land revenue.

SCHEDULE

Date _____

Signature and seal of the Collector

FORM 'E'**Notice under sub-section (2) of section 7 of the Himachal Pradesh Public premises and Land (Eviction and Rent Recovery) Act, 1971.**

To

Shri/Shrimati/Kumari.....

Whereas, I the undersigned, am satisfied that you are/were in unauthorized occupation of the public premises mentioned in the schedule below:-

And, whereas, in exercise of the powers conferred on me by sub section (2) of section 7 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971, I consider the damages amounting to Rs _____ at the rate of Rs _____ and _____ P.M/P.A have been caused on account of unauthorized use and occupation of the premises for the period from _____ to _____

Now, therefore, under the provisions of sub-section (2) of section 7 of the Act, I hereby call upon you to show cause on or before the _____ why an order requiring you to pay the said damages should not be made.

SCHEDULE

Date _____

Signature and Seal of the Collector

FORM 'F'**Form of order under sub-section (2) of section 7 of the Himachal Pradesh Public premises and Land (Eviction and Rent Recovery) Act, 1971.**

To

Shri/Shrimati/Kumari.....

Whereas, I the undersigned, am satisfied that you are/were in unauthorized occupation of the public premises mentioned in the schedule below:-

And whereas, by a written notice, dated _____ you were called upon to show cause on or before, the _____ why an order requiring you to pay damages of Rs. _____ for unauthorized use and occupation of the said premises, should not be made.

¹And, whereas, I have considered your objections or the evidence produced by you

And whereas you have not made any objection or produced any evidence before the said date.

Now, therefore, in exercise of the powers conferred on me by sub section (2) of section 7 of the Himachal Pradesh Public Premises and Land(Eviction and Rent Recovery) Act, 1971, I hereby order you to pay the sum of Rs. _____ assessed by me on damages on account of your unauthorized occupation of the said premises on or before the _____

In the event of your refusal to pay the damages within the said period, the amount will be recovered as an arrear of land revenue.

SCHEDULE

Date _____

Signature and Seal of the Collector

¹ Strike of portion not required.

LOCAL SELF GOVERNMENT DEPARTMENT

NOTIFICATIONS

Appointment of Collector

Shimla-2 the 30th June, 1972

No. 1-2/72-LSG.- In exercise of the powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of 1971), the Governor, Himachal Pradesh is pleased to appoint all the Sub-Divisional Officers (Civil) in Himachal Pradesh to perform the functions of the Collector under the above Act.

(R.H.P., dated the 15th July, 1972, P. 713)

Shimla-2, the 19th December, 1974

No. 1-21/70-LSG.- In exercise of the powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of 1971), the Governor, Himachal Pradesh is pleased to appoint the General Assistant (II), Kangra District at Dharamshala, Himachal Pradesh to perform the functions of the Collector under the above Act, within the jurisdiction of Kangra District.

(R.H.P., dated the 4th January, 1975, P. 12)

Shimla-2, the 17th January, 1976

No. 1-21/70-LSG.- In exercise of the powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of 1971), the Governor, Himachal Pradesh is pleased to appoint the General Assistant, Solan District at Solan, Himachal Pradesh to perform the function/duties of the Collector under the aforesaid Act within the said district.

(R.H.P., dated the 31st January, 1976, p. 152)

Authoritative English text of this Department Notification No. 1-21/71-LSG dated 2.2.1989 as required under clause (3) of Article 348 of the Constitution of India.

**GOVERNMENT OF HIMACHAL PRADESH
LOCAL SELF GOVERNMENT DEPARTMENT
NOTIFICATION**

No. 1-21/70-LSG. Dated Shimla-2, the 2.2.1989.- In exercise of the powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of 1971), the Governor, Himachal Pradesh is pleased to appoint all the Executive (B&R) Divisions of the Public Works Department, Himachal Pradesh to perform the functions of the Collector within their respective jurisdiction under the aforesaid Act as far as road side encroachments are concerned, in respect of cases dealing with unauthorized occupation of the acquired with of land of the road with immediate effect.

By Order,

Commissioner-cum-Secretary (LSG) to the
Government of Himachal Pradesh.

- **THE HIMACHAL PRADESH ROADSIDE LAND CONTROL ACT, 1968.**
- **THE HIMACHAL PRADESH ROADSIDE LAND CONTROL RULES, 1970.**

THE HIMACHAL PRADESH ROADSIDE LAND CONTROL ACT, 1968

ARRANGEMENT OF SECTIONS

SECTIONS:

1. Short title, extent and commencement.
2. Definitions.
3. Declaration of scheduled road and controlled area.
4. Plans of scheduled roads to be deposited at certain offices.
5. Restrictions on buildings etc., in a controlled area.
6. Application for permission to build etc., and grant or refusal of such permission.
7. Right of appeal.
8. Compensation.
9. Amount of compensation how determined.
10. Saving for other enactments.
11. Prohibition of use of any land as a brick-field etc., without license.
12. Offences and penalties.
13. Offences by companies.
14. Composition of offences.
15. Trial of offences and special provision regarding fine.
16. Bar to legal proceedings.
17. Savings.
18. Power to make rules.
19. Bar of jurisdiction of civil courts.
20. Repeal and savings.

THE HIMACHAL PRADESH ROADSIDE LAND CONTROL ACT, 1968 (ACT NO. 21 OF 1969)¹

(Received the assent of the Governor on the 13th June, 1969, and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 3rd September, 1969, pp. 367-375 read with corrigendum published in the Rajpatra, Himachal Pradesh, dated the 6th June, 1970, p. 397.)

An Act to prevent haphazard and sub-standard development along scheduled roads and in controlled areas in Himachal Pradesh.

Amended, repealed or otherwise affected by,-

- (i) The Himachal Pradesh Adoption of Laws (State and Concurrent Subjects) Order, 1973, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 20th January, 1973, pp. 91- 112, effective from 25th January, 1971.

¹For Statement of Object and Reasons see the Rajpatra, Himachal Pradesh (Extraordinary), dated 23rd July, 1968, p. 692.

- (ii) H.P. Act No. 21 of 1978¹ assented to by the Governor on the 28th April, 1978 and published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 3rd May, 1978, pp. 411-412.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Himachal Pradesh Roadside Land Control Act, 1968.

(2) It shall extend to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or ²[context],-

- (1) "agriculture" includes horticulture, dairy farming, poultry farming and the planting and upkeep of an orchard;
- (2) "building" means a house, hut, shed or other roofed structure for whatever purpose or of whatsoever material constructed, and every part thereof, and includes a wall or masonry platform or masonry ditch or drain but does not include a tent or a fence for agricultural purposes;
- (3) "Collector" includes any authority appointed by the Government, by notification in the Official Gazette, to perform all or any of the functions of the Collector under this Act;
- (4) "place of worship" includes a temple, church, mosque, imambara, tanquia, idgah, samadhi, math, sati;
- (5) "prescribed" means prescribed by rules made under this Act;
- (6) "road" means a road maintained by the Government or any local authority or a route demarcated by the Government or a local authority with a view to constructing along it a road;
- (7) "controlled area" means an area declared as such under section 3;
- (8) "Financial Commissioner" means Financial Commissioner of Himachal Pradesh and includes any person for the time being appointed by the Government by notification, to exercise and perform all or any of the powers and functions of the Financial Commissioner under this Act and the rules made thereunder ;
- (9) "Government" or "State Government" means the Government of Himachal Pradesh;
- (10) "scheduled road" means a road declared as such by the Government under-section 3; and
- (11) "Official Gazette" means the Rajpatra, Himachal Pradesh.

3. Declaration of scheduled road and controlled area.- (1) The Government may, by notification, in the Official Gazette declare any length or the whole of any road to be a "schedule road" and the area upto a horizontal distance of five meters as prescribed from the edge of the road-land on either of such scheduled road to be a "controlled area".

¹For Statement of Object and Reasons see Rajpatra, Himachal Pradesh (Extraordinary), dated 22nd April, 1978, p. 392.

²The word "context" read for the word "cantext" vide Notification No. 6-75/68- LR, dated 22nd April, 1970, published in the Rajpatra, Himachal Pradesh vide dated 6th June, 1970, p. 397.

(2) Not less than three months before making a declaration under subsection (1), the Government shall cause to be published in the Official Gazette and in at least two newspapers printed in a language other than English, a notification stating that it proposes to make such a declaration and specifying broadly the boundaries of the land in respect of which the declaration is proposed to be made and copies of every such notification or of the substance thereof shall be published by the Collector in such manner as he thinks fit at his office and at such other places as he considers necessary within the said boundaries.

(3) Any person interested in any land included within the boundaries mentioned in subsection (1), may, at any time before the expiration of 60 days from the last date on which a copy of such notification is published by the Collector, object to the making of the declaration or to the inclusion of his land or any part of it within the said boundaries.

(4) Every objection under sub-section (3) shall be made to the Collector in writing, and Collector shall give to every person so objecting an opportunity of being heard either in person or through a legal practitioner, and shall, after all such objections have been heard and after such further enquiry, if any, as he thinks necessary, forward to the Government the record of the proceedings held by him together with a report setting forth his recommendations on the objections.

(5) If, before the expiration of the time allowed by sub-section (3) for the filing of objections, no objection, has been made, the Government may proceed at once to the making of a declaration under sub-section (1). If any Such objection have been made, the Government shall consider the record and the report referred to in sub-section (4) and may either,-

- a) abandon the proposal to make a declaration under sub-section (1),or
- b) make such a declaration in respect of either the whole or part of the land included within the boundaries specified in the notification under sub-section (2).

(6) For the purposes of sub-section (3), a person shall be deemed to be interested in land if he is a "person interested" as defined in clause (b) of section 3 of the Land Acquisition Act, 1894, (1 of 1984), for the purposes of that Act or where the land is occupied by or for the purposes of a place of worship, tomb, cenotaph, graveyard, grave or marghat if he is a member of the faith to which such building pertains.

(7) A declaration made under sub-section (1) shall, unless and until it is withdrawn, be conclusive evidence of the fact that the road to which it relates is a scheduled road and the area to which it relates is a controlled area.

4. Plank of scheduled roads to be deposited at certain offices.- (1) The Collector shall deposit at his office and at such other places as he considers necessary, plans showing the alignment of roads declared to be scheduled for the purposes of this Act, and setting forth the nature of the restrictions, applicable to the land within five metres on their either side.

(2) The plans so deposited shall be available to the public for inspection free of charge at all reasonable times.

(3) Provision may be made by rules made in this behalf with respect to the form and contents of the plans and with respect to the procedure to be followed and any other matter in connection with the objections thereto.

(4) The Collector may authorise any person to enter into or upon any land and building with or without assistants or workmen for the purpose of making an enquiry, inspection, measurement or survey or taking levels:

Provided that no entry shall be made except between the hours of sunrise and sunset and without giving twenty four hours' notice to the occupier or owner of such land or building.

5. ¹**[Restrictions] on buildings etc. in a controlled area.-** Notwithstanding anything contained in any other law for the time being in force, no person shall erect or re-erect any building or make or extend any excavation or layout means of access to a road in a controlled area:

Provided that nothing in this section shall apply to-

- (a) the repair to a building which was in existence immediately before the commencement of this Act or any erection or reerection of such a building which does not involve any structural alteration or addition therein, or
- (b) the erection or re-erection of a building which was in existence immediately before- the commencement of this Act and which involves any structural alteration or addition with the permission of the Collector, or
- (c) the laying out of any means of access to a road with the permission of the Collector, or
- (d) the erection or re-erection of a motor-fuel-filling station or a bus queue shelter with the permission of the Collector, or

²[(e) any other construction as may be prescribed, with the permission of the Collector.]

6. **Application for permission to build etc. and grant or refusal of such permission.-** (1) Every person desiring to obtain the permission referred to in section 5 shall make an application in writing to the Collector in such form and containing such information in respect of the building, excavation, means of access, motor-fuel-filling station or a bus-queue shelter to which the application relates, as may be prescribed.

(2) On receipt of such application, the Collector, after making such enquiry as he considers necessary, shall by order in writing, either

- (a) grant the permission subject to such conditions, if any, as may be specified in the order, or
- (b) refuse to grant such permission.

(3) When the Collector grants permission subject to conditions under clause (a) of sub-section (2) or refuses to grant permission under clause (b) of sub-section (2), the conditions imposed or the grounds of refusal shall be such as are reasonable having regard to the circumstances of each case.

¹In the Heading of section 5, the word "Restrictions" read for the word "Restrictio" corrected vide Notification No. 6-75/68-LR, dated 22nd April, 1970, published in the Rajpatra, Himachal Pradesh vide dated 6th June, 1970, p. 397.

²Substituted vide Act No. 21 of 1978.

(4) The Collector shall maintain a register with sufficient particulars (If all permissions given by him under this section and the register shall be ¹[available] for inspection without charge by all persons interested and such persons shall be entitled to take extracts therefrom.

7. Right of appeal.- (1) Any person aggrieved by all order of the Collector under sub-section (2) of section 6 granting permission subject to conditions or refusing permission may, within thirty days from the date of such order, prefer an appeal to the Financial Commissioner.

(2) The order of the Financial Commissioner on appeal shall be final.

8. Compensation.- (1) No person shall be entitled to claim compensation under this or any other Act for any injury, damage or loss caused or alleged to have been caused by an order).

- (a) refusing permission to make or extend an excavation, or granting such permission but imposing conditions on the grant) or
- (b) refusing permission to layout a means of access to a road) or granting such permission but imposing conditions on the grant, or
- (c) granting permission to erect or re-erect a building but imposing conditions on the grant) or
- (d) granting any other permission for the controlled area but imposing conditions on the grant.

(2) When an order has been made refusing permission to erect or reerect building, any person, who has exercised the right of appeal given by subsection (1) of section 7 may, within three months of the date of the order of Financial Commissioner, make to the Financial Commissioner a claim for compensation on the ground that his interest in the land concerned is injuriously affected by the said order.

(3) On receipt of a claim under sub-section (2), the Financial Commissioner shall either proceed to acquire the land concerned under the Land Acquisition Act, 1894, (1 of 1894) or transfer the claim for disposal to an officer exercising the powers of Collector under the said Act:

Provided that in case the Financial Commissioner decides to acquire the land,

- (i) it shall not be necessary for land occupied by a place of worship, tomb, cenotaph, graveyard, grave or marghat to be included, and
- (ii) the claimant shall be entitled to be repaid by the acquiring authority the amount of expenses which he may have properly incurred in connection with the preparation and submission of his claim for compensation under this section, and in default of agreement, such an amount shall be determined by the authority deciding the value of land in the proceedings under the Land Acquisition Act, 1894.(1 of 1894).

(4) Nothing in this section shall be deemed to preclude the settlement of a claim by mutual agreement.

9. Amount of compensation how determined.- (1) When a claim is transferred for disposal under section 8 to an officer exercising the powers of a Collector under the Land Acquisition Act, 1894, such officer shall make an award determining the amount of compensation, if any, payable to the claimant.

¹In section 6(4), the word "available" read for the word "avible" corrected vide Notification No. 6-75/68-LR, dated 22nd April, 1970, published in the Rajpatra, Himachal Pradesh vide dated 6th June, 1970, p. 397.

(2) The amount of compensation awarded under sub-section (1) shall, in no case exceed the difference between the market value of the land in the existing conditions having regard to the restrictions actually imposed upon its use and development by the order refusing permission to erect or re-erect a building thereon and market value immediately before the publication under sub-section (2) of section 3 of the notification in pursuance of which the area in which it is situated was declared to be a controlled area, and, no compensation shall be awarded under sub-section (1),-

- (i) unless the claimant satisfies the officer. making the award that proposals for the development of the land which, at the date of the application under sub-section (1) of section 6, are immediately practicable, or would have been so, if this Act had not been passed, or prevented or injuriously affected by the restrictions imposed under this Act, or
- (ii) if and in so far as the land is subject to substantially similar restrictions in force under some other enactment which were in force at the date when the restrictions were imposed under this Act, or
- (iii) if compensation in respect of the same restrictions in force under this Act or of substantially similar restrictions in force under some other enactment has already been paid in respect of the land to the claimant or to any predecessor in interest of the claimant.

(3) The provisions of Parts III, IV, V and VIII of the Land Acquisition Act, 1894 (1 of 1894) shall, so far as may be, apply to an award made under sub-section (1) as though it were an award made under that Act.

10. Saving for other enactments.- Nothing in this Act shall affect the power of the Government or any other authority to acquire land or to impose restrictions upon the use and development of land comprised in the controlled area under any other enactment for the time being in force, or to permit the settlement of a claim arising out of the exercise of powers under this Act by mutual agreement.

11. Prohibition of use of any land as a brickfield etc. without license.- (1) Notwithstanding anything contained in any other law for the time being in force, no land within a controlled area shall be used for the purposes of a char-coal-kiln, pottery-kiln or lime-kiln, stone quarry or slate quarry and no land within a controlled area shall be used for the purposes of a brickfield or brick-kiln except under, and in accordance with the conditions of, a license from the Collector which shall be renewable annually.

(2) The Government may charge such fees for the grant and renewal of such license and may impose such conditions in respect thereof as may be prescribed.

(3) No person shall be entitled to claim compensation under this or any other Act for any injury, damage or loss caused or alleged to have been caused by the refusal of a license under sub-section (1).

12. Offences and penalties.- (1) Any person who,-

- (a) erects or re-erects any building or makes or extends any excavation or lays out any means of access to a road in contravention of the provisions of

section 5 or in contravention of any conditions imposed by an order under section 6 or section 7;

(b) uses any land in contravention of the provisions of subsection (1) of section 11,

shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing contravention, with a further fine which may extend to fifty rupees for every day after the date of the first conviction during which he is proved to have persisted in the contravention.

(2) Without prejudice to the provisions of sub-section (1), the Collector may order any person who has committed a breach of the provisions referred to in the said sub-section to restore to its original state or to bring into conformity with the conditions which have been violated, as the case may be, any building or land in respect of which a contravention, such as is described in the said sub-section has been committed and if such person fails to do so within three months of the order, may himself take such measures as may appear to him to be necessary to give effect to the order and the cost of such measures shall, if not paid on demand being made to him be recoverable from such person as an arrear of land revenue.

13. Offences by companies.- (1) Where an offence under this Act has been committed by a company, the company as well as every person in-Charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section-

- (a) "company" means anybody corporate and includes a firm or other association of individuals, and
- (b) "director" in relation to a firm means a partner in the firm.

14. Composition of offences.- (1) The Collector or any person authorised by the Collector, by general or special order, in this behalf, may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act.

(2) Where an offence has been compounded, the offender, if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

15. Trial of offences and special provision regarding fine.- (1) No court inferior to that of a Magistrate of the first class shall be competent to try any offence punishable under this Act.

(2) Notwithstanding anything contained in section 32 of ¹[the] Code of Criminal Procedure, 1898 (5 of 1 898) , it shall be lawful for any Magistrate of the first class to pass a sentence of fine exceeding the pecuniary limit specified in that section as in force in any part of Himachal Pradesh on any person convicted of an offence punishable under this Act.

16. Bar to legal proceedings.- (1) No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made, thereunder.

17. Savings.- Nothing in this Act shall apply to,-

- (a) the erection or re-erection of building upon land included in the inhabited site of any village as entered and demarcated in the revenue records or upon sites in a municipal, notified or town area that are already built up on the date of the issue of the notification under sub-section (2) of section 3 of this Act;
- (b) the erection or re-erection of a place of worship or a tomb, cenotaph, grave, graveyard or marghat or of a wall enclosing a place of worship, tomb, cenotaph, grave, graveyard or marghat or land which is, at the time a notification under subsection (2) of section 3 is published by the Government, occupied by or for the purposes of such place of worship, tomb, cenotaph, grave, graveyard or marghat;
- (c) excavations (including wells) made in the ordinary course of agricultural operations, soil conservation and hill stabilisation;
- (d) the construction of an unmetalled road in, ended to give access to land solely for agricultural purposes.

18. Power to make rules.- (1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide or all or any of the following matters, namely:-

- (a) the form in which applications and plans under sub-section (1) of section 6 shall be made and the information to be furnished in such applications;
- (b) principles according to which applications under sub-section (1) of section 6 shall normally be allowed or disallowed by the Collector;
- (c) the regulation of the laying out of means of access to roads;
- (d) the fees to be charged or the grant and renewal of licenses under section 11 and the conditions governing such licenses;
- (e) the principles and conditions under which applications or permission or license under this Act may be granted or refused;
- (f) the form and manner in which the register referred to in subsection (4) of section 6 shall be maintained ;

¹In section 15(2), the word “the” inserted vide Notification No. 6-75/68-LR, dated 22nd April, 1970, published in the Rajpatra, Himachal Pradesh vide dated 6th June, 1970, p. 397.

- (g) the procedure to be followed in hearing appeals under section 7, the fees to be paid in respect of, and the documents which shall accompany, such appeals;
- (h) the horizontal distance for the purpose of section 3, for any specified roads; and
- (i) any other matter which may be prescribed.

(3) All rules made under this section shall be subject to the condition of previous publication.

(4) All rules made under this section shall be laid before the Legislative Assembly as soon as may be after they are made.

19. Bar of jurisdiction of civil courts.- No civil court shall have any jurisdiction to entertain or decide any question relating to matters falling under this Act or the rules made thereunder.

20. Repeal and savings.- The United Provinces Roadside Land Control Act, 1945, (10 of 1945) as applicable to the areas comprised in Himachal Pradesh immediately before 1st November, 1966, and the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, (41 of 1963) as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, (31 of 1966), are hereby repealed:

Provided that anything done or any action taken or any proceedings commenced or continued under the said Acts shall be deemed to have been done, taken or continued under the corresponding provision of this Act.

THE HIMACHAL PRADESH ROAD SIDE LAND CONTROL ACT, 1968
APPOINTMENTS AND DELEGATIONS
PUBLIC WORKS DEPARTMENT

No. 9-91/69-P.W.D.- In exercise of the powers conferred under clause (3) of section 2 of the Himachal Pradesh Road Side Land Control Act, 1968 (No. 21 of 1969), the Lieutenant Governor, Himachal Pradesh is please to appoint the Land Acquisition Officers, Himachal Pradesh Public Works Department to perform all the functions of the Collector within their respective jurisdiction under the said Act.

(R.H.P. dated the 31st January, 1970, P.153).

GOVERNMENT OF HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT
 No. 9-91/69-PWD. Dated Shimla-2, 29th May, 1974.

NOTIFICATION

In exercise of the powers conferred under clause (3) of Section 2 of the H.P. Road Side Land Control Act, 1968 (No. 21 of 1969), the governor, Himachal Pradesh is pleased to appoint All Sub-Divisional Magistrate (Civil) Revenue Assistants and General Assistants in Himachal Pradesh to perform all the functions of the collector within their jurisdiction under the said Act, in addition to their normal duties.

By Order

(Gangesh Mishra)

Secretary (PWD) to the
Government of Himachal Pradesh.

DECLARATION OF SCHEDULED ROADS AND CONTROLLED AREAS
PUBLIC WORKS DEPARTMENT
 Shimla-2, the 19th July, 1971

No. 9-91/69-PWD.- The Governor, Himachal Pradesh, having fully satisfied the provisions of section (3) of the Himachal Pradesh Roadside Land Control Act, 1968 (Act No. 21 of 1969), hereby declare the roads mentioned in the schedule annexed to this Notification as "Scheduled Roads" and further notify the width of the land from the edge of the road land on either side, these scheduled roads as "Controlled Area" for the purposes of sub-section (1) of Section 3 of the Act as under:-

- | | | |
|--------------------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) National
Highways | } | up to a horizontal distance of 5 meters from the edge of the road land on either side. |
| (2) State Highways | | |
| (3) Other Roads | | up to a horizontal distance of four meters from the edge of the road land on either side. |
| (4) Road junctions | | up to a horizontal distance of five meters from the edge of the road land on either side and up to length of 50 meters on all roads meeting at the junctions. |

The Himachal Pradesh Road Side Land Control Rules, 1970
Public Works Department

NOTIFICATION

Shimla-2, the 14th August, 1974

No. 9-91/69-PWD. - In exercise of the powers conferred under section 18 of the Himachal Pradesh Road side Land Control Act, 1968 (No. 21 of 1969), the Governor, Himachal Pradesh is pleased to make the following Rules -

1. **Short title and commencement.** - These Rules may be called the Himachal Pradesh Road-side Land Control Rules. 1970.

2. **Definitions.** - In these Rules, unless there is anything repugnant in the subject or context:-

- (a) "Act" means the Himachal Pradesh Road-side Land Control Act, 1969;
- (b) "Form" means a form set forth in the first Schedule to these Rules;
- (c) "Government" means the Government of Himachal Pradesh; and
- (d) "Collector" means the Collector appointed under clause 3 of section 2 of the Act.

3. **Restriction on Structures etc., in a controlled Area.** - No construction of new structure shall be allowed by the Collector in the Controlled area under section (5) (e) of the Act excepting construction of retaining wall, pavement and drain connected with a structure beyond the controlled area.

4. **Application to Re-erect etc.** - Every person desiring to obtain permission to re-erect any building or lay out any means of access, in controlled area shall make an application in writing to the Collector in Form 1.

5. **Document to accompany application to re-erect building.** - In case of an application to re-erect a building the applicant shall submit with his application:-

- (A) Certified extracts from village records showing the names of the owners tenants and other particulars of the land to which the application relates.
- (B) A site plan fulfilling the following requirements:-
 - a) It shall be drawn to a scale of not less than 1 cm to 2 metres in the case of sites not exceeding one acre 1 cm to 4 metres, in case of site exceeding one acre but not exceeding 10 acres and 1 cm to 8 metres in case of sites exceeding 10 acres.
 - b) It shall be prepared with sufficient accuracy to enable the site being identified and shall be submitted in triplicate in cloth backed ferroprints or tracings
 - c) The Plan shall show:-
 - i) The scale;
 - ii) boundaries of the site;
 - iii) directions of the north points to the plan of the building/proposed building;
 - iv) streets, or roads adjoining the site; with their width clearly mentioned, all existing road side trees lamps posts aerial electric line, if any, and any other feature or structures likely to affect the approach to the building or proposed building;

- v) levels of the site and of plinth of the building or proposed building in relation to those of neighbouring road or roads by an elevation section;
- vi) all existing buildings or structures on or over or under the site or projecting beyond it;
- vii) Surrounding building in outline within a distance of 7 metres from the boundaries of the site in relation to those boundaries of the site and the building or proposed building and, if known the name no of owner adjoining houses a premises or vacant land;
- viii) area occupied by the building;

(C) The building plan on a scale of not less than 1 cm to 2 metres. It shall be submitted in triplicate in cloth backed ferprints or tracings, and shall show: -

- (i) the scale;
- (ii) the direction of the north point to the plan;
- (iii) a plan of the ground floor and other floors of the building with front elevation and one other elevation and typical section;
- (iv) the plinth level of the building or proposed building with reference to the level of the centre of the street or road which the building is to about;
- (v) the level of the courtyard and open space in the building or proposed building in relation to the level of the centre of the street or road towards which the building or proposed building is to be drained;
- (vi) the proposed method of draining the building or proposed building, the position and dimensions of all privies, urinals, drains, stables, dhobighats, cattle-sheds, wells, compound walls, gates, pillars and other appurtenances and the method of disposal of sewage, sullage and storm water;
- (vii) the means of access to the building or proposed building and its several floors;
- (viii) the number of storeys of the building or proposed building;
- (ix) addition to or alteration of an existing building or proposed building the new work shall be indicated on the building plan in distinctive colours a key to the colours being given on the Plan;

(D) Specification of the proposed construction should be given in detail such as:-

- (1) Purpose for which the building or proposed building is intended to be used;
- (2) materials, to be used in the construction;
- (3) number of storeys;
- (4) number of persons for which the accommodation is intended to be provided in the building or proposed building;
- (5) particulars of wells, latrines etc., to be provided;

6. Documents to accompany application to make, extend excavation, etc. - In the case of an application to make or extend an excavation or laying out means of access to a road, the applicant shall submit with his application:-

- (a) Certified extracts as mentioned in rule 5 (A);
- (b) Drawings and specifications, sufficient to enable the intention of an applicant to readily unimistakably understood;

- (c) Where an open drain is to be covered, a plan and section showing clearly how it is proposed to cover the drain in question and where a culvert is to be built showing the exact tunnel size of culvert.

Note. - The plans shall conform to the requirements, of rule 5 (B) (a).

7. **Register of Applications.** - On receipt of the application under rule 4, the Collector shall cause it to be entered in a register to be maintained in his office in Form-II.

8. **Principles on which permission will be granted.** -(1) Before deciding any application, made to him under section 6 (1) of the Act, the Collector shall call for the recommendations of the Executive Engineer-in-charge of the area and give due consideration thereto provided that in case such Executive Engineer so desires, the Collector shall give him a personal hearing also in the presence of the applicant.

(2) Re-erection will not in any case be allowed within the road side land acquired by the Government to be part or the road.

(3) The opening of sullage towards the road shall not be permitted.

(4) The approach should be in such a manner as not to interfere with or endanger the flow of traffic on the road.

9. **Executive Engineer Public Works Departments to be informed of permissions granted under section 6 (2).** - The Collector shall inform the Executive Engineer, Public Works Department, of all permissions granted by him and conditions imposed, if any, under clause (a) of sub-section (2) of section 6 of the Act.

First Schedule

'Form I'

Form of Application

(See rule 4, 5 and 6)

To

The Collector,

Sir,

In pursuance of the provisions of sub-section (1) of section 6 of the Himachal Pradesh Road Side Land Control Act, 1969, I/We seek permission to.....in the controlled area adjacent to.....road.....

The following documents, as required by the rules, are attached:-

- (a) Certified extract of village records about the land in question.
- (b) Site Plan.
- (c) Building Plan.
- (d) Specification of proposed construction.
- (e) Further information (if any).

Yours faithfully.

(Signatures)

Full address of the applicant.

First Schedule

'Form II'

(Referred to in Rule 7)

REGISTER OF APPLICATIONS

Sr. No.	Name of road adjacent to which construction is desired	Name of village	Details of construction applied for along with Khasra Nos. and situation etc.	Orders in brief along with conditions imposed, if any	Remarks
1	2	3	4	5	6

Note. - The register will be maintained Tehsil wise Entries in each register will be made road-wise and village-wise Entries in columns 1 to 4 will be made on receipt of application and in column 5 after decision by the Collector.

(R.H.P. dated the 31st August 1974 Pages 1533-1534)

- **THE HIMACHAL PRADESH ROAD INFRASTRUCTURE PROTECTION ACT 2002 .**
- **THE HIMACHAL PRADESH ROAD INFRASTRUCTURE PROTECTION RULES, 2004 .**

THE HIMACHAL PRADESH ROAD INFRASTRUCTURE PROTECTION ACT, 2002

ARRANGEMENT OF SECTIONS

SECTIONS:

1. Short title and extent.
2. Definitions.
3. Prohibition of certain acts on road infrastructure.
4. Road infrastructure map.
5. Duties of prescribed authority.
6. Orders for control and prevention of prohibited activities under section 3.
7. Removal of abandoned vehicles/ machinery/goods on road infrastructure.
8. Confirmation of the order passed by the prescribed authority.
9. Appeal.
10. Revision against order passed by appellate authority.
11. Levy of restoration cost and restoration fee.
12. Offence.
13. Permissioin to certain facilities with respect to road infrastructure.
14. Powers of confirmatory authority/prescribed authority.
15. Protection of actions of the prescribed authority under this Act.
16. Bar of jurisdiction of civil court.
17. Vesting of road infrastructure.
18. Extension of the provision of this Act to local bodies and development authorities in the State of Himachal Pradesh.
19. Power to make rules.

THE HIMACHAL PRADESH ROAD INFRASTRUCTURE PROTECTION ACT, 2002

(ACT NO. 20 OF 2003)¹

(Received the assent of the President on 17th September, 2003 and was published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 30th October, 2003, pp. 2137-2157)

Amended, repealed or otherwise affected by.-

H.P. Act No. 14 of 2006², assented to by the Governor on 4th July, 2006, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 5th July, 2006, pp. 2267-2270.

An Act to provide for prevention of misuse, damage, unauthorized use and encroachment of the road infrastructure.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-third Year of the Republic of India, as follows—

1. Short title and extent—

- (1) This Act may be called the Himachal Pradesh Road Infrastructure Protection Act, 2002.
- (2) It shall extend to the whole of Himachal Pradesh.

2. Definitions—In this Act, unless the context otherwise requires,

- (a) “agriculture” includes horticulture, dairy farming, poultry farming and the planting and upkeep of an orchard;
- (b) “appellate authority” means the Chief Engineer in-charge of the zone of Himachal Pradesh Public Works Department, appointed by the Government, by notification, in the Official Gazette, to perform any or all of the functions as conferred upon him under this Act and the rules made thereunder;
- (c) “building” means a house, hut, shed, or other roofed structure, for whatever purpose or of whatsoever material constructed and every part thereof, and includes a wall or masonry platform or masonry ditch or drain but does not include a tent or a fence for agricultural purposes;
- (d) “building line” means a line on either side of any road or part of a road, fixed in the manner prescribed, in respect of such road or part, by the Government, by notification in the Official Gazette;
- (e) “confirmatory authority” means any authority not below the rank of Executive Engineer of Himachal Pradesh Public Works Department appointed by the Government, by notification, in the Official Gazette, to perform any or all of the functions as conferred upon him under this Act and the rules made there under;

¹ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For statement of objects and reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 28th August, 2002 pp. 1551 and 1562.

² Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For statement of objects and reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 5th April, 2006 pp. 44 and 47.

- (f) “controlled area” for the purpose of this Act shall mean an area declared as such under section 3 of the Himachal Pradesh Roadside Land Control Act, 1968;
- (g) “controlled line” means a line on either side of any road or part of a road beyond the building line fixed in the manner prescribed, in respect of such road or part, by the Government, by notification in the Official Gazette;
- (h) “department” means the department of the Government of Himachal Pradesh to whom the work relating to road infrastructure has been entrusted;
- (i) “Government” means the Government of Himachal Pradesh;
- (j) “map” means the road infrastructure map of a division, notified by the State Government under section 4 of this Act;
- (k) “Official Gazette” means the Rajpatra, Himachal Pradesh;
- (l) “place of worship” includes a temple, church, mosque, imambara, tanquia, idgah, samadhi, math, sati;
- (m) “prescribed” means prescribed by rules made under this Act;
- (n) “prescribed authority” means any authority not below the rank of Junior Engineer of Himachal Pradesh Public Works Department, appointed by the Government by notification, in the Official Gazette, to perform any or all of the functions as conferred upon him under this Act and the rules made there under;
- (o) “revisional authority” means Secretary (Public Works Department) to the Government of Himachal Pradesh, appointed by the Government, by notification, in the Official Gazette to perform any or all of the functions as conferred upon him under this Act and the rules made there under;
- (p) “road” means a road maintained by the Government of Himachal Pradesh or any local authority and shall include National Highways declared under the National Highway Act, 1956 (*48 of 1956*);
- (q) “road infrastructure” means the roads, paths and streets for transport or communication and shall include—
- (i) acquired road land width;
 - (ii) all types of roads and their structures, such as road pavements, shoulders, retaining walls, breasts walls, toe walls, cross drainage, kerb, road side drains, road junctions, medians, speed breakers, *i.e.*, rumble strips street lighting, traffic lights etc;
 - (iii) any structure ancillary to road transport and communication system;
 - (iv) bridges including approaches, return walls, wing walls, protection works and allied structures;

- (v) expressways including interchanges, grade separators, dividers and other ancillary structures;
 - (vi) road furniture, such as parapets, railings, kerb stones, kilometer stones, benches, cat eyes, reflector pedestals and signboards, barricades and crash barriers;
 - (vii) road over bridges, flyovers and under passes and their allied structures;
 - (viii) roadside parking area;
 - (ix) roadside plantation, nurseries, hedges and other landscape items;
 - (x) toll booths/plaza;
 - (xi) tunnels and ancillary structures;
 - (xii) wayside amenities/structures, such as rain shelters, lay byes, bus lanes, public conveniences, parks and open spaces located on Government land along the road;
- (r) “Secretary” means Secretary (Public Works Department) to the Government of Himachal Pradesh and includes any person for the time being appointed by the Government, by notification, to exercise and perform all or any of the powers and functions of the Secretary under this Act and the rules made thereunder; and
- (s) “Work Inspector” means any employee of the Himachal Pradesh Public Works Department, appointed by the State Government by notification, as such, and includes Road Inspector and Work Supervisor of the department.

3. Prohibition of certain acts on road infrastructure—No person shall—

- (i) encroach upon the Government land under road infrastructure;
- (ii) raise any permanent, temporary or movable structure on or from road infrastructure;
- (iii) misuse a road by erecting workshop and carrying out commercial activity including tethering of livestock on road infrastructure;
- (iv) block/damage roadside drainage and cross drainage system;
- (v) divert sullage/muck from private properties to the road;
- (vi) stack/throw excavated earth/debris on road and unauthorisedly stack material on roads;
- (vii) dig/damage road infrastructure without permission from competent authority;
- (viii) un-authorisedly install hand pumps and petrol pumps;
- (ix) damage/deface bridges, road over bridges, flyovers and under-passes including approaches, return walls and wing wall, parapets, railing and lighting system, protection works, tunnels and their ancillary structures and other structures such as

road pavement, shoulders, retaining walls, breast walls, toe walls, cross-drainage and roadside drains, road junctions, medians, speed breakers, i/c rumble strips, street lighting, traffic lights, barricades, crash barriers, signboards, kilometer stone, reference pillar, boundary pillar, road identification marked infrastructure, pedestals, benches, toll booth/plaza, way side amenities such as rain shelters, lay byes, bus lanes, public conveniences parks and open spaces along the road and including any other structure meant for facilitating road transportation and maintenance of roads;

- (x) park accidented or condemned or serviceable vehicles or goods/machinery on the road;
- (xi) damage/uproot roadside plantation, nurseries, hedges and other landscape items;
- (xii) un-authorisedly display of hoardings;
- (xiii) commit an act prohibited under the Himachal Pradesh Open Places (Prevention of Disfigurement) Act, 1985; (12 of 1985)
- (xiv) un-authorisedly erect welcome gates arches etc;
- (xv) commit any act of omission or commission that may be notified by the Government under this section as injurious to the road infrastructure;
- (xvi) damage road infrastructure due to mining in the area; and
- (xvii) erect or construct any structure in the controlled area.

4. Road infrastructure map— (1) Executive Engineer in-charge of the road infrastructure shall prepare on a scale of 1:500 a map of the road infrastructure within his jurisdiction showing therein the length and width of the road.

(2) The map shall also show important landmarks including building and control lines and landmarks fixed by the Revenue Department along the road infrastructure as reference points for identification and demarcation of the road infrastructure and the map shall be approved by the Chief Engineer in-charge of the Zone concerned.

(3) The Government shall, through publication in newspapers, inform the public regarding the existence of maps of the roads showing their boundaries and other important landmarks and the availability of such maps of public inspection in office of the Executive Engineer-in-charge of the road infrastructure and the Government shall also invite public objections within sixty days of first publication of the notice in newspapers and similarly for every addition or change made therein subsequently.

(4) After adjudicating upon the objections raised, the Government shall finalise such maps and inform the public regarding their existence and availability in the Executive Engineer's office for reference and use.

(5) After action under sub-section (3) has been taken, the map shall become the reference record of road infrastructure in the division of the Himachal Pradesh, Public Works Department and shall be known as 'road infrastructure map' of a division.

(6) The occurrence of all prohibited activities within the jurisdiction of the prescribed/confirmatory authority may be determined with reference to this road infrastructure map of the concerned division of Himachal Pradesh Public Works Department.

(7) It shall be open to public to inspect the road infrastructure map of a division and obtain certified copies from the Executive Engineer concerned of the area on payment of prescribed fee.

(8) For control of land along highways and for removal of encroachments, the Government shall demarcate and enforce building lines and control lines on the private lands beyond the right way of National Highways.

5. Duties of prescribed authority – It shall be the duty of the prescribed authority or Work Inspector, as the case may be to ensure that no activity prohibited under section 3 of the Act occurs within his jurisdiction.

6. Orders for control and prevention of prohibited activities under section 3 – (1) On noting the occurrence of any activity prohibited under section 3, the prescribed authority shall issue an order directing the defaulter to stop forthwith the prohibited activity and where necessary, order the restoration of status quo of the road infrastructure.

(2) An order of the prescribed authority under sub-section (1) shall clearly describe in writing the prohibited activity and also indicate by way of sketch, the location of the occurrence of prohibited activity on a relevant portion of the map and the extent of such activity and the damage already caused or being caused.

(3) The prescribed authority shall also direct the defaulter to restore the status of the road infrastructure to its original position within a specified period of time by starting the process of restoration within 3 days from the issue of notice and complete the same within the allowed time.

(4) The prescribed authority shall indicate specifically that in the event of failure to comply with any direction or order passed under this section, steps shall be taken to restore the status quo at the risk and cost of the defaulter, in addition to the restoration cost to be imposed. The expenditure so incurred shall liable to be recovered as arrears of land revenue and the prescribed authority shall confiscate to the Government and sell the dismantled property used in the commission of a prohibited activity in the prescribed manner.

(5) The service of notice shall be affected in the manner as provided in Code of Civil Procedure, 1908 (5 of 1908).

(6) Any order passed under this section shall not be liable to be challenged in any civil court on any ground whatsoever.

7. Removal of abandoned vehicles/machinery/goods on road infrastructure – Save as provided in section 11 of this Act, the prescribed authority shall impound vehicles/machinery/goods abandoned on road infrastructure and in addition to the cost of removal, impose a penalty @ Rs. 1000/- per day for the period during which the vehicles/ machinery/goods remain in the custody of the prescribed authority:

Provided that if an impound vehicle/machinery/goods remain in the custody of the prescribed authority for a period more than 10 days, the confirmatory authority shall take action

under sections 25, 26 and 27 of the Indian Police Act, 1861 (5 of 1861) for disposal of abandoned property.

8. Confirmation of the order passed by the prescribed authority – The aggrieved party may file objections, against the order issued by the prescribed authority, to the confirmatory authority within a period of 3 days from the service of said order and confirmatory authority shall afford an opportunity to the aggrieved party to be heard in person and thereafter shall pass an order within a period of 15 days confirming or setting aside the order passed by the prescribed authority through a self speaking and reasoned order.

9. Appeal – (1) No appeal shall be entertained against any order passed by the confirmatory authority, unless, the appeal is filed within 15 days from the passing of order by the confirmatory authority:

Provided that an appeal may be admitted after the expiry of the period specified under this section, if the appellant satisfies the appellate authority that he has sufficient cause for not preferring appeal within that period:

Provided further that the appellant while filing the appeal against such order, shall deposit 50% of the anticipated restoration cost as assessed by the department.

(2) The appellate authority shall, within 15 days of the filing of the appeal, pass an order confirming or setting aside the order passed by the confirmatory authority.

10. Revision against order passed by appellate authority – (1) Any person aggrieved by an order passed in appeal by the appellate authority under section 9 may, within 15 days of the communication of such order, make an application to the Government seeking revision.

(2) The revisional authority shall within 15 days of the filing of revision application against the order of the appellate authority pass an order confirming or setting aside the order of the appellate authority. The Government shall not pass an order under this section prejudiced to any person without giving such person a reasonable opportunity of being heard.

11. Levy of restoration cost and restoration fee –(1) The prescribed authority may order any person, who has indulged in a prohibited activity as referred to in clauses (i), (iii) and (viii) of section 3 to restore road infrastructure to its original state and if such person fails to start the restoration work within a period of 3 days from the date of passing of such order and completing it within the time allowed, the prescribed authority shall take such measures as may appear to him to be necessary, to give effect to the orders at the cost of the defaulter.

(2) If a person contravenes or fail to comply with, any provisions of this Act or any order made under sub-section (1), the prescribed authority may, after giving a reasonable opportunity of being heard, direct such person to pay, by way of restoration fee, in addition to the cost of restoration of road infrastructure—

- (i) for contravention of any prohibited activities as referred to in clauses (ii), (iv), (v), (vii), (ix), (xi), (xvi) and (xvii) of section 3, an amount which shall be five times of the restoration cost;

- (ii) for contravention of prohibited activities as referred to in clause (vi) of section 3, an amount @ five hundred rupees per cubic metre or part thereof per day in respect of excavated earth/deveris and @ one thousand rupees per truck load or part thereof per day in respect of stacked material;
- (iii) for contravention of prohibited activities as referred to in clause (xii) of section 3, an amount @ five hundred rupees per square meter per week till the time such act continues;
- (iv) for contravention of the prohibited activities as referred to in clause (xiv) of section 3, an amount @ one hundred rupees per running meter of the erection per day till the time the act continues; and
- (v) for contravention of the prohibited activities as referred to in clause (xiii) or (xv) of section 3, an amount @ six times the cost of removal.

Explanation –

- (1) All restoration costs and fees payable under the provisions of this section shall be deposited with the prescribed authority within seven days, failing which it shall be recovered as arrears of land revenue with interest commencing from the day following the last day allowed for deposit.
- (2) Cost of removal/restoration shall be determined as per the current schedule of rates/principles of costing of the Himachal Pradesh Public Works Department duly indexed for inflation.

12. Offence –(1) Any person who commits any act prohibited under section 3 or fails to perform their duties assigned under section 5 of this Act shall be punished with imprisonment of either description for a term which may extend to two years, or fine, or with both.

(2) No court shall take cognizance of an offence punishable under sub section (1) against any person, unless a complaint in writing is made by public servant authorized by the Government, by notification, in the Official Gazette.

13. Permission to certain facilities with respect to road infrastructure – Every person who intends to have the following facilities, namely—

- (i) an approach to private property from the road infrastructure;
- (ii) laying of services such as pipeline, sewerage line, electrical cables, telephone cables etc. either along or across the road or bridge;
- (iii) mining activities within 50 metres from either side of existing road or 500 meters upstream or downstream of a bridge;
- (iv) carrying out any private or commercial activity within the acquired and controlled area;
- (v) display of hoardings within the acquired and controlled area;
- (vi) installation of hand pumps within the acquired and controlled area;
- (vii) parking of accidented vehicles/machinery on the road upto 48 hours; and
- (viii) temporary stacking of materials/goods on the road for a period not exceeding 48 hours,

shall apply for permission in writing to the Executive Engineer-in-charge of the road infrastructure within his jurisdiction in respect of facility under clauses (i) to (vi) above and to the Junior Engineer-in-charge in respect of facility under clauses (vii) and (viii) of this section and every such application for permission shall be in the prescribed manner:

Provided that failure to comply with the requirements as contained under this section, shall be liable to pay cost/fee as per provision of section 11 of this Act:

Provided further that the facilities as contained in this section shall be provided by the department as a deposit work for the beneficiary.

14. Powers of confirmatory authority/prescribed authority—The confirmatory authority/prescribed authority shall, for the purpose of performing any function under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents; and
- (c) any other matter which may be prescribed.

15. Protection of actions of the prescribed authority under this Act – No suit or prosecution shall be entertained against the prescribed authority or any other officer of the department authorized under this Act acting under the order or directions of superior authority of the department, for anything, which is done by him in good faith or intended to be done under this Act or any rule made thereunder.

16. Bar of jurisdiction of Civil Court – No civil court shall have any jurisdiction to entertain or to decide any question relating to matter falling under this Act or the rules made thereunder.

17. Vesting of road infrastructure – All the road infrastructure shall be deemed to be in the custody of the department on behalf of the Government, as soon as it comes into existence.

18. Extension of the provision of this Act to local bodies and development authorities in the State of Himachal Pradesh – The Government may, by notification, in the Official Gazette, empower officers of Municipal Corporation, Municipalities, Nagar Panchayats and Development Authorities within the State of Himachal Pradesh to exercise such powers and perform such functions, as may be specified in the notification under this Act, in respect of road infrastructure within their jurisdiction.

19. Power to make rules –(1) The State Government may, by notification, in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely –

- (a) the form of any notice required or authorized to be given under this Act and the manner in which it may be served;
- (b) the conduct of proceedings under this Act;

- (c) the distribution and allocation of work to prescribed authority and transfer of any proceeding pending before a prescribed authority to another prescribed authority;
- (d) the manner in which the damage resulting from acts of prohibited activities may be assessed and the principles which may be taken into account in assessing such damages;
- (e) the manner of the laying out of means of access to road infrastructure;
- (f) the manner in which permission under this Act, may be granted or refused and fees to be charged; and
- (g) any other matter, which may be prescribed.

(3) All rules made under this section shall be subject to the condition of previous publication.

¹[(4) Every rules made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the Legislative Assembly agrees in making any modification in the rule or agrees that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule].

¹ Sub-section (4) substituted vide H.P. Act No. 14 of 2006.

(Authoritative English Text of this Department notification No. PBW(B)A-6(2)2/2004 dated 28-8-2004 as required under clause (3) of Article 348 of the Constitution of India).

HIMACHAL PRADESH ROAD INFRASTRUCTURE PROTECTION RULES, 2004

Government of Himachal Pradesh Public Works Department

Notification

No. PBW(B)A-6(2)2/2004

Dated: Shimla-2, the

13 January, 2005

Whereas, the draft Himachal Pradesh Road Infrastructure Protection Rules, 2004 was published in the Rajpatra Himachal Pradesh on the 30th October, 2004 vide this Department notification of even number dated the 8th August, 2004, for inviting objections and suggestions from the persons likely to be affected thereby as required under section 19 of the Himachal Pradesh Road Infrastructure Protection Act, 2002 (No. 20 of 2003).

And whereas no objection(s) suggestion(s) have been received from any person within the specific period;

Now, therefore, in exercise of the powers conferred by section 19 of the Act *ibid*, the Governor of Himachal Pradesh is pleased to make the following rules, namely:-

1. **Short Title.**- These rules may be called the Himachal Pradesh Road Infrastructure Protection Rules, 2005.

2. **Definitions.**- (1) In these rules, unless the Context otherwise requires-

- (a) "Act" means the Himachal Pradesh Road Infrastructure Protection Act, 2002 (Act 20 of 2003);
- (b) "Form" means a form appended to these rules;
- (c) "Motor Vehicle" means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer and shall also include bullock cart etc.; but does not include a vehicle running upon fixed rails; and
- (d) "section" means the section of the Act

(2) All other words and expressions used in these rules but not defined shall have the same meanings as assigned to them in the Act.

3. **Procedure for preparation of road infrastructure map.**- (1) the Executive Engineer concerned alongwith revenue staff shall fix different building lines, control line, controlled area and acquired area of the road infrastructure within his jurisdiction and shall prepare a map as required under sub sections (1) and (2) of section 4, which shall be signed jointly by the Executive Engineer and the Assistant Collector of Revenue Department.

(2) Upon finalization of road infrastructure map by the Executive Engineer concerned, the same shall be forwarded to the Chief Engineer of the department within fifteen days for his approval.

(3) After the approval of the road infrastructure map by the Chief Engineer the same shall be forwarded to the Government for inviting objection(s) or suggestion(s) from General Public through notice published in the Rajpatra, Himachal Pradesh. If no objection(s) or suggestion(s) is received within sixty days from the date of its publication in the Rajpatra the same shall be deemed to have become final.

(4) If any objection(s) or suggestion(s) is (are) received from general public, the same shall be considered by the Government and after adjudication upon the objection(s) or suggestion(s), road infrastructure map shall be finalized and this information shall also be made public through notice in the news paper having wide circulation and Rajpatra, Himachal Pradesh. In case of further addition and alternation in the road infrastructure map by the Executive Engineer, the entire procedure as prescribed under sub rules (1) to (3) of this rule shall be followed again.

(5) After finalization of road infrastructure map, the same shall remain available in the office of Executive Engineer concerned as a reference record and the copy of same shall be supplied by the Executive Engineer to the Work Inspector and the prescribed authority having respective jurisdiction free of cost in order to check contravention of section 3 and also granting facility under section 13 to the persons applying for the same.

(6) Any person by making an application may obtain certified copy of the road infrastructure map on payment of fee at the rate of five rupees per page of paper of the size of A-4 from Executive Engineer concerned and may also inspect the same in the concerned Division on payment of inspection fee at the rate of ten rupees per hour against proper receipt in form-IV, which shall be deposited in government Treasury by the Executive Engineer under receipt head of account of Government of Himachal Pradesh.

4. Procedure for conduct of Proceeding.-(1) On noting the occurrence of any prohibited act on road infrastructure under section 3 by the work inspector or prescribed authority, as the case may be, notice in form-I and II as the case may be, shall be issued by the work inspector or the prescribed authority to the defaulter in person or in his absence upon any adult male member of the family to stop forthwith the prohibited act on road infrastructure and order the restoration of status quo of the road infrastructure within three days. The Work Inspector or prescribed authority shall be competent to issue notice to the defaulter for following prohibited acts on road infrastructure namely:-

- (a) Work Inspector shall be competent to issue notice only for violation of prohibited acts on road infrastructure as provided under clause (iv), (v), (vi), (x), (xi), (xii) and (xiv) of section 3.
- (b) Prescribed authority shall be competent to issue notice for contravention of all prohibited acts on road infrastructure as provided under sections 3 and 7 for the removal of abandoned Motor Vehicle or machinery or goods as the case may be, on road infrastructure lying abandoned thereon and shall also impound the same and keep the same in the store of Division or sub-Division of the department. The prescribed authority shall also recover the cost of removal as well as penalty as specified under section 7.

(2) If after the issue of notice by the prescribed authority under clause (b) or sub-rule (1) of this rule, the aggrieved party files objection(s), the prescribed authority before passing final order shall give him a reasonable opportunity of being heard and shall pass order for the imposition of penalty with costs as specified under sub-section(2) of section 11, as the case may be.

(3) After the expiry of ten days if the impounded Motor Vehicle, Machinery or goods, as the case may be, remains impounded with Prescribed Authority without payment of fine and cost of removal under section 7, the prescribed authority shall forward the matter to the confirmatory authority, who shall take action under sections 25, 26 and 27 of the Indian Police Act, 1861 within fifteen days for disposal of the abandoned property.

(4) The order passed by Work Inspector or prescribed authority shall be sent by him or it to the confirmatory authority either on the same day or the next day positively for its confirmation and the order if confirmed shall be final.

(5) If the Work Inspector or the prescribed authority both fails to take action as specified in clauses (a) and (b) of sub-rule (1) of this rule for contravention of any prohibited acts under the Act and for providing facility under section 13, the confirmatory authority shall report the matter to the Chief Engineer of the Zone concerned within seven days from the date of his knowledge for not taking action under section 5.

(6) Before sending the matter to the Chief Engineer, the confirmatory authority shall exercise the powers vested in Work Inspector and prescribed authority under clauses (a) and (b) of sub-rule (1) of this rule and itself issue the notice to the defaulter in form-II for contravention of prohibited acts and also taking action for providing facility under section 13 and only thereafter it shall forward the case to the Chief Engineer.

5. Procedure for recovery of Cost and penalty.- (1) In case of default recover the cost and penalty the prescribed authority shall determine the cost and penalty recoverable as per the provisions of clauses (1) and (2) of sub section (2) of section 11, which shall be recovered by the confirmatory authority by making a request to the concerned Collector to recover the same as arrears of Land Revenue.

(2) The Proceeds received under the Act on account of costs, penalty and fee shall be deposited in the Government Treasury by the confirmatory authority under receipt head of account of Government of Himachal Pradesh.

By Order

**Principal Secretary (PWD) to the
Government of Himachal Pradesh.**

13th January, 2004

Endst. No. As above, dated: Shimla-2, the

Copy forwarded to:-

1. All the Administrative Secretaries to the Government of Himachal Pradesh.
2. All the Heads of Departments H.P.
3. All the Deputy Commissioners, Himachal Pradesh.
4. The Controller, HP Printing & Stationery Department, Shimla-5 for publication in the Rajpatra.
5. The Engineer-in-Chief, HPPWD, Shimla-171001.
6. All the Chief Engineers of HP PWD.
7. All the Superintending Engineers HP PWD.

8. The Under Secretary (GAD) to the Government of Himachal Pradesh.
9. Guard File.

**Special Secretary (PWD) to the
Government of Himachal Pradesh.**

FORM-I
(See rule 4(1)(a))

(Notice to be issued (in duplicate) by the Work Inspector under clause (a) of sub-rule (1) of rule 4 of the Himachal Pradesh Road infrastructure Protection Rules, 2004)

To

(Name of the defaulting person with permanent address)

Subject: Notice under rule (4)(1)(a) of Himachal Pradesh Road Infrastructure Protection Rules, 2004 for contravention of prohibited acts on road infrastructure as provided under section 3 of the Himachal Pradesh Road Infrastructure Protection Act, 2002.

Sir/Madam

It has come to notice that on Road infrastructure belonging to the Government of Himachal Pradesh as per enclosed sketch, you are carrying on prohibited activities on a portion of road which has caused damage or is likely to cause further damage to the Road Infrastructure at chainage _____ of road (name) _____. The said activity is prohibited under section 3 of the Himachal Pradesh Road Infrastructure Protection Act, 2003.

Hence, by way of present notice under section 5 of the Act the undersigned being competent to do so hereby, directs you to stop the said prohibited activity at once. You are, further directed to start within three days of the receipt of this notice the process of restoration of the damage so caused and complete the same within one week. Failing which, the work of restoration of status quo ante shall be initiated by the department at your risk and cost alongwith restoration cost so imposed by the confirmatory authority as per the provisions of sub-section(4) of section 6 of the Act.

WORK INSPECTOR
(Complete Designation)

Place:

Time:

Date:

Copy forwarded for information and further necessary action to:

1. Junior Engineer (Prescribed Authority), Incharge of the section.
2. Executive Engineer (Confirmatory Authority)

WORK INSPECTOR

FORM-II**(See rule 4(1)(b))****(Notice to be issued (in duplicate) by the Prescribed Authority under clause (b) of sub-rule (1) of rule 4 of the Himachal Pradesh Road Infrastructure Protection Rules, 2004)**

To

(Name of the defaulting person with permanent address)

Subject: Notice under rule (4)(1)(b) of Himachal Pradesh Road Infrastructure Protection Rules, 2004 for contravention of prohibited acts on road infrastructure as provided under Section 3 of the Himachal Pradesh Road Infrastructure Protection Act, 2002.

Sir/Madam

It has come to notice that on Road infrastructure belonging to the Government of Himachal Pradesh as per enclosed sketch, you are carrying on work of _____ on the portion of road which has caused damage or is likely to cause further damage to the Road Infrastructure at chainage _____ of road (name) _____. The said Act is prohibited under (_____) section 3 of the Himachal Pradesh Road Infrastructure Protection Act, 2003.

Hence, the undersigned in exercising of the powers vested in him under section 5 of the Act, issues the present notice to you with the direction to stop the said prohibited activity at once. You are, further directed to start within three days from the date of receipt of this notice the process of restoration of the damage caused to the road infrastructure and complete the same within one week. Failing which, the work of restoration of status quo ante shall be initiated by the department at your risk and cost alongwith restoration cost so imposed by the confirmatory authority as per the provisions of sub-section (4) of section 6 of the Act.

Please acknowledge the receipt.

Prescribed Authority
(Junior Engineer, Assistant Engineer
or Executive Engineer)
(Complete Designation)

Place:

Time:

Date:

Copy forwarded for information and further necessary action to:

1. Executive Engineer (Confirmatory Authority)

Prescribed Authority
(Junior Engineer, Assistant Engineer
or Executive Engineer)
(Complete Designation)

FORM-III
(See Rule 3(5))

(APPLICATION UNDER RULE 3(5) OF HIMACHAL PRADESH ROAD INFRASTRUCTURE PROTECTION RULES, 2004 FOR PERMISSION TO AVAIL FACILITY WITH RESPECT TO ROAD INFRASTRUCTURE AS PROVIDED UNDER SECTION 13 OF THE ACT)

To

The Executive Engineer.

Subject: Application under rule 3(5) for permission to avail facility as provided under section 13 of Himachal Pradesh Road Infrastructure Protection Act, 2002.

1. Name of the person seeking permission:
2. Father's Name:
3. Address:
4. Facility to be availed:
5. a) If approach road then sanction letter of the house construction of the competent authority/department
- b) If any other facility as specified under clause (ii) to (vi) of section 13 is sought then complete map in the sketch may be annexed.
6. Description enclosure:
7. Any other Information:
8. Whether previously such permission has Been sought or not? If yes its date:
9. Amount of the work so deposited in the department alongwith copy of receipt. -----?

I, _____ do hereby solemnly affirm that the particulars alongwith documents in the above form so given by me are true and correct. No part of it is wrong and nothing has been concealed in it. I, further declare that in case of failure to comply with the requirement (s) as required from me, the same amount as per the provisions of section-11 of Himachal Pradesh Road Infrastructure Protection Act, 2003 may be recovered from me.

(Signature of the Applicant)

Place:

Time:

Date:

FORM-IV**(See Rule-3(6))**

<p>GOVERNMENT OF HIMACHAL PRADESH PUBLIC WORKS DEPARTMENT DIVISION.....</p> <p>SUB DIVISION.....</p> <p>Book No. No..... Dated.....</p> <p>Received from</p> <p>.....</p> <p>.....</p> <p>Rupees.....on account of.....</p> <p>.....</p> <p>.....</p> <p>Dated initial of Dated initial of Cashier or Official granting Accountant receipt.</p>	<p>GOVERNMENT OF HIMACHAL PRADESH PUBLIC WORKS DEPARTMENT RECEIPT FOR PAYMENT TO GOVERNMENT</p> <p>Book No. No. Place. DIVISION.....SUB-DIVISION.....Dated...</p> <p>Received from.....</p> <p>.....</p> <p>Rupees.....</p> <p>.....on account of.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Cashier Signature or Accountant. Designation.</p>
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By Order

Principal Secretary (PW) to the
Government of Himachal Pradesh.

Endorsement:

➤ **THE HIMACHAL PRADESH PUBLIC MONEYS (RECOVERY OF DUES) ACT, 2000**

THE HIMACHAL PRADESH PUBLIC MONEYS (RECOVERY OF DUES) ACT, 2000

ARRANGEMENT OF SECTIONS

SECTIONS:

1. Short title, extent and commencement.
2. Definitions.
3. Recovery of certain dues as arrears of land revenue.
4. Collection of charges.
5. Repeal and savings.

**THE HIMACHAL PRADESH PUBLIC MONEYS (RECOVERY OF
DUES) ACT, 2000**

(ACT NO. 2 OF 2001)¹

(Received the assent of the Governor on 9th February, 2001 and was published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 17th February, 2001, pp. 5513-5523).

An Act to re-enact the law relating to the speedy recovery of certain dues of the State Government or the Himachal Pradesh Financial Corporation or any other Corporation notified by the State Government in this behalf or a Government Company or a Banking Company.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-first Year of the Republic of India, as follows:-

1. **Short title, extent and commencement.-** (1) This Act may be called the Himachal Pradesh Public Moneys (Recovery of Dues) Act, 2000.

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

(3) It shall come into force at once.

2. **Definitions.-** In this Act, unless the context otherwise requires,-

(a) “Banking Company” means,-

- (i) a Banking Company as defined in the Banking Regulation Act, 1949 (10 of 1949);
- (ii) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);
- (iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959(38 of 1959);

¹ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 29th December, 2000, pp. 4802 and 4807.

- (iv) the Agricultural Finance Corporation Limited, a Company incorporated under the Indian Companies Act, 1956 (1 of 1956);
 - (v) the National Bank for Agricultural Rural Development established under the National Bank of Agricultural and Rural Development Act, 1981 (61 of 1981);
 - (vi) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (5 of 1970);
 - (vii) any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949 (10 of 1949);
 - (viii) the Regional Rural Banks constituted under the Regional Rural Banks Act, 1976 (21 of 1976); and
 - (ix) a corresponding new Bank constituted under the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1980 (40 of 1980);
- (b) “Collector” means a Collector of the District and includes any person appointed by the State Government to perform functions of the Collector under this Act;
- (c) “Corporation” means the Himachal Pradesh Financial Corporation established under the State Financial Corporation Act, 1951(63 of 1951) and includes any other Corporation owned or controlled by the Central Government or the State Government which the State Government may, by notification specify;
- (d) “financial assistance” means any financial assistance rendered,-
- (i) for the purposes of vocational or technical training; or
 - (ii) for the construction of residential buildings; or
 - (iii) for providing drinking water, kuhl or pipe line; or
 - (iv) for the development of animal husbandry, agriculture or horticulture; or
 - (v) for the establishing, expanding, modernising, renovating or running any village or cottage industry, industrial undertaking or agro industry; or
 - (vi) for purposes of any other kind of planned development; or
 - (vii) for relief against distress; or
 - (viii) for loans under the National Loans Scholarship Scheme; or
 - (ix) for professional/specialised training, as may be notified, in the Official Gazette, by the State Government, in relation to which scholarship/stipend is paid out of the public funds and is imparted by the institutions of the State Government;
- (e) “Government Company” means a Government Company as defined in section 617 of the Companies Act, 1956 (1 of 1956) and which is notified as such by the State Government from time to time;
- (f) “industrial undertaking” includes any undertaking for the manufacture, preservation, storage or processing of goods, or mining or the hotel industry, or the transport of passengers or goods, or the generation or distribution of electricity or any other form of power or the maintenance, repair, testing or servicing of machinery,

vehicles, vessels, motor boats, trailers or tractors or assembling, repairing or packing of any articles with the aid of machinery or power or fishing or providing shore facilities for fishing or maintenance thereof, or for the development of any contiguous area of land as an industrial estate or providing special or technical knowledge or other services for promotion of industrial growth;

Explanation.- The expression “processing of goods” includes any act or process for producing, preparing or making an article by subjecting any material to a manual, mechanical, chemical, electrical or any other like operation;

(g) “sponsored scheme” means a scheme sponsored by way of financial assistance by the State Government or the Central Government under which the concerned Government, either-

- (i) advances money to the Corporation or the Government Company for the purposes of disbursing loans, advances, grants or subsidies or for the purpose of sale of goods on credit or hire purchase; or
- (ii) guarantees or agrees to guarantee the payment of loan, advances, grant or subsidies or the payment of price of goods sold on credit or hire purchase; and

(h) “State Government” means the Government of Himachal Pradesh.

3. Recovery of certain dues as arrears of land revenue.- (1) Where any person either as principal or as surety or as guarantor is a party-

- (a) (i) to any agreement or bond, relating to a loan, advance grant, subsidy, financial assistance, stipend or scholarship given under that agreement or relating to credit in respect of, or relating to hire purchase of goods sold by the State Government, Government Company, Banking Company, or Corporation by way of financial assistance; or
- (ii) to any agreement relating to loan, advance, grant or subsidy given under that agreement or relating to credit in respect of, or relating to hire purchase of goods sold by the State Government, a Banking Company, a Corporation or a Government Company as the case may be, under a sponsored scheme; or
- (b) to any agreement relating to a guarantee given by the State Government, Government Company, Banking Company or a corporation in respect of a loan raised by an industrial undertaking; or
- (c) to any agreement providing that any money payable thereunder to the State Government shall be recoverable as arrears of land revenue; or
- (d) to any agreement to sell or distribute goods or any other article supplied by/or through the State Government and such person-

- (i) makes any default in the repayment of the loan, advance, stipend or scholarship or any instalment or interest thereof; or
- (ii) having become liable under the conditions of the grant to refund the grant or any portion thereof, makes any default in repayment of such grant or portion or instalment thereof; or
- (iii) having become liable to pay the price of the goods or any other article or interest thereof, fails to pay the same or part thereof; or
- (iv) otherwise fails to comply with the terms of the agreement;

then, in case of the State Government, such officers as may be authorised in this behalf by the State Government, by notification in the Official Gazette, and in the case of Banking Company, Corporation or the Government Company, the Managing Director or any other officer not below the rank of Divisional Manager specifically authorised in this behalf, thereof, by whatever name called, may without prejudice to any other mode of recovery under any other law for the time being in force, send a certificate to the Collector, mentioning the sum due from such person and requesting that such sum together with the costs of the proceedings or any other sum be recovered as if it were an arrear of land revenue.

(2) A certificate sent under sub-section(1) shall be conclusive proof of the matter stated therein and the Collector on receiving such certificate shall proceed to recover the amount stated therein as an arrear of land revenue.

(3) Nothing in sub-section (1) shall affect any interest of the State Government, a Banking Company, a Corporation or a Government Company, in any property created by mortgage, charge, pledge or any other encumbrance.

(4) Where the property of any person referred to in sub-section(1) is subject to any mortgage, charge, pledge or other encumbrance in favour of the State Government, a Banking Company, a Corporation or a Government Company, as the case may be, then-

- (a) in every case of a pledge of goods, proceedings shall first be taken for the sale of goods so pledged and if the proceeds of such sale are less than the sum due, then proceedings shall be taken for recovery of the balance against the other property of such person:

Provided that where the State Government is of the opinion that it is necessary so to do for safeguarding the recovery of the sum due to it or to a Banking company, a Corporation or a Government Company, as the case may be, it may, for reasons to be recorded in writing, direct proceedings to be taken against the other property then the goods pledged before or at the same time as the proceedings are taken for the sale of goods pledged.

- (b) in every case of a mortgage, charge or other encumbrance on immovable property, such property or, as the case may be, the interest therein of the person referred to in sub-section (1) shall first be sold in proceedings for recovery of the sum due from that person and any other proceedings may be taken only if the Collector certifies that there is no prospect of

realisation of the sum due through the first mentioned process within a reasonable time.

(5) Where Government dues are recoverable from the person mentioned in section 3 in addition to dues of Government Company, Banking Company or Corporation, priority will be given to Government dues in recovery as arrears of land revenue.

4. **Collection charges.**- A Banking Company, a Corporation or a Government Company availing the services of the Collector under section 3 shall pay collection charges to the State Government at such rates, as may be notified in the Official Gazette by the State Government, from time to time.

5. **Repeal and Savings.**- (1) The Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act, shall be deemed to have been done or taken under the Corresponding provisions of this Act.

(Authoritative English Text of Government Notification No. Rev. B. A. (3)1/95-II, dated 27-3-03 as required under clause (3) of Article 348 of the Constitution of India).

**GOVERNMENT OF HIMACHAL PRADESH
REVENUE DEPARTMENT**

No. Rev.B.A.(3)1/95-II,

Dated: Shimla-2, the

March, 2003.

NOTIFICATION

The Governor of Himachal Pradesh, in exercise of powers conferred by section 2(b) of the Himachal Pradesh Public Moneys (Recovery of Dues) Act, 2000 (Act No. 2 of 2001), is pleased to appoint all the Sub Divisional Officers (Civil) in H.P. as collection in their respective jurisdiction to perform the functions of a Collector to carry out the provisions of Act *ibid*.

By Order

F.C.-cum- Secretary (Revenue) to the
Government of Himachal Pradesh.

Endst. No. Rev. B.A.(3)1/95-II,

Dated: Shimla-2, the

th March, 2003.

Copy forwarded for necessary action and information to:

1. The Principal Secretary to the Hon'ble Chief Minister, H.P., Shimla-2.
2. The Sr. Private Secretary to the Hon'ble Revenue Minister, H.P., Shimla-2.
3. All the Principal Secretaries in H.P. Sectt., Shimla-2.
4. All the Secretaries in H.P. Sectt., Shimla-2.
5. The Addl. Secretary (Revenue) to the Government of Himachal Pradesh.
6. The Commissioner (Revenue), H.P., Shimla-2.
7. All Heads of the Departments, in H.P.
8. All the Deputy Commissioners in H.P.
9. All the SDO (C) in H.P.
10. The Controller, Printing and Stationery, Govt. Press, Shimla-5. He is requested to kindly publish the above notification in the Rajpatra (Extra-Ordinary) and send five copies of the same to this department for record.
11. All District Lead Bank Officers in H.P.

Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.

(Authoritative English Text of Government Notification No. Rev. B. A. (3)1/95-II, dated 27-3-03 as required under clause (3) of Article 348 of the Constitution of India).

**GOVERNMENT OF HIMACHAL PRADESH
REVENUE DEPARTMENT**

No. Rev.B.A.(3)1/95-II,

Dated: Shimla-2, the

27th March, 2003.

NOTIFICATION

The Governor of Himachal Pradesh, in exercise of powers conferred by section 4 of the Himachal Pradesh Public Moneys (Recovery of Dues) Act, 2000 (Act No. 2 of 2001), is pleased to notify that a Banking Company, a Corporation or a Government Company availing services of the Collector under Section 3 of the Act ibid, shall pay collection charges to the State Government at the rate of 8% of the amount to be recovered from the defaulters as an arrear of land revenue under the provisions of this Act.

By Order

F.C.-cum- Secretary (Revenue) to the
Government of Himachal Pradesh.

Endst. No. Rev. B.A.(3)1/95-II, Dated: Shimla-2, the

27th March, 2003.

Copy forwarded for necessary action and information to:

1. The Principal Secretary to the Hon'ble Chief Minister, H.P., Shimla-2.
2. The Sr. Private Secretary to the Hon'ble Revenue Minister, H.P., Shimla-2.
3. All the Principal Secretaries in H.P. Sectt., Shimla-2.
4. All the Secretaries in H.P. Sectt., Shimla-2.
5. The Addl. Secretary (Revenue) to the Government of Himachal Pradesh.
6. The Commissioner (Revenue), H.P., Shimla-2.
7. All Heads of the Departments, in H.P.
8. All the Deputy Commissioners in H.P.
9. All the SDO (C) in H.P.
10. The Controller, Printing and Stationery, Govt. Press, Shimla-5. He is requested to kindly publish the above notification in the Rajpatra (Extra-Ordinary) and send five copies of the same to this Department for record.
11. All District Lead Bank Officers in H.P.

Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.

Government of Himachal Pradesh
Department of Revenue

No. Rev. B.A(9)5/2021

Dated: Shimla-2, the 17-02-2021

NOTIFICATION

In exercise of the powers conferred by section 2 (b) of the Himachal Pradesh Public Moneys (Recovery of Dues) Act, 2000, the Governor Himachal Pradesh, is pleased to appoint the Additional Director of Industries-cum-Additional Controller of Stores, H.P. as “Collector” to perform functions of “Collector” under the Act *ibid*. This appointment shall be effective from the date of publication of the notification in the official Gazette.

By order

(R.D. Dhiman)
Additional Chief Secretary (Revenue) to the
Government of Himachal Pradesh.

Endst. No. Rev. B.A(9)-5/2021 Dated Shimla-171002, the 17-02-2021.

Copy forwarded for information and necessary action to:

1. All the Secretaries to the Government of Himachal Pradesh, Shimla-2.
2. The D.L.R-cum-Deputy Secretary (Law) to the Government of Himachal Pradesh, Shimla-2.
3. All the Divisional Commissioners, Himachal Pradesh.
4. All the Deputy Commissioners, in Himachal Pradesh.
5. The Settlement Officer, Shimla and Kangra District.
6. The Controller Printing and Stationery, Himachal Pradesh, Shimla-5 for favour of publication in extra ordinary Rajpatra.
7. COC to the Financial Commissioner (Appeals) Himachal Pradesh, Shimla-2.
8. Guard file.

(K.K. Sharma)
Joint Secretary (Revenue) to the
Government of Himachal Pradesh.

No. Rev. B.A (3)-1/95-II
 Government of Himachal Pradesh
 Department of Revenue

From

F.C.-cum- Secretary (Revenue) to the
 Government of Himachal Pradesh.

To

All the Administrative Secretaries,
 to the Government of Himachal Pradesh.

Dated: Shimla-2, the 27th March, 2003.

Subject:- Recovery of loans etc. under the H.P. Public Moneys (Recovery of Dues) Act, 2000.

Sir,

I am directed to say that the H.P. Public Moneys (Recovery of Dues) Act, 2000 (Act No. 2 of 2001) has been enacted in the State by repealing the Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973 which has been published in the Rajpatra (Extra-Ordinary) dated 17.2.2001.

Under the provisions of Section 3 of the said Act, in case of Government dues, officers are required to be authorised by the State Government, by notification in the Official Gazette to send a certificate to the Collector appointed as such under section 2(b), mentioning the sum due from the defaulters and to be recovered as an arrear of land, land revenue.

In this behalf action to authorise such officers may be taken by the Department concerned at their own level and cases for this purpose need not be referred to the Revenue Department.

The receipt of the letter may kindly be acknowledged please.

Yours faithfully,

Deputy Secretary (Revenue) to the
 Government of Himachal Pradesh.

Endst. No. As above. Dated: Shimla-2, the 27th March, 2003.

Copy forwarded for information to:

1. The Commissioner (Revenue), H.P., Shimla.
2. All the Deputy Commissioners in H.P.
3. All the SDO (C) of Himachal Pradesh.
4. All the District Lead Bank Officers in H.P.

Deputy Secretary (Revenue) to the
 Government of Himachal Pradesh.

- **THE HIMACHAL PRADESH URBAN RENT CONTROL ACT, 1987.**
- **THE HIMACHAL PRADESH URBAN RENT CONTROL RULES, 1990**

THE HIMACHAL PRADESH URBAN RENT CONTROL ACT, 1987

ARRANGEMENT OF SECTIONS

SECTIONS:

1. Short title, extent and commencement.
2. Definitions.
3. Exemptions.
4. Determination of standard rent.
5. Revision of standard rent in certain cases.
6. Increase in standard rent in certain cases admissible.
7. Landlord not to claim anything in excess of standard rent.
8. Fine or premium not to be charged for grant, renewal or continuance of tenancy.
9. Rent which should not have been paid may be recovered.
10. Increase of rent on account of payment of rates, etc. of local authority but rent not to be increased on account of payment of other taxes etc.
11. Cutting off or withholding essential supply or service.
12. Conversion of a residential building into a non residential building.
13. Landlord's duty to keep the building or rented land in good repairs.
14. Eviction of tenants.
15. Right to recover immediate possession of premises to certain persons.
16. Special procedure for the disposal of applications for eviction on the ground of bonafide requirement under section 14 (3) (a) (iii) and section 15.
17. Recovery of possession in case of tenancies for limited period.
18. Decisions which have become final not to be reopened.
19. Leases of vacant buildings.
20. Receipt to be given for rent paid.
21. Deposit of rent by the tenant.
22. Time limit for making deposit and consequences of incorrect particulars in application for deposit.
23. Savings to acceptance of rent and forfeiture of rent in deposit.
24. Vesting of appellate authority on officers by State Government.
25. Power to summon and enforce attendance of witnesses.
26. Execution of orders.
27. Institution and disposal of applications.
28. Power to transfer proceedings.
29. Landlord and tenant to furnish particulars.
30. Penalties.
31. Controller to exercise power of a magistrate for recovery of final.
32. Validation.
33. Power to make rules.
34. Repeal and savings.
35. Repeal of H. P. Ordinance No. 5 of 1987.

SCHEDULE-I

SCHEDULE-II

THE HIMACHAL PRADESH URBAN RENT CONTROL ACT, 1987

(ACT NO. 25 OF 1987)¹

AN

ACT

To provide for the control of rents and evictions within the limits of urban areas in the State of Himachal Pradesh.

Amended, repealed or otherwise affected by,-

- (i) H.P. Act No. 8 of 2012², assented to by the President on 28th February, 2012, published both in Hindi and English in Rajpatra, Himachal Pradesh dated 16th March, 2012, pp. 6653-6660.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-eighth Year of the Republic of India, as follows:--

1. **Short title extent and commencement**—(1) This Act may be called the Himachal Pradesh Urban Rent Control Act, 1987.

(2) It extends to all urban areas in the State of Himachal Pradesh.

This Act shall and shall be deemed to have come into force on the 17th day of November, 1971, but—

- (i) provisions contained in clauses (h) and (i) of sections 2; section 4; section 5; sub-section (2) of section 15; section 17; sub-section (3) of section 30; section 34 and Schedule-I of this Act shall be deemed to have come into force on the appointed day;
- (ii) provisions contained in clause (d) of section 2; sub-sections (1) and (3) of section 15; section 16; section 27; section 28 and Schedule-II of this Act shall and shall be deemed to have come into force from the day on which the corresponding provisions were inserted in clause (d) of section 2; section 14- A; section 14-B; section 23-A and section 23-B of the Himachal Pradesh Urban Rent Control Act, 1971 (23 of 1971):
- (iii) provisions contained in section 4 and section 29 of the Himachal Pradesh Urban Rent Control Act, 1971 (23 of 1971), shall be deemed to have remained in force during the period reckoned from the day on which these were substituted or inserted, as the case may be in the said Act, till the appointed day; and
- (iv) provisions contained in section 35 shall come in to force at once.

2. **Definitions**—In this Act, unless the context otherwise requires—

- (a) “appointed day” means the 18th day of August, 1987;
- (b) “building” means any building or part of a building let out for any purpose whether being actually used for that purpose or not, including any land, godowns, out houses

¹Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 10th September, 1987, pp. 1681 and 1701.

² Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh, dated 23rd December, 2009, pp. 5961 and 5965.

or furniture let out therewith, but does not include a room in a hotel, hostel or boarding house;

- (c) “Controller” means any person who is appointed by the State Government to perform the functions of the Controller under this Act;
- (d) “landlord” means any person for the time being entitled to receive rent in respect of any building or rented land whether on his own account or on behalf, or for the benefit, of any other person, or as a trustee, guardian, receiver, executor or administrator for any other person, and includes a tenant who sublets any building or rented land in the manner hereinafter authorised, a specified landlord, and every person from time to time deriving title under a landlord;
- (e) “non-residential building” means a building being used –
 - (i) mainly for the purpose of business or trade; or
 - (ii) partly for the purpose of business or trade and partly for the purpose of residence, subject to the condition that the person who carried on business or trade in the building resides therein:

Provided that if a building is let out for residential and non-residential purposes, separately, to more than one person, the portion thereof let out for the purpose of residence shall not be treated as non-residential building.

Explanation—Where a building is used mainly for the purpose of business or trade, it shall be deemed to be a non-residential building even though a small portion thereof is used for the purpose of residence;

- (f) “prescribed” means prescribed by rules made under this Act;
- (g) “rented land” means any land let out separately for the purpose of being used principally for business or trade;
- (h) “residential building” means any building which is not a non-residential building;
- (i) “specified landlord” means a person who is entitled to receive rent in respect of a building on his own account and who is holding or has held an appointment in a public service or post in connection with the affairs of the Union or of a State;
- ¹[(j) “tenant” means any person by whom or on whose account rent is payable for a residential or non-residential building or rented land and includes a tenant continuing in possession after termination of the tenancy, a deserted wife of a tenant who has been or is entitled to be in occupation of the matrimonial home or tenanted premises of husband, a divorced wife of a tenant who has a decree of divorce in which the right of residence in the matrimonial home or tenanted premises has been incorporated as one of the conditions of the decree of divorce and in the event of the death of such person such of his heirs as are mentioned in Schedule-I to this Act and who were ordinarily residing with him or carrying on business in the premises at the time of his death, subject to the order of succession and conditions specified, respectively in Explanation-I and Explanation-II to this clause, but does not include a person placed in occupation of a building or rented land by its tenant, except with the written consent of the landlord, or a person to whom the collection of rent or fees in a

¹ (Clause (j) of substituted by Act No. 8 of 2012)

public market, cart stand or slaughter house or of rents for shops has been farmed out or leased by a Municipal Corporation or a Municipal Council or a Nagar Panchayat or a Cantonment Board;

Explanation-I.- The order of succession in the event of death of the person continuing in possession after the termination of his tenancy shall be as follows:—

- (a) firstly, his surviving spouse;
- (b) secondly, his son or daughter, or both, if there is no surviving spouse, or if the surviving spouse did not ordinarily live with the deceased persons as a member of his family upto the date of his death;
- (c) thirdly, his parent(s), if there is no surviving spouse, son or daughter of the deceased person, or if such surviving spouse, son, daughter or any of them, did not ordinarily live in the premises as a member of the family of the deceased person upto the date of his death; and
- (d) fourthly, his daughter-in-law, being the widow of his pre-deceased son, if there is no surviving spouse, son, daughter or parent(s) of the deceased person or if such surviving spouse, son, daughter or parent(s), or any of them, did not ordinarily live in the premises as a member of the family of the deceased person upto the date of his death:

Provided that the successor has ordinarily been living or carrying on business in the premises with the deceased tenant as a member of his family upto the date of his death and was dependent on the deceased tenant:

Provided further that a right to tenancy shall not devolve upon a successor in case he or his spouse or any of his dependent son or daughter is owning or occupying a premises in the urban area in relation to the premises let.

Explanation-II—The right of every successor, referred to in Explanation-I, to continue in possession after the termination of the tenancy, shall be personal to him and shall not, on the death of such successor, devolve on any of his heirs; and.]

- (k) “urban area” means any area administered by a municipal corporation, a municipal committee, a cantonment board, or a notified area committee or any area declared by the State Government, by notification, to be an urban area for the purposes of this Act.

3. Exemptions—

- (1) The State Government may direct that all or any of the provisions of this Act shall not apply to any particular building or rented land or any class of buildings or rented lands.
- (2) The provisions of this Act shall not apply to any building or rented land owned by the Government.

¹[4. **Determination of standard rent**— (1) The Controller shall, on application by the tenant or the landlord of a building or rented land, and after holding such enquiry as he may think fit, fix the standard rent for such a building or rented land on the basis of 10% of the aggregate cost of construction and the market price of the land comprised in the premises on the date of commencement of the construction. The standard rent so derived shall be increased by 10% from

¹ Section 4 substituted vide H.P. Act No. 8 of 2012.

the year of construction to the present year to arrive at standard rent for the given year. However, in case of non-residential building, the standard rent shall be fixed on the basis of 15% of the aggregate cost of construction and the market price of the land comprised in the premises on the date of the construction.

Explanation.— For the purpose of fixation of standard rent, the maintenance charges, municipal taxes including water and electricity charges shall be taken into account:

Provided that—

- i. the maintenance charges shall not exceed 5% of the standard rent;
- ii. the taxes shall be as per actual tax payable on prorata basis; and
- iii. the other amenities like water and electricity shall be as agreed between the landlord and the tenant.

(2) The standard rent fixed under sub-section (1) shall become payable from the date on which the application is filed under this section.]

¹[**5. Revision of standard rent in certain cases**— (1) Save as provided in section 4, when the standard rent of a land or rented building has been fixed under section 4, no further increase or decrease in such a standard rent shall be permissible for a period of three years.

(2) Notwithstanding anything contained in any law for the time being in force or in any contract, a landlord shall, in addition to the increase in rent provided in this Act, be entitled to increase the rent of a building or land at the rate of ten per cent of the standard rent or the agreed rent, as the case may be, after every three years:

Provided that such increase shall be in a case where such a building or land has been let out for a period of three years or more immediately preceding the commencement of the Himachal Pradesh Urban Rent Control (Amendment) Act, 2009 and again with effect from expiry of every three years from such commencement.

(3) The increase in standard rent shall be automatic and if there is any dispute between the landlord and the tenant in regard to any increase or decrease in rent under this section, such dispute shall be decided by the Controller.]

²[**6. Increase in standard rent in certain cases admissible**— (1) Save as provided under section 5, when the standard rent of a building or rented land has been fixed under section 4, no further increase in such standard rent shall be permissible, except in cases where some addition, improvement or alteration or special repairs has been carried out in the building or rented land by the landlord at the request in writing of the tenant:

Provided that the standard rent increased under this sub-section shall not exceed ten per cent of the cost of addition, improvement, alteration or special repairs.

(2) If the tenant fails to pay the revised standard rent, he shall be liable for eviction under section 14 of the Act.]

¹ Section 5 substituted vide H.P. Act No. 8 of 2012.

² Section 6 substituted vide H.P. Act No. 8 of 2012.

¹[7 **Landlord not to claim anything in excess of standard rent**—Save as provided in this Act, when the Controller has fixed the standard rent of a building or rented land under section 4, the landlord shall not claim or receive any premium or other like sum in addition to standard rent or any rent in excess of such standard rent, but the landlord may stipulate for and receive in advance an amount not exceeding three month's rent in lump sum:

Provided that any agreement for the payment of any sum in addition to rent, or of rent in excess of such standard rent, shall be null and void.]

8. Fine or premium not to be charged for grant, renewal, or continuance of tenancy— (1) Subject to the provisions of this Act, no landlord shall claim or receive any rent in excess of the ²[standard rent], notwithstanding any agreement to the contrary.

(2) No landlord shall, in consideration of the grant, renewal or continuance of a tenancy or sub-tenancy of any building or rented land, claim or receive payment of any premium, puggree, fine, advance or any other like sum in addition to the rent.

9. Rent which should not have been paid may be recovered—Where any sum has been paid which sum is by reason of the provisions of this Act not payable, such sum shall, at any time within a period of one year after the date of the payment, or in the case of payment made before the commencement of this Act within one year after the appointed day, be recoverable by the tenant by whom it was paid or his legal representative from the landlord who received the payment or his legal representative, and may, without prejudice to any other method of recovery, be deducted by such tenant from any rent payable within such one year by him to such landlord.

Explanation—In this section, the expression “legal representative” has the same meaning as assigned to it in the Code of Civil Procedure, 1908 (5 of 1908) and includes also, in the case of joint family property the joint family of which the deceased was a member.

10. Increase of rent on account of payment of rates etc. of local authority but rent not to be increased on account of payment of other taxes etc.

(1) Notwithstanding anything contained in any other provisions of this Act, the landlord shall be entitled to increase the rent of a building or rented land, and if after the commencement of the tenancy any fresh rate, cess or tax is levied in respect of the building or rented land by the Government or any local authority, or if there is an increase in the amount of such a rate, cess or tax being levied at the commencement of the tenancy:

Provided that the increase in rent shall not exceed the amount of any such rate, cess or tax or the amount of the increase in such rate, cess or tax, as the case may be.

(2) Notwithstanding anything contained in any law for the time being in force or in any contract, no landlord shall recover from his tenant the amount of any tax or any portion thereof in respect of any building or rented land occupied by such tenant by increase in the amount of the rent payable or otherwise, save as provided in sub-section (1).

11. Cutting off or withholding essential supply or service— (1) No landlord either himself or through any person purporting to act on his behalf shall, without just and sufficient cause

¹ Section 7 substituted vide H.P. Act No. 8 of 2012.

² Substituted for the words “fair rent” vide H.P. Act No. 8 of 2012.

cut off or withhold any essential supply or service enjoyed by the tenant in respect of the building or rented land let out to him.

(2) If a landlord contravenes the provisions of sub-section (1), the tenant may make an application to the Controller complaining of such contravention.

(3) If the Controller is satisfied that the essential supply or service was cut off or withheld by the landlord with a view to compelling the tenant to vacate the premises or to pay an enhanced rent, the Controller may pass an order directing the landlord to restore the amenities immediately pending the inquiry referred to in sub-section (4).

Explanation—An interim order may be passed under this sub-section without giving notice to the landlord.

(4) If the Controller, on inquiry, finds that the essential supply or service enjoyed by the tenant in respect of the building or rented land was cut off or withheld by the landlord without just and sufficient cause, he shall make an order directing the landlord to restore such supply or service.

(5) The Controller may, in his discretion, direct that compensation, not exceeding one hundred rupees—

- (a) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatious;
- (b) be paid to the tenant by the landlord, if the landlord had cut off or withheld the supply or service without, just and sufficient cause.

Explanation I—In this section, “essential supply or service” includes supply of water, electricity, lights in passages and on staircases, conservancy and sanitary services.

Explanation-II—For the purposes of this section, withholding any essential supply or service shall include acts or omissions attributable to the landlord on account of which the essential supply or service is cut off by the local authority or any other competent authority.

12. Conversion of a residential building into a non-residential building—No person shall convert a residential building into a non-residential building except with the permission in writing of the Controller.

13. Landlord’s duty to keep the building or rented land in good repairs— (1) Every landlord shall be bound to keep the building or rented land in good and tenantable repairs.

(2) If the landlord neglects or fails to make, within a reasonable time after receiving a notice in writing, any repairs which he is bound to make under sub-section (1), the tenant may make the same himself and deduct the expenses of such repairs from the rent or otherwise recover them from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

(3) Where any repairs without which the building or rented land is no longer habitable or useable, except with undue inconvenience, are to be made and the landlord neglects or fails to make them after receiving notice in writing, the tenant may apply to the Controller for permission to get such repairs done on his own and may submit to the Controller an estimate of the cost of such

repairs, and thereupon the Controller may after giving the landlord an opportunity of being heard and after considering such estimate of the cost and making such inquiries as he may consider necessary, by an order in writing, permit the tenant to make such repairs at such cost as may be specified in the order and it shall thereafter be lawful for the tenant to get such repairs done on his own and to deduct the cost thereof from the rent, which shall in no case exceed the amount so specified or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed 3 months' rent payable by the tenant:

Provided further that if any repairs not covered by the said amount are necessary in the opinion of the Controller and the tenant agrees to bear the excess cost himself, the Controller may permit the tenant to make such repairs.

14. Eviction of tenants— (1) A tenant in possession of a building or rented land shall not be evicted there from in execution of a decree passed before or after the commencement of this Act or otherwise, whether before or after the termination of the tenancy, except in accordance with the provisions of this Act.

(2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable opportunity of showing cause against the applicant, is satisfied—

- i. that the tenant has not paid or tendered the rent due from him in respect of the building or rented land within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord or in the absence of any such agreement by the last day of the month next following that for which the rent is payable:

Provided that If the tenant on the first hearing of the application for ejection after due service pays or tenders the arrears of rent and interest at the rate of ¹[12 per cent] per annum on such arrears together with the cost of application assessed by the Controller, the tenant shall be deemed to have duly paid or tendered the rent within time aforesaid:

Provided further that if the arrears pertain to the period prior to the appointed day, the rate of interest shall be calculated at the rate of ²[12 per cent] per annum:

Provided further that the tenant against whom the Controller has made an order for eviction on the ground of non-payment of rent due from him, shall not be evicted as a result of his order, if the tenant pays the amount due within a period of 30 days from the date of order; or

- ii. that the tenant has after the commencement of this Act without the written consent of the landlord—
 - (a) transferred his rights under the lease or sublet the entire building or rented land or any portion thereof, or
 - (b) used the building or rented land for a purpose other than that for which it was leased; or

¹ Substituted for the words “9 per cent” vide H.P. Act No. 8 of 2012.

² Substituted for the words “6 per cent” vide H.P. Act No. 8 of 2012.

- iii. that the tenant has committed such acts as are likely to impair materially the value or utility of the building or rented land; or
- iv. that the tenant has been guilty of such acts and conduct as are nuisance to the occupiers of buildings in the neighbourhood; or
- v. that the tenant has ceased to occupy the building or rented land for a continuous period of twelve months without reasonable cause;

the Controller may make an order directing the tenant to put the landlord in possession of the building or rented land and if the Controller is not so satisfied he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building or rented land and may extend such time so as not to exceed three months in the aggregate.

(3) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession—

(a) in the case of a ¹[residential and non-residential building], if—

(i) he requires it for his own occupation:

Provided that he is not occupying another ²[residential and non-residential building] owned by him in the urban area concerned: Provided further that he has not vacated such a building without sufficient cause within five years of the filing of the application, in the said urban area; or

(ii) it was left to the tenant for use as a residence by reason of his being in service or employment of the landlord, and the tenant has ceased, whether before or after commencement of this Act, to be in such service or employment:

Provided that where the tenant is a workman who has been discharged or dismissed by the landlord from his service or employment in contravention of the provisions of the Industrial Disputes Act, 1947 (14 of 1947), he shall not be liable to be evicted until the competent authority under that Act confirms the order of discharge or dismissal made against him by the landlord;

(iii) the landlord is a member of the Armed Forces of the Union of India and requires it for the occupation of his family and if he produces a certificate of the prescribed authority referred to in section 7 of the Indian Soldiers (Litigation) Act, 1925, (4 of 1925) that he is serving under special conditions within the meaning of section 3 of that Act or is posted in a non-family station.

Explanation-I—For the purposes of this sub-clause—

(1) the certificate of the prescribed authority shall be conclusive proof of the fact that the landlord is serving under special conditions, or is posted in a non-family station;

¹ Substituted for the words “residential building”. vide H.P. Act No. 8 of 2012.

² Substituted for the words “residential building”. vide H.P. Act No. 8 of 2012.

(2) “family” means parents and such relation(s) of landlord as ordinarily reside with him and is/are dependent upon him;

(iv) the tenant has, whether before or after the commencement of this Act, built or acquired vacant possession of or been allotted, a residence reasonably sufficient for his requirements

(b) in the case of rented land, if—

(i) he requires it for his own use:

Provided that he is not occupying in the urban area concerned any other rented land for the purpose of his business:

Provided further that he has not vacated such rented land without sufficient cause within five years of the filing of the application in the urban area concerned;

(ii) he requires rented land for construction of residential or non-residential building or for establishment of industry;

(iii) the tenant lets out his rented land to somebody else on higher rent;

(c) in the case of any building or rented land, if he requires it to carry out any building work at the instance of the Government or local authority or any Improvement Trust under some improvement or development scheme or if it has become unsafe or unfit for human habitation or is required bona fide by him for carrying out repairs which cannot be carded out without the building or rented land being vacated or that the building or rented land is required bona-fide by him for the purpose of building or re-building or making thereto any substantial additions or alterations and that such building or re-building or addition or alteration cannot be carried out without the building or rented land being vacated:

¹[Provided that the tenant evicted under this clause shall have the right to re-entry on new terms of tenancy, on the basis of mutual agreement between the landlord and the tenant, to the premises in the re-built building equivalent in area to the original premises for which he was a tenant:

Provided further that in case of non-residential premises, the landlord shall not compel the tenant for a change of business under the new terms of tenancy.]

(d) in the case of ²[residential and non-residential building], if he requires it for use as an office, or consulting room by ³[his son or his daughter] who intends to start practice as a lawyer, an architect, a dentist, an engineer, a veterinary surgeon or a medical practitioner, including a practitioner of Ayurvedic Unani or Homoeopathic System of Medicine or for the residence of his son who is married, if—

(i) his son as aforesaid is not occupying in the urban area concerned any other building for use as office consulting room or residence, as the case may be; and

¹ Provisos inserted vide H.P. Act No. 8 of 2012.

² Substituted for the words “residential building”. vide Act No. 8 of 2012.

³ Substituted for the words “his son” vide H.P. Act No. 8 of 2012.

- (ii) his son as aforesaid has not vacated such a building without sufficient cause, after the commencement of this Act, in the urban area concerned:

Provided that where the tenancy is for a specified period, agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before the expiry of such period:

Provided further that where the landlord has obtained possession of any building or rented land under the provisions of clause (a) or clause (b), he shall not be entitled to apply again under the said clause for the possession of any other building of the same class or rented land:

Provided further that where a landlord has obtained possession of any building under the provisions of clause (d), he shall not be entitled to apply again under the said clause for the use of, or for the residence of the same son, as the case may be.

(4) The Controller shall, if he is satisfied that the claim of the landlord is bonafide, make an order directing the tenant to put the landlord in possession of the building or rented land on such date as may be specified by the Controller and if the Controller is not so satisfied he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building or rented land and may extend such time not exceeding three months in the aggregate.

(5) Where a landlord who has obtained possession of the building or rented land in pursuance of an order under sub-section (3) does not occupy it himself or if possession was obtained by him for his family in pursuance of an order under sub-clause (iii) of clause (a) of sub-section (3), his family does not occupy the residential building, or if possession was obtained by him on behalf of ¹[his son or his daughter] in pursuance of an order under clause (d) of sub-section (3) ²[his son or his daughter] does not occupy it for the purpose for which the possession was obtained, for a continuous period of twelve months from the date of obtaining possession or if possession was obtained under sub-section (2) of section 15 he does not occupy it for personal use for a continuous period of 3 months from the date of obtaining possession or where a landlord who has obtained possession of a building under clause (c) of subsection (3) puts that building to any use other than that for which it was obtained or lets it out to any tenant other than the tenant evicted from it, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of such building or rented land and the Controller shall make an order accordingly.

(6) Where a landlord has acquired any premises by transfer, no application for the recovery of possession of such premises shall be made under this section on the ground specified in sub-clause (i) of clause (a) of sub-section (3) unless a period of five years has elapsed from the date of such acquisition.

¹ Substituted for the words "his son" vide H.P. Act No. 8 of 2012.

² Substituted for the words "his son" vide H.P. Act No. 8 of 2012.

(7) Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may direct that compensation not exceeding five hundred rupees be paid by the such landlord to the tenant.

15. Right to recover immediate possession of premises to certain persons— (1) Where a person who being in occupation of any residential premises allotted to him by the Central Government, the State Government or any local authority is required by, or in pursuance of any general or special order made by the Central or State Government or local authority, as the case may be, to vacate such residential accommodation, or in default, to incur certain obligations, on the ground that he or his spouse or dependent child owns, within the urban area, residential accommodation there shall accrue, on and from the date of such order, to such a person notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether express or implied), custom or usage to the contrary, a right to recover immediate the possession of any premises let out by him:

Provided that nothing in this section shall be construed as conferring a right on the person, who himself or whose spouse or dependent child owns, within the urban area, two or more dwelling houses, to recover the possession of more than one dwelling house, and it shall be lawful for such person to indicate the dwelling house, the possession of which he intends to recover.

(2) Where a specified landlord, at any time within one year prior to or within one year after the date of his retirement or after his retirement but within one year of the appointed day whichever is later, applies to the Controller along with a certificate from the authority competent to remove him from service indicating the date of his retirement and his affidavit to the effect that he or his spouse does not own and posses any other suitable accommodation in the local area in which he intends to reside or to start his own business, to recover possession of one residential building for his own occupation, there shall accrue, on and from the date to such application to such specified landlord, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether expressed or implied), custom or usage to the contrary a right to recover immediate possession of such residential building or any part or parts of such building if it is let out in part or parts:

Provided that in case of death of the specified landlord, the widow or widower of such specified landlord and. in the case of death of such widow or widower, mother or father or a child or a grandchild or a widowed daughter-in-law who was dependent upon such specified landlord at the time of his death shall be entitled to make an application under this section to the Controller,-

- (a) in the case of death of such specified landlord before the appointed day, within one year of the said day;
- (b) in the case of death of such specified landlord after the appointed day, but before the date of his retirement, within one year of the date of his death;
- (c) in the case of death of such specified landlord after the appointed day and the date of his retirement, within one year of the date of such retirement;

and on the date of such application the right to recover the possession of the residential building which belongs to such specified landlord or his spouse at the time of his death shall accrue to the applicant:

Provided further that nothing in this section shall be so construed as conferring a right, on any person to recover possession of more than one residential building inclusive of any parts thereof if it is let out in part or parts:

Provided further that the Controller may give the tenant a reasonable time for putting the specified landlord or, as the case may be, the widow, widower, widower grandchild or widowed daughter-in-law in possession of the residential building and may extend such time not exceeding three months in the aggregate.

Explanation—For the purposes of this section, the expression “retirement” includes the voluntary retirement but does not include resignation, discharge or dismissal from service.

(3) Notwithstanding anything contained elsewhere in this Act, or in any other law for the time being in force or in any contract, custom or usage to the contrary where the landlord exercises the right of recovery conferred on him by this Act, no compensation shall be payable by him to the tenant or any person claiming through or under him and no claim for such compensation shall be entertained by any court, tribunal or other authority:

Provided that where the landlord had received—

- (a) any rent in advance from the tenant, he shall, within a period of ninety days from the date of recovery of the possession of premises by him, refund to the tenant such amount as represents the rent payable for the un-expired portion of the contract, agreement or lease;
- (b) any other payment, he shall, within the period aforesaid, refunded to the tenant a sum which shall bear the same proportion to the total amount so received, as the un-expired portion of the contract or agreement, or lease bears to the total period of contract or agreement of lease:

Provided further that, if any default is made in making any refund as aforesaid, the landlord shall be liable to pay simple interest at the rate of nine percent per annum.

16. Special procedure for the disposal of applications for eviction on the ground of bonafide requirement under section 14(3) (a) (iii) and section 15.— (1) Every application by a landlord for the recovery of possession of any premises under sub-clause (iii) of clause (a) of sub-section (3) of section 14 or section 15 shall be dealt with in accordance with the procedure specified in this section.

(2) After an application under sub-clause (iii) of clause (a) of sub - section (3) of section 14 or section 15 is received, the Controller shall issue summons, in relation to every application referred to in sub-section (1), in the form specified in Schedule-II.

(3) (a) The Controller shall in addition to and simultaneously with the issue of summons for service on the tenant also direct the summons to be served by registered post, acknowledgement due, addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and may, if the circumstances of the case so require also direct the publication of the summons in a newspaper circulating in the locality in which the tenant is last known to have resided or carried on business or personally worked for gain.

(b) When an acknowledgement purporting to be signed by the tenant or his agent is received by the Controller or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent had refused to take delivery of the registered article, the Controller, after such inquiry as he deems fit, is satisfied about the correctness of the endorsement, he may declare that there has been a valid service of summons on the tenant.

(4) The tenant on whom the summons is duly served (whether in the ordinary way or by registered post) in the form specified in Schedule-II shall not contest the prayer for eviction from the premises unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided; and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord or by the specified landlord, or as the case may be, the widow, widower, child, grandchild or widowed daughter-in-law of such specified landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction on the ground aforesaid.

(5) The Controller shall give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such fact as would disentitle the landlord or the specified landlord or, as the case may be, the widow, widower, child, grandchild or widowed daughter-in-law of such specified landlord from obtaining an order for the recovery of possession of the premises of the ground specified in sub-clause (iii) of clause (a) of subsection (3) of section 14 or in section 15.

(6) Where leave is granted to the tenant to contest the application, the Controller shall commence the hearing of the application as early as practicable.

(7) Notwithstanding anything contained in section 14, the Controller shall, while holding an enquiry in a proceeding, follow the practice and procedure of a Court of Small Causes, including the recording of evidence.

(8) No appeal or second appeal shall lie against an order for the recovery of possession of any premises made by the Controller in accordance with the procedure specified in this section:

Provided that the High Court may, for the purposes of satisfying itself that an order made by the Controller under this section is according to law, call for the records of the case and pass such orders in respect, thereto as it thinks fit.

(9) Where no application for revision has been made to the High Court, the Controller may exercise the powers of review in accordance with the provision of Order XLVII (of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).

(10) Save as otherwise provided in this section, the procedure for the disposal of an application for eviction on the ground specified in sub-clause (iii) of clause (a) of sub-section (3) of section 14 or in section 15 shall be the same as the procedure for the disposal of applications by the Controller.

17. Recovery of possession in case of tenancies for limited period—Where a landlord does not require the whole or any part of any premises for a particular period, and the landlord, after obtaining the permission of the Controller in the prescribed manner, lets the whole of the premises or part thereof as residence for such period as may be agreed to in writing between the landlord and the tenant and the tenant does not, on the expiry of the said period, vacate such premises, then,

notwithstanding anything contained in section 14 or in another law, the Controller may, on any application made to him in this behalf the landlord within such time as may be prescribed, place the landlord in vacant possession of the premises or part thereof by evicting the tenant and every other person who may be in occupation of such premises.

18. Decisions which have become final not to be reopened—The Controller shall summarily reject any application under sub-section (2) or subsection (3) of section 14 which raises substantially issues as have been finally decided in a former proceeding under this Act.

19. Leases of vacant buildings—Whenever any building which was constructed before the commencement of this Act, and was being let out to tenants remains vacant for a period of twelve months, the Controller may on receipt of any application from a person serve the landlord a notice informing him that he should show cause why the vacant building be not let out to a tenant, who will pay fair rent to the landlord. On hearing the landlord, the Controller may, on such terms on which the building was being let out, lease the same to a person who has in his occupation no other building either as an owner or as a tenant.

20. Receipt to be given for rent paid— (1) Every tenant shall pay rent within the time fixed by contract or in the absence of such contract, by the fifteenth day of the month next following the month for which it is payable.

(2) Every tenant who makes payment of rent to his landlord shall be entitled to obtain forthwith from the landlord or his authorised agent a written receipt for the amount paid to him duly signed by the landlord or his authorised agent.

(3) If the landlord or his authorised agent refuses or neglects to deliver to the tenant a receipt referred to in sub-section (2), the Controller may, on an application made to him in this behalf by the tenant within two months from the date of payment and after hearing the landlord or his authorised agent, by order, direct the landlord or his authorised agent to pay to the tenant, by way of damages, such sum not exceeding double the amount of rent paid by the tenant and the costs of the application and shall also grant a certificate to the tenant in respect of the rent paid.

21. Deposit of rent by the tenant— (1) Where the landlord does not accept any rent tendered by the tenant within the time referred to in section 20 or refuses or neglects to deliver a receipt referred to therein or where there is a bona fide doubt as to the person or persons to whom the rent is payable, the tenant may deposit such rent with the Controller in the prescribed manner.

(2) The deposit shall be accompanied by an application by the tenant containing the following particulars, namely:

- (a) the building or rented land for which the rent is deposited with a description sufficient for identifying the building or rented land;
- (b) the period for which the rent is deposited;
- (c) the name and address of the landlord or the persons claiming to be entitled to such rent; and
- (d) such other particulars as may be prescribed.

(3) On such deposit of the rent being made, the Controller shall send in the prescribed manner a copy or copies of the application to the landlord or persons claiming to be entitled to the rent with an endorsement of the date of the deposit.

(4) If an application is made for the withdrawal of any deposit of rent, the Controller shall, if satisfied that the applicant is the person entitled to receive the rent deposited, order the amount of the rent to be paid to him in the manner prescribed:

Provided that no order for payment of any deposit of rent shall be made by the Controller under this sub-section without giving all persons named by the tenant in his application under sub-section (2) as claiming to be entitled to the payment of such rent an opportunity of being heard and such order shall be without prejudice to the rights of such persons to receive such rent being decided by a court of competent jurisdiction.

(5) If at the time of filing the application under sub-section (4), but not after the expiry of thirty days from receiving the notice of deposit, the landlord or the person or persons claiming to be entitled to the rent complains to the Controller that the statements in the tenant's application of the reasons and circumstances which led him to deposit the rent are untrue, the Controller, after giving the tenant an opportunity of being heard, may levy on the tenant a fine which may extend to an amount equal to two months' rent, if the Controller is satisfied that the said statements were materially untrue and may order that a sum out of the fine realised be paid to the landlord as compensation.

(6) The Controller may, on the complaint of the tenant and after giving an opportunity to the landlord of being heard, levy on the landlord a fine which may extend to an amount equal to two months' rent, if the Controller is satisfied that the landlord, without any reasonable cause, refused to accept rent though tendered to him within the time referred to in section 20 and may further order that a sum out of fine realised be paid to the tenant as compensation.

22. Time limit for making deposit and consequences of incorrect particulars in application for deposit- (1) No rent deposited under section 21 shall be considered to have been validly deposited under that section, unless the deposit is made within twenty-one days of the time referred to in section 20 for payment of the rent.

(2) No such deposit shall be considered to have been validly made, if the tenant willfully makes any false statement in his application for depositing the rent, unless the landlord had withdrawn the amount deposited before the date of filing an application for the recovery of possession of the building or rented land from the tenant.

(3) If the rent is deposited within the time mentioned in sub-section (1) and does not cease to be a valid deposit for the reason mentioned in subsection (2), the deposit shall constitute payment of rent to the landlord as if the amount deposited had been validly tendered.

23. Savings to acceptance of rent and forfeiture of rent in deposit—(1) The withdrawal of rent deposited under section 21 in the manner provided therein shall not operate as an admission against the person withdrawing it of the correctness of the rate of rent, the period of default, the amount due, or of any other facts stated in the tenant's application for depositing the rent under the said section.

(2) Any rent in deposit which is not withdrawn by the landlord or by the person or persons entitled to receive such rent shall be forfeited to Government by an order made by the Controller, if it is not withdrawn before the expiration of five years from the date of posting of the notice of deposit.

(3) Before passing an order of forfeiture, the Controller shall give notice to the landlord or the person or persons entitled to receive the rent in deposit by registered post at the last known address of such landlord or person or persons and shall also publish the notice in his office and in any local newspaper.

24. Vesting of appellate authority on officers by State Government— (1)(a) The State Government may, by a general or special order, by notification, confer on such officers and authorities, as it thinks fit, the powers of appellate authorities for the purposes of this Act, in such area or in such classes of cases as may be specified in the order.

(b) Save as otherwise provided in this Act, any person aggrieved by an order passed by the Controller, except the orders for the recovery of possession made by the Controller in accordance with the procedure prescribed under section 16, may, within fifteen days from the date of such order or such longer period as the appellate authority may allow for reasons to be recorded in writing, prefer an appeal in writing to the appellate authority having jurisdiction. (In computing the period of fifteen days, the time taken to obtain a certified copy of the order appealed against shall be excluded).

(2) On such appeal being preferred, the appellate authority may order stay of further proceedings in the matter pending decision on the appeal.

(3) The appellate authority shall decide the appeal after sending for the records of the case from the Controller and after giving the parties an opportunity of being heard and, if necessary, after making such further inquiry as it thinks fit either personally or through the Controller.

(4) The decision of the appellate authority and subject only to such decision, an order, of the Controller shall be final and shall not be liable to be called in question in any court of law except as provided in sub-section (5) of this section.

(5) The High Court may, at any time, on the application of any aggrieved party or on its own motion call for and examine the records relating to any order passed or proceedings taken under this Act for the purpose of satisfying itself as to the legality or propriety of such order or proceedings and may pass such order in relation thereto as it may deem fit.

25. Power to summon and enforce attendance of witnesses- For the purposes of this Act, an appellate authority or a Controller appointed under this Act shall have the same powers of summoning and enforcing the attendance of witnesses and compelling the production of evidence as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908).

26. Execution of orders—Save as otherwise provided in section. 31, any order made by the Controller or an order passed on appeal under this Act, shall be executable by the Controller as a decree of a civil court and for this purpose, the Controller shall have all the powers of a civil court.

27. Institution and disposal of applications—(1) Where there are two or more Controllers appointed at the same station to exercise jurisdiction under this Act, in the same territory, it shall be the senior-most (in service) of such Controllers who alone shall be competent initially to entertain all applications and proceedings under this Act.

(2) The Controller competent to entertain applications and proceedings under this Act under sub-section (1) may transfer any such proceedings or applications pending before him for disposal to any other Controller of competent jurisdiction.

28. Power to transfer proceedings—(1) The High Court may, on an application made to it or otherwise by order, transfer any proceeding pending before any appellate authority to another appellate authority and the appellate authority, to whom the proceeding is transferred, may, subject to any special directions in the order of transfer, dispose of the proceeding.

(2) The High court or appellate authority may on an application made to it or otherwise by order, transfer any proceeding pending before any Controller to another Controller within its jurisdiction and the Controller to whom the proceedings is transferred may, subject to any special direction in the order of transfer, dispose of the proceeding.

29. Landlord and tenant to furnish particulars—Every landlord and every tenant of a building or rented land shall be bound to furnish to the Controller, or any person authorised by him in that behalf, such particulars in respect of such building or rented land as may be prescribed.

30. Penalties—(1) If any person contravenes any of the provisions of section 10, section 11, section 12 or section 29, he shall be punishable with fine which may extend to one thousand rupees.

(2) If any person contravenes any of the provisions of clause (a) of section 7 or section 8, he shall be punishable with imprisonment which may extend to two years and with fine.

(3) The specified landlord or widow, widower, mother, father, child, grandchild or widowed daughter-in-law of such landlord, as the case may be, who having evicted tenant from a building in pursuance of an order made under sub-section (2) of section 15 does not occupy it for a continuous period of three months from the date of such eviction or lets out the whole or any part of such building, from which the tenant was evicted, to any person other than the tenant shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or both.

(4) No court inferior to that of a magistrate of first class shall try any offence punishable under this Act.

(5) No court shall take cognizance of an offence punishable under this Act, unless the complaint in respect of the offence has been made within three months from the date of the commission of the offence.

31. Controller to exercise power of a magistrate for recovery of fine—Any fine imposed by a Controller under this Act shall be paid by the person fined within such time as may be allowed by the Controller and the Controller may, for good and sufficient reason, extend the time, and in default of such payment, the amount shall be recoverable as a fine under the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) and the Controller shall be deemed to be a magistrate under the said Code for the purposes of such recovery.

32. Validation— (1) Notwithstanding anything contained in any judgment, decree or order of any court, anything done or any action taken (including any notification or direction issued or rents fixed or permission granted or order made) or purported to have been done or taken under the Himachal Pradesh Urban Rent Control Act, 1971 (23 of 1971) prior to its repeal, shall be deemed to be as valid and effective as if the provisions contained in the said Act and in the enactments subsequently amending the said Act were enacted after procuring the assent of the President, and

the said Act had been in force at all material times when such thing was done or such action was taken.

(2) Nothing in this Act shall render any person guilty of an offence for any contravention of the provisions of this Act which was not an offence under the Himachal Pradesh Urban Rent Control Act, 1971 (23 of 1971) and which occurred before the appointed day.

33. Power to make rules—(1) The State Government may, by notification, make rules for the purposes of carrying out all or any of the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session, for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) In making any rule the Government may provide that a breach thereof shall be punishable with fine which may extend to Rs. 500/- and when the breach is a continuing one with further fine which may extend to Rs. 1000/-.

34. Repeal and savings—(1) The Himachal Pradesh Urban Rent Control Act, 1971, (23 of 1971) is hereby repealed.

(2) Notwithstanding such repeal, but subject to the provisions contained in sub-section (3), all suits, appeals and other proceedings, including execution proceedings, under the said Act, pending before any court of appellate or revisional authority, on the appointed day shall be disposed of in accordance with the provisions of this Act, as if the provisions contained in this Act were, at the relevant time, in force.

Nothing contained herein shall authorise any court or authority or tribunal to re-open any suit or proceedings in which the orders passed have already become final and executed.

35. Repeal of H.P. Ordinance No.5 of 1987—(1) The Himachal Pradesh Urban Rent Control Ordinance, 1987 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act had come into force on the day on which such thing was done or action was taken.

SCHEDULE-I

[See clause (j) of section 2]

- 1. Spouse; 2. Son; 3. Daughter; 4. Mother; 5. Father;**
- 6. Widow of pre-deceased son; 7. Son of pre-deceased son;**
- 8. Daughter of pre-deceased son.**

SCHEDULE-II

(See section 16)

FORM OF SUMMONS IN A CASE WHERE RECOVERY OF POSSESSION OF PREMISES IS PRAYED FOR ON THE GROUND OF A BONAFIDE REQUIREMENT UNDER SUB-CLAUSE (iii) OF CLAUSE (a) OF SUB SECTION (3) OF SECTION 14 OR SECTION 15

To

(Name, description and place of residence of the tenant)

Whereas Shri has filed an application (copy of which is annexed) for your eviction from. (here insert the particulars of the premises) on the ground specified in sub clause (iii) of clause (a) of sub-section (3) of section 14 or in section 15.

You are hereby summoned to appear before the Controller within fifteen days of the service hereof and to obtain the leave of the Controller to contest the application for eviction on the ground aforesaid; in default whereof, the applicant will be entitled, at any time after the expiry of the said period of fifteen days, to obtain an order for your eviction from the said premises.

Leave to appear and contest the application may be obtained on an application to the Controller supported by an affidavit as is referred to in subsection (5) of section 16.

Given under my hand and seal of the Court this day the..... of.....19.

Controller

Note—*the Rulings referred in this Act are based upon the provisions of the Himachal Pradesh Urban Rent Control Act, 1987 as it exists before its amendment by Act No. 8 of 2012.*

HIMACHAL PRADESH URBAN RENT CONTROL RULES, 1990

LOCAL SELF GOVERNMENT DEPARTMENT NOTIFICATION

Shimla-2, the 19th July, 1990.

No. LSG-A (3) I/77-n (Rules)—In exercise of the powers conferred by section 33 of the Himachal Pradesh Urban Rent Control Act, 1987 (Act No 25 of 1987), the Governor, Himachal Pradesh, is pleased to make the following rules, namely:

1. **Short title**—These rules may be called the Himachal Pradesh Urban Rent Control Rules, 1990.

2. **Definitions**—(1) In these rules, unless there is anything repugnant in the subject or context,-

- (a) "Act" means the Himachal Pradesh Urban Rent Control Act, 1987 (Act No. 25 of 1987);
- (b) "Form" means a form appended to these rules;
- (c) "Recognised agent" means a person holding a power of attorney authorising him to act on behalf of his principal or an agent empowered by written authority under the hand of his principal; and
- (d) "Section" means a section of the Act.

(2) All other words and expressions used but not defined in these rules shall have the meanings as assigned to them in the Act.

3. **Application under sections 4, 5, 6, 11, 14 and 15**—Every application to the Controller under sections 4,5,6,11,14 and 15 shall be made in Form "A" and shall state the grounds on which it is made.

4. **Procedure for permission and recovery of possession under section 17 of the Act**—
(1) Every application, to the Controller for obtaining the permission for letting the whole or part of his premises in pursuance of the provisions of section 17 shall be in Form-B together with a copy of the agreement entered into between the landlord and the tenant.

(2) The Controller, after satisfying himself, shall grant permission in writing and cause a copy of such permission delivered to both the parties.

(3) The landlord, in case the tenant does not vacate the premises after the expiry of agreed date, shall submit the application, alongwith an attested copy of the agreement and the copy of permission granted under sub-rule (2) above, in Form-A, within a period of six months after the expiry of the period of tenancy.

5. **Manner in which application are to be made**—(1) Every application under the Act shall be signed and verified in the manner prescribed under rules 14 and 15 of Order VI of the First Schedule to the Code of Civil Procedure, 1908, and shall be presented by the applicant or his recognised agent to the Controller.

(2) Every such application shall be accompanied by a copy or sufficient number of copies thereof for service on the respondent or respondents mentioned therein.

6. **Appearance before Controller-** A party may appear before the Controller either in person or by a recognised agent provided that if the Controller so directs the party shall appear in person.

7. **Receipt to be given for rent paid--** A receipt required to be given by the landlord or his authorised agent under section 20 in respect of rent paid for any premises shall be in Form-C.

8. **Deposit of rent-**A deposit of rent under section 21 shall be made in cash and shall be accompanied by an application by the tenant in Form-D.

(2) On such deposit being made, the Controller shall send a copy or copies of the application by registered post with acknowledgement due, at the cost of the applicant, to the landlord or persons claiming to be entitled to the rent with an endorsement of the date of deposit.

9. **Payment of rent deposit**—The Controller, in accordance with the provisions of subsection (4) of section 21, shall order the amount of rent deposited to be paid to the landlord or persons entitled to the rent either in cash or by cheque.

10. **Accounting of deposit**—Subject to the provisions of section 21, all sums deposited shall be treated as Civil Court, deposits and accounted for and dealt with according to the rules of Civil Court deposits in force in Civil Courts in Himachal Pradesh.

11. **Particulars to be furnished to the Controller under Section 29**—Then an application is made to the Controller under this Act the landlord or as the case may be the tenant of, a building of rented land shall furnish to the Controller, or any person authorised by him in that behalf, the following particulars, namely:-

- (a) name and number of the building or related land, if any, or its description and boundaries sufficient to identify it;
- (b) street and municipal ward of division in which the building or rental land is situated;
- (c) Name and address of the landlord if the particulars are furnished by the tenant and name and address of the tenant, if the particulars are furnished by the landlord;
- (d) whether the building is a residential, Non-residential; and
- (e) nature of amenities provided by the landlord to the tenant.

12. **Procedure to be followed by Controller in disposing of an application**—(1) When an application under the Act is presented to the Controller, he shall fix the date, time and place at which the enquiry in respect of the application will be held and send a notice alongwith a copy of the application to each respondent in Form-E appended to these rules.

(2) The Controller shall give to the parties, a reasonable opportunity to state their case. He shall also record the evidence of the parties and witnesses examined on either side and in doing so and in fixing dates for the hearing of the parties and their witnesses, in adjourning the proceedings, and dismissing application for default or for other sufficient reasons, the Controller shall be guided by the principles of the procedure as laid down in the Code of Civil Procedure, 1908.

13. **Inspection**—In any application or proceeding pending before the Controller or the appellate authority as the case may be, if he thinks fit to do so for the purpose of elucidating any matter in dispute or for determining the fair rent of any building or rented land, inspect either personally or through a Commissioner, any such building or rented land.

14. **Procedure for filing appeals**—(1) Every appeal under section 24 of the Act shall be presented in the form of a memorandum signed by the appellant or his recognised agent to the appellant authority. The memorandum shall be accompanied by a certified copy of the order appealed against and with such number of spare copies of the memorandum for service on the respondents mentioned therein.

- (1) The memorandum shall set forth, concisely and under distinct heads, the grounds of objection to the order appealed against without any argument or narrative and such grounds shall be numbered consecutively.
- (2) Where the memorandum of an appeal is not drawn up in the manner here-in-before prescribed or is not accompanied by a certified copy of the order appealed against, it may reject, or return to the appellant or his recognised agent for the purpose of being amended or attaching to it a certified copy of the order appealed against, as the case may be, within a time to be fixed by the appellate authority.

15. **Revision under section 24**—Every application made under subsection (5) of section 24 shall be signed by the applicant or his recognised agent and presented to the High Court. Such application shall be accompanied by a certified copy of the order of the Rent Controller or the appellate authority, as the case may be, with a spare copy or such number of spare copies of such application for service on the respondents mentioned therein.

16. **Penalty**—The Controller may direct that a breach or an abetment of a breach of these rules, shall be punishable with fine which may extend to Rs. 500/- and when the breach is a continuing one with further fine which may extend to Rs. 1,000/-.

17. **Repeal**—(1) The Himachal Pradesh Urban Rent Control Rules, 1973 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said rules shall be deemed to have been done or taken under the corresponding provisions of these rules, as if these rules had come into force on the day on which such thing was done or action was taken.

FORM-A
[See rule 3 and sub-rule (3) of rule 4]

Before Controller.

NameApplicant/Petitioner.

Versus

Name Respondent/Defendant/Tenant.

Application *determination of fair rent revision/increase of fair rent.

Restoration of essential supply on service.

Eviction of tenant.

Under Section.....

*Strike out whatever inapplicable.

1. Municipal No. of the premises and the name, if any.
2. Street and municipal ward of division in which the premises are situated.
3. (a) Name and address of the landlord.
(b) Name and address of the tenant/tenants.
4. Whether the premises are residential or non-residential?
5. In the case of residential premises, the number of persons occupying the same and in the case of non-residential premises, the purpose for which they are used and the number of employees, if any, working therein.
6. Whether any furniture is supplied by the landlord for use in the premises.
7. Details of fittings, if any, provided by the landlord.
8. Details of accommodation available together with particulars as regards ground area, garden and out-houses, if any (plan to be attached).
9. Whether the premises are occupied by a single tenant or by more than one tenant?
10. Amenities available in regard to lighting, water, sanitation and the like.
11. Monthly rent together with details of house tax, electricity, water and other charges paid by the tenant.

*This information should be given in the application for fixation of fair rent.

12. (a) Date of completion of construction of the premises and the cost thereof.
(b) Whether completion report was obtained from the local authority and the date thereof?
13. (a) Rate able value as entered in the last property assessment book of the Municipal Corporation, Municipal Committee/Notified Area Committee, as the case may be.
(b) Rate of rent of similar building having similar amenities, if any in the locality.
14. Date on which the premises were let to the tenant and detail of Agreement, if any, with the landlord, (copy of the agreement to, be attached).

15. Whether the fair rent of the premises has been fixed under the Himachal Pradesh Urban Rent Control Act, 1987 or any other law in force at the time of letting out and if so, the amount of such rent and the date from which it took effect.
16. Whether there are any sub-tenant and if so, the date of such subletting, accommodation sub-let, whether with or without the written consent of the landlord and the rent charged from such subtenant. This information should be given in the application for eviction due to unauthorised sub-letting.
17. ***Whether any additions or alterations have been made since the rent was fixed as stated under item No. 15 and if so, date On which such additions or alterations were made, the cost of such additions or alterations and whether they were carried out with the approval of the tenant or of the Controller? This information should be given in the application for increase of rent due to additions or alterations.
18. *** (a) The grounds on which the eviction of the tenant is sought.
(b) Whether notice required has been given and if so, particulars thereof? Copies of such notice and the tenant's reply if any should be furnished.
19. This information should be given in the application for eviction of tenants.
20. Any other relevant information.
21. Relief claimed.
22. (Verification).

Signature of applicant/authorised Agent.

Place

Date

FORM-B

[See sub-rule (1) of rule 4]

APPLICATION FOR PERMISSION OF THE CONTROLLER FOR LETTING THE WHOLE OR PART OF THE PREMISES FOR A LIMITED PERIOD

Before the Rent Controller,.....

In the matter of:-

An agreement having been entered into between the landlord/applicant on the first part and the tenant on the second part on day of20 whereby the premises/house Nosituated inwithin the jurisdiction of Municipal Committee/Corporation/ Notified Area Committee agreed to be let by the applicant/landlord to the tenant for a period of.....months/years as per copy of the agreement annexed hereto;

And further the tenant respondent having agreed to handover the vacant possession of the premises/part of the premises house No. aforesaid to the applicant/landlord immediately on expiry of the period agreed to.

It is, therefore, respectfully prayed that permission for letting the premises by the landlord/applicant to the tenant respondent as agreed to, as required under section 17 of the Himachal Pradesh Urban Rent Control Act, 1987, may be granted.

Applicant/Landlord.

FORM-C**(See rule 7)****FORM OF RENT RECEIPT AND COUNTERFOIL**

Counterfoil

Serial No.

Name of the landlord.....
 Address of the landlord
 Received with thanks from
 a sum of Rs. (in figures)
 (in words) only
 as payment of rent for the period
 for the premises this day
 of the month of in the year

Signature or thumb-impression of the
 landlord or authorised agent.

The rent charged included:-

- **1. Rates, cesses and taxes of the local authority.
- **2. Electric charges.
- **3. Water charges,
- **4.
- **5.

*It does not include:-

- 1. Rates, cesses and taxes of the local authority.
- 2. Electricity charge-so
- 3. Water charges.
- 4.
- 5.

* Strike out whatever is inapplicable.

**State the exact charges if possible.

Serial No.....

Rent Receipt

Name of the landlord
 Address of the landlord
 Received with thanks from
 a sum of Rs. (in figures)(in words)
 only as payment of rent at the rate of
 for the period for the premises:
 this day theday of the month of in the year.

Signature or thumb-impression of the
 landlord or authorised agent.

*The rent charged includes—

- ** (1) Rates, cesses and taxes of the local authority.
- ** (2) Electric charges.

- ** (3) Water charges.
- ** (4)
- ** (5)

*It does not include:

- (1) Rates, cesses and taxes of the local authority.
- (2) Electric charges.
- (3) Water charges.
- (4)
- (5).....

*Strikeout whatever is inapplicable.

**State the exact charges if possible.

FORM-D
(See rule 8)
APPLICATION FOR DEPOSIT OF RENT

Before Controller.
 Name Petitioner/Applicant.

VERSUS

Name Landlord/Respondent.

1. The premises for which the rent is deposited with description sufficient for identifying the premises.
2. Period for which the rent is deposited and the rate per month.
3. The name and address of the landlord or the person or persons claiming to be entitled to such rent.
4. The reasons and circumstances for which application for depositing the rent is made.
5. The amount of the rent deposited.
6. Whether electricity, water charges, property tax etc., are included in the rent, and if so, particulars thereof?
7. How there it was tendered to the landlord whether in person or by postal money order or by cheque etc. and whether it was refused by him in writing or, otherwise?
8. Whether there is a bona fide doubt as to the person or persons to whom the rent is payable and if so, why?
9. Date on which the rent was last paid to the landlord and the receipt, if any, obtained from him therefore.
10. Any other relevant information.

The statements, made above are true to the best of my knowledge and belief and Ithe application/authorised agent have/has signed the application on the day of the month of in the year, 20.....

Date

Place

Signature of the applicant/
 Authorised Agent.

FORM-E
[See rule 12 (1)]
NOTICE TO THE RESPONDENT UNDER THE HIMACHAL PRADESH
URBAN RENT CONTROL ACT, 1987

Office of the Rent Controller, exercising powers under the Himachal Pradesh Urban Rent Control Act, 1987.

Miscellaneous application No.....of

Applicant.

Versus

.....

Respondent.

Whereas.....applicant has filed an application
..... under section of the Himachal Pradesh

Rent Control Act, 1987 (a copy whereof is attached) against you in this office and the said application has been fixed for hearing before me for..... You are hereby required to appear in my office on the aforesaid date at.....in person or by a recognised agent and to put in whatever objections you may have against the application. In default of your appearance, proceedings shall be taken against you ex-parte.

Given under my hand and seal of the office, thisday of
..... 20.....

Rent Controller.

**NOTIFICATIONS UNDER
THE HIMACHAL PRADESH URBAN RENT CONTROL ACT, 1987
APPOINTMENTS**

(Issued and published in Hindi in R.H.P. Extra., dated 17.10.2006, p. 5309)

**AND DELEGATIONS
URBAN DEVELOPMENT DEPARTMENT
NOTIFICATION**

Shimla-2, the 10th October, 2006.

No. LSG-A (3)-1/71-II—In supersession of this Department notification of even number dated 26-5-1988, published in Rajpatra, Himachal Pradesh (Extraordinary), dated 7th June, 1988 and in exercise of the powers vested in him under sub-section (1) of Section 24 of the Himachal Pradesh Urban Rent Control Act, 1987 (Act No. 25 of 1987) the Governor, Himachal Pradesh is pleased to confer the powers of appellate authorities on all the District and Sessions Judges/Additional District and Sessions Judges in respect of the urban areas in their respective existing jurisdictions to hear appeals against the orders made by the Rent Controllers under sections 4, 5, 11, 12, 13, 14 (except 14(3) (a) (iii)] and 21 of the said Act.

(R.H.P. Extra., dated 17.10.2006, p. 5310)

[Issued in Hindi and published in R.H.P. Extra., dated 7-6-1988, P. 988].

**NOTIFICATION
Shimla-2, the 26th May, 1988**

No. LSG-A (3)-1/71-II—In supersession of this department notification No. 1-30/70-LSG-II, dated 7th July, 1975 and in exercise of the powers conferred by clause (c) of section 2 of the Himachal Pradesh Urban Rent Control Act, 1987 (Act No. 25 of 1987), the Governor of Himachal Pradesh, with the prior approval of the Hon'ble High Court of Himachal Pradesh, is pleased to appoint all the Senior Sub-Judges and Sub-Judges in Himachal Pradesh to perform the functions of the Controllers under the aforesaid Act within their respective jurisdictions, with immediate effect.

EXCLUSION OF KANDAGHAT

(Issued and published in Hindi in R.H.P. Extra., dated 29-4-1995, P. 1945).

NOTIFICATION

Shimla-171002, the 18th April, 1995

No. LSG-D (1)-2/84-III—Whereas the area of Kandaghat (Sirinagar) which was under the territorial jurisdiction of Shimla district at that time, was declared as urban area under clause (j) of section 2 of the East Punjab Urban Rent restriction Act, 1949 vide notification No. 5695-ICI-65-23008, dated 29-6-1965 and published in the Punjab Government Gazette dated 9-7-1965.

Whereas thereafter the East Punjab Urban Rent restriction Act, 1949, was repealed by the Himachal Pradesh Urban Rent Control Act, 1971, while all suits and other proceedings under said Act, pending at the commencement of this Act, before any Court or other authority were served and to be disposed off in accordance with the provisions of repealed Act. The Himachal Pradesh Urban Rent Control Act, 1971 has also been repealed by the Himachal Pradesh Rent Control Act, 1987.

Now, in exercise of the powers conferred by clause (k) of section 2 of the Himachal Pradesh Urban Rent Control Act, 1987 read with section 20 of Himachal Pradesh General Clauses Act, 1968, the Governor, Himachal Pradesh, is pleased to rescind the said notification with immediate effect. Provided that the cases instituted under the said repealed Acts or the Himachal Pradesh Rent Control Act, 1987 as the case may be, in various courts and other authorities, if any, having jurisdiction repealed Acts, or the Himachal Pradesh Urban Rent Control Act, 1987, as the case may be.

(R.H.P. Extra., dated 29-4-1995, p. 2946).

EXEMPTION FROM THE OPERATION OF THE ACT

[Issued in Hindi and published in R.H.P. Extra., dated 27-4-1989, p. 1059]

NOTIFICATION

Shimla-2, the 15th March, 1989

No. 14-109/73-LSG—In exercise of the powers conferred by sub-section (1) of section 3 of the Himachal Pradesh Urban Rent Control Act, 1987 (Act No. 25 of 1987), read with section 20 of the Himachal Pradesh General Clauses Act, 1968, the Governor, Himachal Pradesh, is pleased to rescind this Government notification of even number, dated 16-8-1978, which was published in Himachal Pradesh Rajpatra, dated 19-8-1978, with immediate effect.

(R.H.P. Extra., dated, 27-4-1989 p. 1059)

(Issued and published in Hindi in R.H.P. Extra., dated 11.11.1998, p. 3895)

NOTIFICATION

Shimla-171002, the 11th November, 1998

No. UD-E (3)35/97—In exercise of the powers conferred by clause (k) of section 2 of the Himachal Pradesh Urban Rent Control Act, 1987 (Act No. 25 of 1987), the Governor, Himachal Pradesh is pleased to declare the area of Kandaghat (a part of Gram Panchayat Sirinagar) District Solan comprising 843 Khasra No. (759 Khasra Nos. in UP Mohal Dolag from 1 to 10, 23 to 36, 85 to 135, 191 to 196, 200 to 211) to be an urban area for the purpose of the said Act with immediate effect.

(R.H.P. Extra., dated 11.11.1998, p. 3896)

(Issued and published in Hindi in R.H.P. Extra., dated 2.6.2003. p. 483)

NOTIFICATION

Shimla-171002, the 30th May, 2003.

No. UD-E (3)-35/97—Whereas the area of Kandaghat, a part of Gram Panchayat Sirinagar, District Solan was declared as urban area for the purpose of the Himachal Pradesh Urban Rent Control Act, 1987 under clause (k) of section 2 of the Himachal Pradesh Urban Rent Control Act, 1987 vide notification of even number dated 11-11-1991;

And whereas residents of the Kandaghat area have represented to the Government for withdrawal of the said notification;

And whereas, the Government considered and examined the demand of the residents of the Kandaghat area;

Now, in exercise of the powers conferred by clause (k) of section 2 of the Himachal Pradesh Urban Rent Control Act, 1987 read with section 20 of the Himachal Pradesh General Clauses Act, 1968, the Governor, Himachal Pradesh is pleased to rescind the said notification with immediate effect, provided that the cases, if any, instituted under the Himachal Pradesh Urban Rent Control Act, 1987 in various courts and other authority, having jurisdiction over said area, shall be disposed off in accordance with the provisions of the said Act.

(R.H.P. Extra., dated 2.6.2003.p. 484)

(Issued and published in Hindi in R.H.P. Extra., dated 13.6.2003, p. 519)

NOTIFICATION

Shimla-2, the 30th May, 2003

No. UD-E (3)35/97—Where as the area of Kandaghat a part of Gram Panchayat, Sirinagar, District Solan was declared as urban area for the purpose of

Himachal Pradesh Urban Rent Control Act, 1987 vide notification of even number dated 11-11-1998;

And whereas residents of the Kandaghat area have represented to the Government for withdrawal of the said notification;

And whereas the Government considered and examined the demand of the residents of the Kandaghat area;

Now, in exercise of the powers conferred by clause (k) of section 2 of the Himachal Pradesh Urban Rent Control Act, 1987 read with section 20 of the Himachal Pradesh General Clauses Act, 1968 the Governor, Himachal Pradesh is pleased to rescind the said notification with immediate effect, provided that the cases, if any, instituted under the Himachal Pradesh Urban Rent Control Act, in 1987 in various courts and other authority, having jurisdiction over said area, shall be disposed of in accordance with the provisions of the said Act.

(R.H.P. Extra., dated 13.6.2003, p. 520)

NOTIFICATION

Shimla-2, the 2nd May, 2005

No. UD-A(1)-4/2004—The Governor, Himachal Pradesh is pleased to declare/notify the areas presently falling under the jurisdiction of Special Development Authority at Dhalli, Totu and New Shimla (Kasumpti) to be an Urban Area under clause (k) of Section 2 of the Himachal Pradesh Urban Rent Control Act, 1987 (Act No. 25 of 1987) for the purpose of the Act ibid in public interest with immediate effect.

Controller

- **THE RIGHT TO INFORMATION ACT, 2005.**
- **THE RIGHT TO INFORMATION RULES, 2006.**

THE RIGHT TO INFORMATION ACT, 2005

ARRANGEMENT OF SECTIONS

Last Updated: 11-3-2022

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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE RIGHT TO INFORMATION ACT, 2005

ACT No. 22 OF 2005

[15th June, 2005.]

An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India has established democratic Republic;

AND WHEREAS democracy requires an informed citizenly and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments are their instrumentalities accountable to the governed;

AND WHEREAS revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;

AND WHEREAS it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic ideal;

Now, THEREFORE, it is expedient to provide for furnishing certain information to citizens who desire to have it.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Right to Information Act, 2005.

(2) It extends to the whole of India^{1***}.

(3) The provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5, sections 12, 13, 15, 16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day of its enactment.

2. Definitions.—In this Act, unless the context otherwise requires,—

- (a) "appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly—
- (i) by the Central Government or the Union territory administration, the Central Government;
 - (ii) by the State Government, the State Government;

¹ The words "except the State of Jammu and Kashmir" omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 3 1-10-2019).

- (b) "Central Information Commission" means the Central Information Commission constituted under sub-section (1) of section 12;
- (c) "Central Public Information Officer" means the Central Public Information Officer designated under sub-section (1) and includes a Central Assistant Public Information Officer designated as such under sub-section (2) of section 5;
- (d) "Chief Information Commissioner" and "Information Commissioner" mean the Chief Information Commissioner and Information Commissioner appointed under sub-section (3) of section 12;
- (e) "competent authority" means—
 - (i) the Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a States;
 - (ii) the Chief Justice of India in the case of the Supreme Court;
 - (iii) the Chief Justice of the High Court in the case of a High Court;
 - (iv) the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;
 - (v) the administrator appointed under article 239 of the Constitution;
- (f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;
- (g) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;
- (h) "public authority" means any authority or body or institution of self- government established or constituted—
 - (a) by or under the Constitution;
 - (b) by any other law made by Parliament;
 - (c) by any other law made by State Legislature;
 - (d) by notification issued or order made by the appropriate Government, and includes any—
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;
- (i) "record" includes—
 - (a) any document, manuscript and file;
 - (b) any microfilm, microfiche and facsimile copy of a document;

- (c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
 - (d) any other material produced by a computer or any other device;
- (j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—
- (i) inspection of work, documents, records;
 - (ii) taking notes, extracts or certified copies of documents or records;
 - (iii) taking certified samples of material;
 - (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;
- (k) "State Information Commission" means the State Information Commission constituted under sub-section (1) of section 15;
- (l) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under subsection (3) of section 15;
- (m) "State Public Information Officer" means the State Public Information Officer designated under sub-section (1) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of section 5;
- (n) "third party" means a person other than the citizen making a request for information and includes a public authority.

CHAPTER II

RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

3. Right to information.—Subject to the provisions of this Act, all citizens shall have the right to information.

4. Obligations of public authorities.—(1) Every public authority shall—

- (a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;
- (b) publish within one hundred and twenty days from the enactment of this Act,—
 - (i) the particulars of its organisation, functions and duties;
 - (ii) the powers and duties of its officers and employees;
 - (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
 - (iv) the norms set by it for the discharge of its functions;
 - (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;

- (vi) a statement of the categories of documents that are held by it or under its control;
 - (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
 - (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
 - (ix) a directory of its officers and employees;
 - (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
 - (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
 - (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
 - (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
 - (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
 - (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
 - (xvi) the names, designations and other particulars of the Public Information Officers;
 - (xvii) such other information as may be prescribed;
- and thereafter update these publications every year;
- (c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;
 - (d) provide reasons for its administrative or quasi-judicial decisions to affected persons.

(2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information *suomotu* to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

(3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation.—For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

5. Designation of Public Information Officers.—(1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.

(2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other subdistrict level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, a period of five days shall be added in computing the period for response specified under sub-section (1) of section 7.

(3) Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

(4) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.

6. Request for obtaining information.—(1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to—

- (a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;
- (b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,

specifying the particulars of the information sought by him or her:

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(3) Where an application is made to a public authority requesting for an information,—

- (i) which is held by another public authority; or
- (ii) the subject matter of which is more closely connected with the functions of another public authority,

the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

7. Disposal of request.—(1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

(2) If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall be deemed to have refused the request.

(3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Central Public Information Officer or State Public Information Officer, as the case may be, shall send an intimation to the person making the request, giving—

- (a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;

- (b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.

(4) Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the Central Public Information Officer or State Public Information Officer, as the case may be, shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

(5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed:

Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

(6) Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1).

(7) Before taking any decision under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall take into consideration the representation made by a third party under section 11.

(8) Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request,—

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the appellate authority.

(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

8. Exemption from disclosure of information.—(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

- (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
- (b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- (c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

- (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- (e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- (f) information received in confidence from foreign Government;
- (g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- (h) information which would impede the process of investigation or apprehension or prosecution of offenders;
- (i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

- (j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

(2) Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

9. Grounds for rejection to access in certain cases.—Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

10. Severability.—(1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall give a notice to the applicant, informing—

- (a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;
- (b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;
- (c) the name and designation of the person giving the decision;
- (d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and
- (e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be, time limit, process and any other form of access.

11. Third party information.—(1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a 9 request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any

information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.

CHAPTER III THE CENTRAL INFORMATION COMMISSION

12. Constitution of Central Information Commission.—(1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Central Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Central Information Commission shall consist of—

- (a) the Chief Information Commissioner; and
- (b) such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary.

(3) The Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of a committee consisting of—

- (i) the Prime Minister, who shall be the Chairperson of the committee;
- (ii) the Leader of Opposition in the Lok Sabha; and
- (iii) a Union Cabinet Minister to be nominated by the Prime Minister.

Explanation.—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the People has not been recognised as such, the Leader of the single largest group in opposition of the Government in the House of the People shall be deemed to be the Leader of Opposition.

(4) The general superintendence, direction and management of the affairs of the Central Information Commission shall vest in the Chief Information Commissioner who shall be assisted by the Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the Central Information Commission autonomously without being subjected to directions by any other authority under this Act.

(5) The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

(6) The Chief Information Commissioner or an Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case

may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

(7) The headquarters of the Central Information Commission shall be at Delhi and the Central Information Commission may, with the previous approval of the Central Government, establish offices at other places in India.

13. Term of office and conditions of service.—(1) The Chief Information Commissioner shall hold office ¹[for such term as may be prescribed by the Central Government] and shall not be eligible for reappointment:

Provided that no Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

(2) Every Information Commissioner shall hold office ¹[for such term as may be prescribed by the Central Government] or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such Information Commissioner:

Provided that every Information Commissioner shall, on vacating his office under this sub-section be eligible for appointment as the Chief Information Commissioner in the manner specified in sub-section (3) of section 12:

Provided further that where the Information Commissioner is appointed as the Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the Information Commissioner and the Chief Information Commissioner.

(3) The Chief Information Commissioner or an Information Commissioner shall before he enters upon his office make and subscribe before the President or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.

(4) The Chief Information Commissioner or an Information Commissioner may, at any time, by writing under his hand addressed to the President, resign from his office:

Provided that the Chief Information Commissioner or an Information Commissioner may be removed in the manner specified under section 14.

²(5) The salaries and allowances payable to and other terms and conditions of service of the Chief Information Commissioner and the Information Commissioners shall be such as may be prescribed by the Central Government:

Provided that the salaries, allowances and other conditions of service of the Chief Information Commissioner or the Information Commissioners shall not be varied to their disadvantage after their appointment:

Provided further that the Chief Information Commissioner and the Information Commissioners appointed before the commencement of the Right to Information (Amendment) Act,

¹ Subs. by Act 24 of 2019, s. 2, for "for a term of five years from the date on which he enters upon his office" (w.e.f. 24-10-2019).

² Subs. by, s. 2, *ibid.*, for sub-section (5) (w.e.f. 24-10-2019).

2019 shall continue to be governed by the provisions of this Act and the rules made thereunder as if the Right to Information (Amendment) Act, 2019 had not come into force.]

(6) The Central Government shall provide the Chief Information Commissioner and the Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to, and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

Provided also that the salaries, allowances and other conditions of service of the Chief Information Commissioner and the Information Commissioners shall not be varied to their disadvantage after their appointment.

14. Removal of Chief Information Commissioner or Information Commissioner.—(1) Subject to the provisions of sub-section (3), the Chief Information Commissioner or any Information Commissioner shall be removed from his office only by order of the President on the ground of proved misbehavior or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Chief Information Commissioner or any Information Commissioner, as the case may be, ought on such ground be removed.

(2) The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Chief Information Commissioner or Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything contained in sub-section (1). the President may by order remove from office the Chief Information Commissioner or any Information Commissioner if the Chief Information Commissioner or a Information Commissioner, as the case may be,—

- (a) is adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or
- (c) engages during his term of office in any paid employment outside the duties of his office; or
- (d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Information Commissioner or a Information Commissioner.

(4) If the Chief Information Commissioner or a Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehavior.

CHAPTER IV
THE STATE INFORMATION COMMISSION

15. Constitution of State Information Commission.—(1) Every State Government shall, by notification in the Official Gazette, constitute a body to be known as the (name of the State) Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The State Information Commission shall consist of—

- (a) the State Chief Information Commissioner, and
- (b) such number of State Information Commissioners, not exceeding ten, as may be deemed necessary.

(3) The State Chief Information Commissioner and the State Information Commissioners shall be appointed by the Governor on the recommendation of a committee consisting of—

- (i) the Chief Minister, who shall be the Chairperson of the committee;
- (ii) the Leader of Opposition in the Legislative Assembly; and
- (iii) a Cabinet Minister to be nominated by the Chief Minister.

Explanation.—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the Legislative Assembly has not been recognised as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of Opposition.

(4) The general superintendence, direction and management of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner who shall be assisted by the State Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the State Information Commission autonomously without being subjected to directions by any other authority under this Act.

(5) The State Chief Information Commissioner and the State Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

(6) The State Chief Information Commissioner or a State Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

(7) The headquarters of the State Information Commission shall be at such place in the State as the State Government may, by notification in the Official Gazette, specify and the State Information Commission may, with the previous approval of the State Government, establish offices at other places in the State.

16. Term of office and conditions of service.—(1) The State Chief Information Commissioner shall hold office ¹[for such term as may be prescribed by the Central Government] and shall not be eligible for reappointment:

¹ Subs. by Act 24 of 2019. s. 3. for. "for a term of five years from the date on which he enters upon his office"(w.e.f. 24-10- 2019).

Provided that no State Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

(2) Every State Information Commissioner shall hold office ¹[for such term as may be prescribed by the Central Government] or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such State Information Commissioner:

Provided that every State Information Commissioner shall, on vacating his office under this subsection, be eligible for appointment as the State Chief Information Commissioner in the manner specified in sub-section (3) of section 15:

Provided further that where the State Information Commissioner is appointed as the State Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the State Information Commissioner and the State Chief Information Commissioner.

(3) The State Chief Information Commissioner or a State Information Commissioner, shall before he enters upon his office make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.

(4) The State Chief Information Commissioner or a State Information Commissioner may, at any time, by writing under his hand addressed to the Governor, resign from his office:

Provided that the State Chief Information Commissioner or a State Information Commissioner may be removed in the manner specified under section 17.

¹[(5) The salaries and allowances payable to and other terms and conditions of service of the State Chief Information Commissioner and the State Information Commissioners shall be such as may be prescribed by the Central Government:

Provided that the salaries, allowances and other conditions of service of the State Chief Information Commissioner and the State Information Commissioners shall not be varied to their disadvantage after their appointment:

Provided further that the State Chief Information Commissioner and the State Information Commissioners appointed before the commencement of the Right to Information (Amendment) Act, 2019 shall continue to be governed by the provisions of this Act and the rules made there under as if the Right to Information (Amendment) Act, 2019 had not come into force.]

(6) The State Government shall provide the State Chief Information Commissioner and the State Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

17. Removal of State Chief Information Commissioner or State Information Commissioner.— (1) Subject to the provisions of sub-section (3), the State Chief Information Commissioner or a State Information Commissioner shall be removed from his office only by order

¹ Subs. by Act 24 of 2019, s. 3, for sub-section (5), (w.e.f. 24-10-2019).

of the Governor on the ground of proved misbehavior or incapacity after the Supreme Court, on a reference made to it by the Governor, has on inquiry, reported that the State Chief Information Commissioner or a State Information Commissioner, as the case may be, ought on such ground be removed.

(2) The Governor may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the State Chief Information Commissioner or a State Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the Governor has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything contained in sub-section (1), the Governor may by order remove from office the State Chief Information Commissioner or a State Information Commissioner if a State Chief Information Commissioner or a State Information Commissioner, as the case may be,—

- (a) is adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or
- (c) engages during his term of office in any paid employment outside the duties of his office; or
- (d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or
- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the State Chief Information Commissioner or a State Information Commissioner.

(4) If the State Chief Information Commissioner or a State Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of the State or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehavior.

CHAPTER V

POWERS AND FUNCTIONS OF THE INFORMATION COMMISSIONS, APPEAL AND PENALTIES

18. Powers and functions of Information Commissions.—(1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,-

- (a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in sub-section (1) of section 19 or the

Central Information Commission or the State Information Commission, as the case may be;

- (b) who has been refused access to any information requested under this Act;
- (c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;
- (d) who has been required to pay an amount of fee which he or she considers unreasonable;
- (e) who believes that he or she has been given incomplete, misleading or false information under this Act; and
- (f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

(2) Where the Central Information Commission or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.

(3) The Central Information Commission or State Information Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
- (b) requiring the discovery and inspection of documents;
- (c) receiving evidence on affidavit;
- (d) requisitioning any public record or copies thereof from any court or office;
- (e) issuing summons for examination of witnesses or documents; and
- (f) any other matter which may be prescribed.

(4) Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, the Central Information Commission or the State Information Commission, as the case may be, may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

19. Appeal.—(1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority:

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred against an order made by a Central Public Information Officer or a State Public Information Officer, as the case may be, under section 11 to disclose third

party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.

(3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission:

Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.

(5) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.

(6) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof as the case may be, for reasons to be recorded in writing.

(7) The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.

(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—

- (a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—
 - (i) by providing access to information, if so requested, in a particular form;
 - (ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;
 - (iii) by publishing certain information or categories of information;
 - (iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
 - (v) by enhancing the provision of training on the right to information for its officials;
 - (vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;
- (b) require the public authority to compensate the complainant for any loss or other detriment suffered;
- (c) impose any of the penalties provided under this Act;
- (d) reject the application.

(9) The Central Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

(10) The Central Information Commission or State Information Commission, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed.

20. Penalties.—(1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

(2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.

CHAPTER VI MISCELLANEOUS

21. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

22. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 1923), and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

23. Bar of jurisdiction of courts.—No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

24. Act not to apply in certain organisations.—(1) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

(4) Nothing contained in this Act shall apply to such intelligence and security organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(5) Every notification issued under sub-section (4) shall be laid before the State Legislature.

25. Monitoring and reporting.—(1) The Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.

(2) Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.

(3) Each report shall state in respect of the year to which the report relates,—

- (a) the number of requests made to each public authority;
- (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;
- (c) the number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;
- (d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
- (e) the amount of charges collected by each public authority under this Act;
- (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;
- (g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

(4) The Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information Commission, as the case may be, referred to in sub-section (1) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.

(5) If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

26. Appropriate Government to prepare programmes.—(1) The appropriate Government may, to the extent of availability of financial and other resources,—

- (a) develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act;
- (b) encourage public authorities to participate in the development and organisation of programmes referred to in clause (a) and to undertake such programmes themselves;
- (c) promote timely and effective dissemination of accurate information by public authorities about their activities; and
- (d) train Central Public Information Officers or State Public Information Officers, as the case may be, of public authorities and produce relevant training materials for use by the public authorities themselves.

(2) The appropriate Government shall, within eighteen months from the commencement of this Act, compile in its official language a guide containing such information, in an easily

comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in this Act.

(3) The appropriate Government shall, if necessary, update and publish the guidelines referred to in sub-section (2) at regular intervals which shall, in particular and without prejudice to the generality of sub-section (2), include—

- (a) the objects of this Act;
- (b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Central Public Information Officer or State Public Information Officer, as the case may be, of every public authority appointed under sub-section (1) of section 5;
- (c) the manner and the form in which request for access to an information shall be made to a Central Public Information Officer or State Public Information Officer, as the case may be;
- (d) the assistance available from and the duties of the Central Public Information Officer or State Public Information Officer, as the case may be, of a public authority under this Act;
- (e) the assistance available from the Central Information Commission or State Information Commission, as the case may be;
- (f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the Commission;
- (g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;
- (h) the notices regarding fees to be paid in relation to requests for access to an information; and
- (i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.

(4) The appropriate Government must, if necessary, update and publish the guidelines at regular intervals.

27. Power to make rules by appropriate Government.—(1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the cost of the medium or print cost price of the materials to be disseminated under subsection (4) of section 4;
- (b) the fee payable under sub-section (1) of section 6;
- (c) the fee payable under sub-sections (1) and (5) of section 7;
- ¹[(ca) the term of office of the Chief Information Commissioner and Information Commissioners under sub-sections (1) and (2) of section 13 and the State Chief Information Commissioner and State Information Commissioners under sub-sections (1) and (2) of section 16;

¹ Ins, by Act 24 of 2019, s. 4, (w.e.f 24-10-20 19).

- (cb) the salaries, allowances and other terms and conditions of service of the Chief Information Commissioner and the Information Commissioners under sub-section (5) of section 13 and the State Chief Information Commissioner and the State Information Commissioners under sub-section (5) of section 16;]
- (d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section (6) of section 13 and sub-section (6) of section 16;
- (e) the procedure to be adopted by the Central Information Commission or State Information Commission, as the case may be, in deciding the appeals under sub-section (10) of section 19; and
- (f) any other matter which is required to be, or may be, prescribed.

28. Power to make rules by competent authority.—(1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (i) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;
- (ii) the fee payable under sub-section (1) of section 6;
- (iii) the fee payable under sub-section (1) of section 7; and
- (iv) any other matter which is required to be, or may be, prescribed.

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

(2) Every rule made under this Act by a State Government shall be laid, as soon as may be after it is notified, before the State Legislature.

30. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

31. Repeal.—The Freedom of Information Act, 2002(5 of 2003) is hereby repealed.

THE FIRST SCHEDULE

[See sections 13 (3) and 16(3)]

FORM OF OATH OR AFFIRMATION TO BE MADE BY THE CHIEF INFORMATION
COMMISSIONER. THE INFORMATION COMMISSIONER/THE STATE CHIEF
INFORMATION COMMISSIONER/THE STATE INFORMATION COMMISSIONER

"I.....,

having been appointed Chief Information Commissioner/Information Commissioner/State
Chief Information Commissioner/State Information Commissioner swear in the name of God that I
will bear true faith and allegiance to the solemnly affirm Constitution of India as by law established,
that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best
of my ability, knowledge and judgment perform the duties of my office without fear or favour,
affection or ill-will and that I will uphold the Constitution and the laws."

THE SECOND SCHEDULE

(See section 24)

INTELLIGENCE AND SECURITY ORGANISATION ESTABLISHED BY THE CENTRAL GOVERNMENT

1. Intelligence Bureau.
- ¹[2. Research and Analysis Wing including its technical wing namely, the Aviation Research Centre of the Cabinet Secretariat.]
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
6. Narcotics Control Bureau.
- ²[7. * * * * 1]
- ³[8. Special Frontier Force.]
9. Border Security Force.
10. Central Reserve Police Force.
11. Indo-Tibetan Border Police.
12. Central Industrial Security Force.
13. National Security Guards.
14. Assam Rifles.
- ⁴[15. Sashtra Seema Bal.]
- ⁵[16. Directorate General of Income-tax (Investigation).]
- ⁵[17. National Technical Research Organisation.]
- ⁵[18. Financial Intelligence Unit, India.]
- ⁶[19. Special Protection Group.
20. Defence Research and Development Organisation.
21. Border Road Development Board.
- ⁷* * * *]
- ⁸[22. National Security Council Secretariat.]
- ⁹[23. Central Bureau of Investigation.]
- [24. National investigation Agency.]
- [25. National Intelligence Grid.]
- [26. Strategic Forces Command.]

¹ Subs. by notification No. G.S.R. 253, dated 4-5-2021

² Omitted by notification No. G.S.R. 253, dated 4-5-2021

³ Subs. by notification No. G.S.R. 347, dated 28-9-2005

⁴ Subs. by notification No. G.S.R. 235(E) dated 27-3-2008

⁵ Ins, by notification No. G.S.R. 347, dated 28-9-2005

⁶ Omitted by G.S.R. 235(E) dated 27-3-2008

⁷ Added by notification No. G.S.R. 726(E), dated 8-10-2008

⁸ Added by notification No. G.S.R. 442(E), dated 9-6-2011

⁹ Added by notification No. G.S.R. 673(E), dated 8-7-2016

(Authoritative English Text)

HIMACHAL PRADESH RIGHT TO INFORMATION RULES, 2006

GOVERNMENT OF HIMACHAL PRADESH
ADMINISTRATIVE REFORMS DEPARTMENT

NOTIFICATION

Shimla-2, the 21st January, 2006

No. PER (AR) F (7)-2/98-Vol.I.-In exercise of the powers conferred by clauses to sub-section (2) of section 27 of "The Right to Information Act, 2005" (Central Act No. 22 of 2005), the Governor of Himachal Pradesh is pleased to make the following rules for carrying out the purposes of the Act, *ibid*, namely;

1. **Short title and commencement:-** (1) (These rules may be called the "Himachal Pradesh Right to Information Rules, 2006.")¹

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions-** (1) In these rules unless the context otherwise requires:-

- (a) 'Act' means the Right to Information Act, 2005 (Central Act No. 22 of 2005);
- (b) 'Form' means a form appended to these rules;
- (c) 'section' means section of the Act;
- (d) 'Appendix' means appendix appended to the rules.

(2) Words and expressions used but not defined in these rules, shall have the same meaning as assigned to them in the Act respectively.

3. **Application for seeking information.-**(1) Any person seeking information under the Act shall make an application in Form 'A' to the Public Information Officer/Assistant Public Information Officer accompanied by fee prescribed in rule 5 and the Public Information Officer/Assistant Public Information Officer shall duly acknowledge the receipt thereof and shall enter the particulars in Part I of the Application Register maintained for the purpose in Appendix 1.

(Provided that the information shall not be refused on the grounds that the application is not in the prescribed form if the necessary particulars have been mentioned by the applicant by a request made in writing.)²

(2) Except in the case of an applicant who is determined by the State Government as being below poverty line, the application shall be accepted only if it is accompanied by a (Demand Draft payable to the concerned Department/Public Authority or)³ Challan (or Indian Postal Order)¹ in

¹ Since 21st January, 2006, these Rules have been amended four times and their mention finds at appropriate Rules and all amendments given at the end of these Rules.

² In Rule 3, after sub rule (I), the proviso "Provided that the information shall not be refused on the grounds that the application is not in the prescribed form if the necessary particulars have been mentioned by the applicant by a request made in writing" has been inserted vide notification No. Per (AR)F(7)-2/98-vol.I, dated 31-12-2007.

³ In rule 3(2) the words "Demand Draft payable to the concerned Department/Public Authority or" has been Inserted vide notification No. Per(AR)F(7) 2/98-vol.I, dated 24-05-2006.

support of payment of the requisite application fee as specified in Rule 5. A separate application shall be made in respect of each subject and in respect of each year to which the information relates.

(3) When the information sought for is ready and requires payment of additional fee, if any, the Public Information Officer (*****)² shall communicate to the applicant the fact in Form 'B' specifying the additional fee to be paid, on his address given in the application. The particulars of information being supplied shall be entered in Part II of the Application Register.

(4) When the information is ready the Public Information Officer (*****)³ will inform the applicant in Form 'C'.

(5) Any information supplied under Sub Rule (4) shall be in the language available in the office record.

4. Inspection of record:- (1) Any person who seeks to inspect the record before making an application under Section 4 shall make application in form D for the purpose indicating the record to be inspected.

(Provided that the information shall not be refused on the grounds that the application is not in the prescribed form if the necessary particulars have been mentioned by the applicant by a request made in writing.)⁴

(2) An Inspection Register shall be maintained with the Public Information Officer (*****)⁵ in form given in Appendix-II and details of the application and inspection shall be recorded therein.

(3) During inspection the applicant shall not take photographs etc. of the record/document.

(4) Except if inspection of the record is disallowed under section 8 and 9 of the Act, Public Information Officer (*****)⁶ shall allow the inspection on payment of the requisite fee prescribed in rule 5.

5. Charging of fee:- (1) Except in the case of persons who are below poverty line as determined by the State Government, the Public Information Officer (*****)⁷ shall charge the fee for supply of information at the following rates, namely:-

¹ In rule 3(2) the words "or Indian Postal Order" has been inserted vide notification No. Per(AR)F(7)-2/98-vol.1, dated 08-01-2007.

² In rule 3(3) and 3(4) the words "Assistant Public Information Officer" has been omitted vide notification No. Per(AR)F(7)-2198-vol.1, dated 22-10-2008.

³ In rule 3(3) and 3(4) the words "Assistant Public Information Officer" has been omitted vide notification No. Per(AR)F(7)-2198-vol.1, dated 22-10-2008.

⁴ In rule 4, after sub-rule (I), the proviso " Provided that the information shall not be refused on the grounds that the application is not in the prescribed form if the necessary particulars have been mentioned by the applicant by a request made in writing" has been Inserted vide notification No. Per(AR)F(7)-2/98-vol.1, dated 31-12-2007.

⁵ In rule 4(2) and 4(4) the words "Assistant Public Information Officer" has been omitted vide notification No. Per(AR)F(7)-2/98-vol.1, dated 22-10-2008

⁶ In rule 4(2) and 4(4) the words "Assistant Public Information Officer" has been omitted vide notification No. Per(AR)F(7)-2/98-vol.1, dated 22-10-2008

⁷ In rule 5(1) the words "Assistant Public Information Officer" has been omitted vide notification No. Per(AR)F(7)-2/98-vol.I, dated 22-10-2008.

Description of Information	Price/Fees in Rupees
1. Fee alongwith application	Rs.10 per application
2. Where the information is available in the form of a priced publication	On printed price.
3. For other than priced publication.	Rs.(2) ¹ per page of A-4 size or smaller and actual cost subject to minimum of, Rs.20 per page in case of larger size.
4. Where information is available in electronic form and is to be supplied in electronics form e.g. Floppy, CD etc.	Rupees 50 per floppy and Rs. 100 per CD.
5. Fee for inspection of Record/document	Rs. (20) ² per (30) ³ minutes or thereof.

(2) Every page of information to be supplied shall be duly authenticated giving the name of the Applicant (including below poverty line status if that is the case), and shall bear the dated signatures and seal of the concerned Public Information Officer (*****)⁴ supplying the information.

(3) Fees/Charges shall be deposited in a Government Treasury under the head of account "0070 - OAS, 60 - OS, 800 -OR, 11 - Receipt head under Right to Information Act, 2005". Accruals into this head of account may be placed in a separate fund by way of grant-in-aid for furthering the purposes of the Act, including purchase of equipment and consumables, providing training to staff etc.

6. Procedure in appeals before the Appellate Authorities:-(1) Contents of appeal- The Memorandum of appeal to the Appellate Authority/Commission shall contain the following information, namely:-

- (i) name and address of the appellant;
- (ii) name and address of the Public Information Officer against the decision of whom the appeal is preferred;
- (iii) particulars of the order including number, if any, against which the appeal is preferred;
- (iv) brief facts leading to the appeal;
- (v) if the appeal is preferred against deemed refusal, the particulars of the application, including number and date and name and address of the Public Information Officer to whom the application was made;
- (vi) prayer or relief sought;

¹ In rule 5(1) in item No. 3, the figure "2" has been substituted vide notification No. Per (AR)F(7)- 2/98-vol.I, dated 22-10-2008

² In rule 5(I) in item No.5, the figure "20" and "30" has been substituted vide notification No. Per (AR)F(7)-2198-vol.I, dated 31-12-2007.

³ In rule 5(I) in item No.5, the figure "20" and "30" has been substituted vide notification No. Per (AR)F(7)-2198-vol.I, dated 31-12-2007.

⁴ In rule 5(2) the words "Assistant Public Information Officer" has been omitted vide' notification No. Per{AR)F(7)-2/98-vol.I, dated 22-10-2008.

- (vii) grounds for the prayer or relief;
- (viii) verification by the appellant; and
- (ix) any other information which the Commission may deem necessary for deciding the appeal.

(2) The appellant shall submit (two)¹ copies of the memorandum of appeal for official purpose.

(3) Every appeal made to the Appellate Authority/Commission shall be accompanied by the following documents, namely:-

- (i) Self attested copies of the Orders or documents against which the appeal is being preferred;
- (ii) (*****)²
- [(ii)]³ Copies of documents relied upon by the appellant and referred to in the appeal; and
- [(iii)]⁴ An index of the documents referred to in the appeal.

(4) When the Appellate Authority/ Commission may calls for the record, it shall in any case shall return the original record within 10 days after retaining an authenticated copy if required.

⁵[(5) On the date of hearing or on any other day to which the hearing may be adjourned, the parties shall put their appearance before the Appellate Authority/ Commission. If the appellant fails to appear on such date, the Appellate Authority/Commission shall decide the matter on merits.]

(6) The appellant shall not, except by leave of the Appellate Authority/ Commission, urge or be heard in support of any ground of objection which has not been set forth in the memorandum, but the Appellate Authority /Commission, in deciding the appeal, need not confine itself to the grounds of objection set forth in the memorandum:

Provided that the Appellate Authority/Commission shall not rest its decision on any ground other than those specified in memorandum, unless the party likely to be affected thereby, has been given, an opportunity of being heard by the Appellate Authority/ Commission.

(7) The Commission may frame regulations in respect of its day-to-day proceedings.

¹ In rule 6(2) the word "two" has been substituted vide notification No. Per (AR)F(7)-2/98-Vol.I, dated 31.12.2007.

² In rule 6(3), clause (ii) "challan in proof of the payment of the prescribed fee" has been omitted vide notification No. Per (AR)F(7)-2/98-vol.I, dated 31-12-2007.

³ In rule 6(3), clause (iii) and (iv) has been re-numbered as clauses (ii) and (iii) vide notification No. Per (AR)F(7)-2/98-vol.I, dated 31-12-2007.

⁴ In rule 6(3), clause (iii) and (iv) has been re-numbered as clauses (ii) and (iii) vide notification No. Per (AR)F(7)-2/98-vol.I, dated 31-12-2007.

⁵ Sub. Vide Notification No. Per(AR)R(7)-1/2008 dated 31-07-2012.

[Form 'A'**[See rule-3 (1)]****(APPLICATION FOR INFORMATION UNDER
THE RIGHT TO INFORMATION ACT 2005)¹**

To

The Public Information Officer/Assistant Public Information Officer
(Name of the Department from which the information is sought)

- (a) Subject matter of the information
- (b) Period to which the information relates. Month & year
- (c) Description of the Information required
- (d) File No. if available
- (e) Whether the applicant claims exemption as below poverty line family, if yes, attach proof
.....
- (f) Particulars of Demand Draft or Challan (or Indian Postal Order)² No., amount and
date.....

Applicant

Name _____

Address _____

Telephone No. _____

ACKNOWLEDGEMENT

**Received your application dated _____ alongwith Demand
draft /challan /(IPO)³ No. _____ amounting to Rs. _____ vide diary NO.
_____ dated _____ .**

(Signature)

Public Information Officer/Assistant Public Information Officer
Name of the Department/Public Authority"]⁴

¹ After rule 3(1) and 4(1) the proviso" Provided that the information shall not be refused on the grounds that the application is not in the prescribed form if the necessary particulars have been mentioned by the applicant by a request made in writing" has been inserted vide notification No. Per (AR)F(7)-2/98-vol.1, dated 3 I -12-2007.

² In clause (I) the words "or Indian Postal Order" has been added vide notification No. Per (AR)F(7)-2/98-vol.1, dated 08-01-2007.

³ In the acknowledgement the sign and words "/IPO" has been added vide notification No. Per (AR)F(7)-2/98-vol.1, dated 08-01-2007.

⁴ Form 'A' has been substituted vide notification No. Per(AR)F(7)-2/98-vol.1, dated 24-05-2006

Form 'B'**[See rule 3(3)]**

From

Designation of the
Public Information Officer (*****)¹
[Department _____]

To

(Name of the applicant)
Address of the applicant.

Reference: Application No _____ Dated _____

Subject:

Sir,

Please refer to your application dated _____ referred to above. The information required by you consists of _____ pages and printed publication cost Rs _____. The additional fee for supplying this information to you is Rs. _____. In case you desire the information to be sent to you by post, an additional amount of Rs. _____ will need to be deposited.

[2 You are required to pay the aforesaid amount of the additional fee by way of Demand Draft payable to the Department/Public Authority or deposit it through Challan (or Indian Postal Order)² and send a copy to the undersigned.]³

3. If you are not satisfied with the amount of additional fee levied, you have right to prefer appeal to _____ within a period of 30 days.

Public Information Officer (*****)⁴
Tel No.

¹ In Form 'B' the word "Assistant Public Information Officer" has been omitted vide notification No. Per(AR)F(7)-2/98-vol.1, dated 22-10-2008.

² In Form 'B' the word "or Indian Postal Order" has been added vide notification No. Per(AR)F(7)-2/98-vol.1, dated 08-01-2007.

³ In Form 'B' para-2 .. you are required to pay the aforesaid amount of the additional fee by way of Demand Draft payable to the Department/Public Authority or deposit it through Challan and send a copy to the undersigned" has been substituted vide notification No. Per(AR)F(7)-2/98-vol.1, dated 24-05-2006.

⁴ In Form 'B' the word "Assistant Public Information Officer" has been omitted vide notification No. Per (AR)F(7)-2/98-vol.1, dated 22-10-2008.

Form 'C'**[See rule 3(3) & 6(i)]**

From

Designation of the
Public Information Officer (*****)¹
[Department _____]

To

(Name of the applicant)
Address of the applicant.

Reference: Application No. _____ dated _____

Subject:

Sir,

Please refer to your application dated _____ referred to above.

2. The information required by you is ready. You are directed to collect the information from the office of the undersigned on any working day of the week during 12.00 to 3.30 p.m.

Public Information Officer (*****)²
Telephone No.

¹ In Form 'C' the word "Assistant Public Information officer" has been omitted vide notification No. Per(AR)F(7)-2/98-vol.1, dated 22-10-2008.

² In Form 'C' the word "Assistant Public Information officer" has been omitted vide notification No. Per(AR)F(7)-2/98-vol.1, dated 22-10-2008.

Form 'D'**[See rule-4(1)]**(APPLICATION FOR INSPECTION)¹
UNDER THE RIGHT TO INFORMATION ACT 2005

To

The Public Information Officer/Assistant Public Information Officer
(Name of the Department from which the inspection is sought)

- (a) Subject matter of the information _____
- (b) Period to which the information relates. Month & year _____
- (c) Description of the information required _____
- (d) File No. if available _____
- (e) Whether the applicant claims exemption
as below poverty line family, if yes, attach proof _____
- [(f) Particulars of Demand Draft or Challan]² or Indian Postal Order
(No., amount and date)³⁴ _____

Applicant

Name. _____

Address. _____

Telephone No. _____

¹ After rule 3(1) and 4(1) the proviso "Provided that the information shall. not be refused on the grounds that the application is not in the prescribed form if the necessary particulars have been mentioned by the applicant by a request made in writing" has been inserted vide notification No. Per (AR)F(7)-2/98-vol.1, dated 31-12-2007.

² In Form 'D' in clause (I) the words "Particulars of Demand Draft or challan No. amount and date" has been substituted vide notification No. Per(AR)F(7)-2/98-vol.1, dated 24-05-2006.

³ In Form 'D' in clause (I) the words "Particulars of Demand Draft or challan No. amount and date" has been substituted vide notification No. Per(AR)F(7)-2/98-vol.1, dated 24-05-2006.

⁴ In Form 'D' in clause (I) the words "Particulars of Demand Draft or challan or Indian Postal Order No. amount and date" has been Substituted vide notification No. Per(AR)F(7)- 2/98-vol.1, dated 08-01 -2007.

Appendix-1

REGISTER OF APPLICATIONS FOR INFORMATION UNDER THE RIGHT TO INFORMATION ACT, 2005

PART-I

Sr. No.	Name & full postal address of the applicant	Whether below poverty line (BPL)	Date of receipt of application	Tentative date on which the record would be ready	Mode by which the information is sent.	[(Demand Draft or Challan) ¹ or Indian Postal Order (No.,) ² amount (and date) ³] ⁴	Signature of PIO/APIO
1	2	3	4	5	6	7	8

PART-II

Actual date when the information is ready	Number of actual pages	Amount of additional fee	Signature of applicant with date in token of receipt if the information is delivered in person or if the information is sent by post its particulars and date	Signature of PIO/APIO
9	10	11	12	13

¹ In PART-I of Appendix-I, for column 7, the words " Demand Draft or Challan No. and date" has been substituted vide notification No. Per (AR)F(7)-2/98-vol.I, dated 24-05- 2006.

² In PART-I of Appendix-I, for column 7, the words " Demand Draft or Challan No. and date" has been substituted vide notification No. Per (AR)F(7)-2/98-vol.I, dated 24-05- 2006.

³ In PART-I of Appendix-I, for column 7, the words " Demand Draft or Challan No. and date" has been substituted vide notification No. Per (AR)F(7)-2/98-vol.I, dated 24-05- 2006.

⁴ In PART-I of Appendix-I, for column 7, the words " Demand Draft or Challan or Indian Postal Order No., amount and date" has been substituted vide notification No.Per(AR)F(7)-2/98-vol.I, dated 08-01-2007.

Appendix-II

INSPECTION REGISTER

UNDER THE RIGHT TO INFORMATION ACT, 2005

Sr. No.	Name & full postal address of the applicant	Whether below poverty line (BPL)	Subject matter of information	Particulars of record to be inspected	Time taken from _ to _	Amount of Fee charged	Signature of applicant	[(Particulars of demand Draft or Challan) ¹ or IPO (deposited in the Treasury by PIO/APIO) ²] ³	Signature of PIO/APIO
1	2	3	4	5	6	7	8	9	10

¹ In Appendix-II for column 9 the words "Particulars of Demand draft or challan deposited in the treasury by PIO/APIO" has been substituted vide notification No. Per (AR)F(7)-2/98-vol.1, dated 24-05-2006.

² In Appendix-II for column 9 the words "Particulars of Demand draft or challan deposited in the treasury by PIO/APIO" has been substituted vide notification No. Per (AR)F(7)-2/98-vol.1, dated 24-05-2006.

³ In Appendix-II for column 9 the words "Particulars of Demand draft or challan or Indian Postal Order deposited in the Treasury by PIO/APIO" has been substituted vide notification No. Per (AR)F(7)-2/98-vol.1, dated 08-01-2007.

- **THE HIMACHAL PRADESH PUBLIC SERVICE GUARANTEE ACT, 2011.**
- **THE HIMACHAL PRADESH PUBLIC SERVICE GUARANTEE RULES, 2011.**
- **NOTIFICATIONS ISSUED UNDER THE HIMACHAL PRADESH PUBLIC SERVICE GUARANTEE ACT, 2011.**

THE HIMACHAL PRADESH PUBLIC SERVICES GUARANTEE ACT, 2011

ARRANGEMENT OF SECTIONS

SECTIONS:

1. Short title, extent and commencement.
2. Definitions.
3. Notification of services, designated officers, first appellate authority, second appellate authority and stipulated time limits by the State Government.
4. Right to obtain service within stipulated time limit.
5. Providing services in stipulated time limit.
6. Appeal.
7. Powers and functions of second appellate authority.
8. Penalty.
9. Protection of action taken in good faith.
10. Bar of jurisdiction.
11. Power to make rules.
12. Power to remove difficulties.

THE HIMACHAL PRADESH PUBLIC SERVICES GUARANTEE ACT, 2011

(ACT NO. 34 OF 2011)¹

(Received the assent of the Governor on the 21st September 2011 and was published in Rajpatra, Himachal Pradesh both in Hindi and English on 24th September, 2011, pp. 3245-3253).

An Act to provide for the delivery of services to the people of the State of Himachal Pradesh within the stipulated time limit and for the matters connected therewith or incidental thereto.

Amended, repealed or otherwise affected by,-

H.P. Act No. 18 of 2019², assented to by Governor on 13th November, 2019, published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated the 19th November, 2019, pp. 8039-8041.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-second Year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Himachal Pradesh Public Services Guarantee Act, 2011.

(2) It shall extend to the whole of the State of Himachal Pradesh.

³[(3) It shall be deemed to have come into force on the 24th day of September, 2011.]

¹ Passed in Hindi by the Himachal Pradesh Vidhan Sabha . For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh, dated 25th August, 2011, pp. 2461 and 2465.

² Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh, dated 31st August, 2019, pp. 5393 and 5394-5395.

³Sub-section (3) substituted vide H.P. Act No. 18 of 2019.

2. Definitions.- In this Act, unless the context otherwise requires,-

- (a) “designated officer” means an officer notified as such for providing the services under section 3;
- (b) “eligible person” means person who is eligible for the notified services;
- (c) “first appellate authority” means an officer who is notified as such under section 3;
- (d) “notification” means a notification published in the Official Gazette ;
- (e) “Official Gazette” means the Rajpatra, Himachal Pradesh;
- (f) “prescribed” means prescribed by the rules made under this Act ;
- (g) “right to service” means right to obtain the service within the stipulated time limit under section 4;
- (h) “service" or “public service” means any service notified under section 3;
- (i) “second appellate authority” means the State Information Commission notified as such under section 3 ;
- (j) “State Government” means the Government of Himachal Pradesh;
- (k) “stipulated time limit” means maximum time to provide the service by the designated officer or to decide the appeal by the appellate authorities as notified under section 3 ; and
- (l) “State Information Commission” means the State Information Commission constituted under sub-section (1) of section 15 of the Right to Information Act, 2005 (22 of 2005).

3. Notification of services, designated officers, first appellate authority, second appellate authority and stipulated time limits by the State Government.- The State Government may, from time to time, notify the services, designated officers, first appellate authority, second appellate authority and stipulated time limits for the purpose of this Act.

4. Right to obtain service within stipulated time limit.- The designated officer shall provide the service notified under section 3 to the person eligible to obtain the service, within the stipulated time limit.

5. Providing services in stipulated time limit.- (1) Stipulated time limit shall start from the date of receipt of application for notified service by the designated officer or the person subordinate to him authorized to receive such applications and such application shall be duly acknowledged by him.

(2) The designated officer on receipt of an application under subsection (1) shall, within the stipulated time limit, either provide service or reject the application and in case of rejection of application, shall record the reasons in writing and intimate to the applicant.

(3) Where a request has been rejected under sub-section (2), the designated officer, shall communicate to the person making the request,—

- (i) the reasons for such rejection;

- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the appellate authority.

(4) If the designated officer does not comply with sub-section (1), then the applicant aggrieved from such non-compliance may appeal to the first appellate authority.

6. Appeal.- (1) Any person, whose application is rejected under subsection (2) of section 5 or who is not provided the service within the stipulated time limit, may file an appeal to the first appellate authority within thirty days from the date of rejection of application or the expiry of the stipulated time limit, as the case may be :

Provided that the first appellate authority may admit the appeal after the expiry of the period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The first appellate authority may order the designated officer to provide the service within the specified period or may reject the appeal.

(3) An appeal under sub-section (1) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total period of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.

(4) If the designated officer does not comply with the order of providing the service under sub-section (2), then the applicant aggrieved from such non-compliance may file a second appeal to the second appellate authority.

7. Powers and functions of second appellate authority.- (1) A second appeal against the decision under sub-section (2) of section 6 shall lie within sixty days from the date of decision to the second appellate authority:

Provided that the second appellate authority may admit the appeal after the expiry of the period of sixty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The second appellate authority may order the designated officer to provide the service within such period as he may specify or may reject the appeal:

Provided that in addition to order to provide service, he may impose penalty under section 8.

(3) The first appellate authority and the second appellate authority shall, while conducting proceedings under this section have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908).

(4) In any appeal proceedings, the onus to prove that denial of a request was justified shall be on the designated officer, who denied the request or failed to provide the services within stipulated time limit.

8. Penalty.- (1) Where the second appellate authority is of the opinion that the designated officer has failed to provide service or has caused delay in providing such service without sufficient

and reasonable cause, then he may impose a lump sum penalty which shall not be less than one thousand rupees but not more than five thousand rupees:

Provided that the designated officer shall be given a reasonable opportunity of being heard before any order of penalty is passed against him.

(2) The second appellate authority may order to give any amount as compensation to the appellant from out of the penalty imposed under this section, but the amount of such compensation shall not exceed the amount of penalty imposed:

Provided that any penalty imposed under this section on the designated officer for delay in providing the service or refusal to provide service shall be borne by such officer in personal capacity but not as a functionary of the State Government unless the second appellate authority directs otherwise:

Provided further that the second appellate authority may, after hearing the designated officer, apportion the amount of penalty amongst designated officer and any other officer(s) as may be found to have contributed to such denial or delay in providing the service.

(3) If the second appellate authority is satisfied that the designated officer has failed to discharge the duties under this Act, without sufficient and reasonable cause, then it may also recommend to the appointing or disciplinary authority of the designated officer that disciplinary action under the applicable service rules be also initiated against such officer.

9. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

10. Bar of jurisdiction.- Save as otherwise expressly provided in this Act, every order made by designated officer, first appellate authority or second appellate authority shall not be called in question by any court or before any officer or authority.

11. Power to make rules.- (1) The State Government may, by notification published in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made under this Act, shall be laid, as soon as may be after it is made, before the State Legislative Assembly, while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session, in which it is so laid or successive sessions aforesaid, the Legislative Assembly agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

12. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

**VALIDATION SECTION ADDED VIDE THE HIMACHAL PRADESH
PUBLIC SERVICES GUARANTEE (AMENDMENT AND
VALIDATION) ACT, 2019 (ACT NO. 18 OF 2019)**

3. **Validation.**- Notwithstanding anything contained in any law or in any judgment, decree or order of any court, all the things done or actions taken, notifications and rules etc. notified under the principal Act on or after 24th September, 2011, shall for all purposes be deemed to be and to have always been, validly done, taken or passed as if the principal Act was in force on that date and shall not be called in question before any court, tribunal, commission or authority on the ground of any defect in the commencement of the principal Act.

(Authoritative English Text of this Government Notification No.Per(AR)B(15)-1/2010 vol-I, dated 21.11.2011 as required under article 348(3) of the Constitution of India)

**Government of Himachal Pradesh
Administrative Reforms organization.**

NOTIFICATION

No. Per(AR)B(15)-1/2010-Vol-I

Dated 21.11.2011

Whereas the draft Himachal Pradesh Public Services Guarantee Rules, 2011 were published in the Rajpatra, Himachal Pradesh dated 19/10/2011 vide this Department notification of even number dated 17/10/2011 for inviting objection(s) or suggestion(s) from the person(s) likely to be affected thereby within a period of 30 days from the date of their publication;

And whereas the objection(s) or suggestion(s) received within the stipulated period have been duly considered by the Government;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the Himachal Pradesh Public Services Guarantee Act, 2011, the Governor, Himachal Pradesh is pleased to make the following rules, namely:-

1. Short title and commencement. - (1) These rules may be called the Himachal Pradesh Public Services Guarantee Rules, 2011.

(2) They shall come into force from the date of their final publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

- (a) "Act" means the Himachal Pradesh Public Services Guarantee Act, 2011;
- (b) "Form" means a form appended to these rules; and
- (c) "section" means the section of the Act.

(2) The words and expressions used in these rules but not defined shall have the same meanings as respectively assigned to them in the Act.

3. Issuing of acknowledgement to the applicant.- (1) The designated officer or the person authorized by him under sub-section (1) of section 5 shall acknowledge the receipt of the application and if necessary documents have not been attached, the person receiving the application shall mention the same in the acknowledgement in Form-I without any time limit:

Provided that where the application is complete in all respects, the person receiving the application shall mention the time limit within which the application for providing service(s) shall be disposed of.

(2) The public holidays falling within the stipulated time limit to dispose of the application for providing of service(s) shall be excluded for the computation of time.

4. Display of information on the notice board and official website.- The designated officer shall cause to exhibit the information of the services to be provided on the official website of

his office as well as on the notice board of the office installed at a conspicuous place in Form-II for the convenience of the general public.

5. Procedure in appeals before appellate authorities.- (1) The Memorandum to the appellate authorities shall be filed in duplicate in respect of appeals to be filed before the first appellate authority and in triplicate for appeals before the second appellate authority on a plain paper without any fee and shall contain the following information, namely:-

- (i) name and address of the appellant;
- (ii) name and address of the designated officer against whose refusal to acknowledge the application, or rejection of application, or non-providing of services within the stipulated time limit the first appeal has been filed;
- (iii) name and address of the first appellate authority against whose decision the second appeal has been filed;
- (iv) if the appeal has been filed against the non-issuance of acknowledgement by the designated officer the date of making application and the name and address of the designated officer to whom the application was made;
- (v) Copy of order if any, against which the appeal is filed;
- (vi) the grounds for appeal;
- (vii) prayer or relief sought;
- (viii) verification by the appellant; and
- (ix) any other relevant information which the appellant may like to furnish.

(2) The following documents shall be annexed with every application for appeal, namely:-

- (a) self attested copy of the order against which appeal is filed;
- (b) the copies of the documents mentioned in the application for appeal; and
- (c) the index of the documents annexed with the appeal.

6. Procedure for hearing and disposal of appeal(s).- (1) The first and second appellate authorities for the disposal of appeal -

- (a) shall examine the relevant documents, public records or their copies;
- (b) if need be, may authorize any officer to inquire into the matter and to submit to it a report in relation to the findings thereon; and
- (c) may examine the appellant or / and the designated officer or first appellate authority as it deems fit.

(2) Where the first or second appellate authority calls for any official record from the designated officer or the first appellate authority in case of second appeal, it shall return the original record within ten days to the concerned officer or authority after retaining the requisite copies of the same.

7. Service of notice of hearing by the appellate authorities.- (1) The appellate authority may cause service of notice of hearing to the parties in any of the following manners, namely:-

- (i) by issuing directions to appellant personally ; or
- (ii) by registered post with acknowledgement due; or
- (iii) through the concerned designated officer.

(2) The parties shall be given prior notice of at least seven days before the date of hearing.

(3) The parties may appear in person or may depute their representatives to argue their case at the time of hearing before the appellate authorities.

(4) Where either of the parties fails to appear in person or through their representative at the date of hearing the appellate authorities shall decide the matter purely on merit *ex parte*.

8. Orders in appeal.- In deciding the appeals the following procedure shall be adopted, namely:-

- (a) the orders shall be made publically and shall be recorded in writing and duly signed by the first appellate authority or the second appellate authority, as the case may be;
- (b) the copies of the orders passed by the first appellate authority shall be supplied to the designated officer and the appellant free of cost;
- (c) the copies of the orders passed in second appeal shall be supplied to the appellant, designated officer and the first appellate authority; and
- (d) in case the second appellate authority imposes a penalty under section 8, it shall endorse a copy of the order to the concerned -
 - (i) Drawing and Disbursing Officer with the direction to effect recovery of the Amount of penalty imposed on the designated officer or any other officer as per directions contained in the said order.
 - (ii) Appointing/Disciplinary Authority if a disciplinary action has been proposed in the order under the applicable service rules.

9. Deposit of the penalty amount.- (1) If compensation has been ordered to be paid to the appellant, the amount of penalty shall firstly be utilized for the payment of compensation to the appellant and if there remains any residue amount of penalty after the payment of compensation, it shall be dealt with as per sub-rule (2).

(2) The amount of penalty imposed under section 8 shall be deposited in the appropriate Government treasury under the Head of account "0070-Other Administrative Services, 60-Other Services, 800-Other receipts, 13-Penalty and fine under HP Public Services Guarantee Act, 2011".

10. Records to be maintained by the designated officer and the appellate authorities.- The designated officer and first and second appellate authorities shall maintain the records of application received and the appeal filed in registers maintained in Forms-III, IV and V respectively.

FORM-III
(See rule 10)

Form of register to be maintained by the designated Officer
Office of the
Year

Sr. No.	Name and address of the applicant.	Service for which application has been received.	Stipulated time limit for providing service.	Application accepted/rejected.	Date of Order passed and its brief details.
1	2	3	4	5	6
1.					
2.					
3.					

FORM-IV
(See rule 10)

Department of
Form of Register to be maintained in the office of first appellate authority i.e.
office of

Sr. No.	Name and address of the appellant.	Date of filing of first appeal.	Name of the designated officer (alongwith the name of the office) against whose decision appeal is filed.	Last date of stipulated time limit.	Date of Order and brief details of order passed in appeal.
1	2	3	4	5	6
1.					
2.					
3.					

FORM-V
(See rule 10)

Form of register to be maintained in the office of the second appellate authority.
Name of office of the second appellate authority.

Sr. No.	Date of filing second appeal	Name of the first appellate authority (along with name of office) against whose decision appeal has been filed.	Particulars of disposal of second appeal (a) Rejection (b) Penalty (c) Departmental proceedings (d) Payment of compensation.	Brief details of order passed.
1	2	3	4	5
1.				
2.				
3.				

By order
Principal Secretary (AR) to the
Government of Himachal Pradesh

Endst. No. As above. Dated Shimla-2, the 21.11 2011.

Copy forwarded to the following for information & necessary action:-

1. All the Administrative Secretaries to the Government of Himachal Pradesh
2. All the Divisional Commissioners in Himachal Pradesh.
3. The Accountant General (Audit) HP Shimla-3.
4. The Resident commissioner, HP Himachal Bhavan, Sikandra Road, New Delhi.
5. All the Heads of Departments in Himachal Pradesh.
6. All the Deputy Commissioners in Himachal Pradesh.
7. All the Managing Directors, Boards/Corporations in Himachal Pradesh.
8. The Resident Commissioner, Pangi at Killar, Distt Chamba, HP.
9. All the Vice Chancellors of Universities, in Himachal Pradesh.
10. The Secretary to the Governor, HP Shimla-2.
11. The Secretary, HP Vidhan Sabha, Shimla-4.
12. The Registrar, High Court of Himachal Pradesh, Shimla-171001.
13. The Secretary, State Information Commission, HP Shimla-2.
14. Secretary, HP Public Service Commission, Shimla-4.
15. The Controller, Printing and Stationery, HP for publication in the Rajpatra (Extra Ordinary)

Joint Secretary (AR) to the
Government of Himachal Pradesh

(Authoritative English Text of this Department Notification No. Rev.B.A. (3)-7/2010 dated 21st December, 2011 as required under article 348(3) of the Constitution of India).

Government of Himachal Pradesh
Department of Revenue

NOTIFICATION

No. Rev.B.A.(3)-7/2010.

Dated: Shimla-2,

21st December, 2011.

In exercise of the powers conferred by Section 3 of the Himachal Pradesh Public Service Guarantee Act, 2011, the Governor, Himachal Pradesh is pleased to notify the services, designated officers, first appellate authority and stipulated time limits pertaining to revenue department, for the purpose of Act ibid as follows:

Services	Designated Officer	Time limit	First Appellate Authority
Supply of copies of revenue records	Patwari	Same day it sought on Monday, Wednesday or Friday otherwise on next such day.	Tehsildar/Naib Tehsildar in Tehsil/Sub-Tehsil.
Reports for issuance of various certificates	Patwari	Same day it sought on Monday, Wednesday or Friday otherwise on next such day.	Tehsildar/Naib Tehsildar in Tehsil/Sub-Tehsil.
Reports of damages due to natural calamity	Patwari	Within 7 days.	Tehsildar/Naib Tehsildar in Tehsil/Sub-Tehsil.
Entry of mutation	Patwari	Same day if presented on Monday, Wednesday or Friday otherwise on next such day.	Tehsildar/Naib Tehsildar in Tehsil/Sub-Tehsil.
Issuance of various certificates	Tehsildar/Naib Tehsildar	To be issued or refused with a speaking order on same day, if Officer is present otherwise on next day.	Sub-Divisional Officer (Civil).
Attestation of affidavits/Power of Attorneys.	Tehsildar/Naib Tehsildar	Same day if Officer is present otherwise on next day.	Sub-Divisional Officer (Civil).
Registration of Deeds/documents.	Tehsildar/Naib Tehsildar	To be accepted or refused on same day, if Officer is present otherwise on next day.	Sub-Divisional Officer (Civil).

By Order,

Principal Secretary (Revenue) to the
Government of Himachal Pradesh.

Endst. No. Rev.B.A.(3)-7/2010. Dated: Shimla-2, the 21st December, 2011.

1. Administrative Secretaries to the Government of H.P.
2. All the Divisional Commissioners in H.P.
3. All the Head of Departments in H.P.
4. All the Deputy Commissioners in H.P. They are requested to ensure that this notification is supplied to all concerned immediately.
5. All the Sub-Divisional Officer (Civil) in H.P.
6. The A.L.R-cum-Under Secretary (Law) to the Government of H.P.
7. All Tehsildars/Naib Tehsildars posted in Tehsils/Sub-Tehsils, in H.P.
8. Clerk of Court to the F.C. (Appeal), Govt. of H.P. Shimla-2.
9. The Controller, Printing and Stationary, H.P. Government Press, Shimla-5 for publication in the H.P. Government Gazette (Extraordinary). Five copies of the gazette may kindly be sent to this Department for record.

-sd-

Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.

(Authoritative English Text of this Department Notification No.Rev.B.A.(3)-7/2010 dated June, 2012 as required under article 348(3) of the Constitution of India).

Government of Himachal Pradesh
Department of Revenue

NOTIFICATION

No.Rev.B.A.(3)-7/2010-I.

Dated: Shimla-2

22nd June, 2012

In continuation of this department notification of even number dated 20th December, 2011, the Governor, Himachal Pradesh, in Exercise of the powers conferred by Section 3 of the Himachal Pradesh Public Service Guarantee Act, 2011, is pleased to notify the services, designated officers, first appellate authority and stipulated time limits pertaining to revenue department, for the purpose of Act *ibid*, as follows:

Services	Designated Officer	Time limit	First Appellate Authority
Supply of copies from copying Agencies established in various Revenue Courts/Officers.	Officer-in-Charge.	One week.	Officer to whom Officer-in-Charge is subordinate.

By Order,

Principal Secretary (Revenue) to the
Government of Himachal Pradesh.

Endst. No. Rev.B.A.(3)-7/2010-I. Dated: Shimla-2, the 22nd June, 2012.

1. Administrative Secretaries to the Government of H.P.
2. All the Divisional Commissioners in H.P.
3. All the Head of Departments in H.P.
4. All the Deputy Commissioners in H.P. They are requested to ensure that this notification is supplied to all concerned immediately.
5. All the Sub-Divisional Officer (Civil) in H.P.
6. The A.L.R-cum-Under Secretary (Law) to the Government of H.P.
7. All Tehsildars/Naib Tehsildars posted in Tehsils/Sub-Tehsils, in H.P.
8. Clerk of Court to the F.C. (Appeal), Govt. of H.P. Shimla-2.
9. The Controller, Printing and Stationary, H.P. Government Press, Shimla-5 for publication in the H.P. Government Gazette (Extraordinary).

-sd-

Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.

(Authoritative English Text of this Department Notification No.Rev.B.A.(3)-7/2010-II dated as required under article 348(3) of the Constitution of India).

Government of Himachal Pradesh
Department of Revenue

NOTIFICATION

No.Rev.B.A.(3)-7/2010-II.

Dated: Shimla-2

07th June, 2018.

In continuation of this department notification of even number dated 20th December, 2011, and 22nd June, 2012, the Governor, Himachal Pradesh, in exercise of the powers conferred by Section 3 of the Himachal Pradesh Public Service Guarantee Act, 2011, is pleased to notify the services, designated officers, first appellate authority and stipulated time limits pertaining to revenue department, for the purpose of Act ibid, as follows:

Services	Designated Officer	Time limit	First Appellate Authority
Disposal of applications of demarcation at the level of field Kanungos at spot.	Field Kanungo	Within 20 days from the date of receipt of such application strictly on first come first serve basis, provided that there is no hindrance like shrubs, grass, standing crop etc. to demarcate the land. Demarcation in such cases shall be given within 20 days of removal of such hindrances or harvesting of crops.	Tehsildar/Naib-Tehsildar concerned.
Preparation of partition papers by Field Kanungo.	Field Kanungo	Within 20 days from the date receipt of applications, strictly on first come first serve basis.	Tehsildar/Naib-Tehsildar concerned.

By Order,

Principal Secretary (Revenue) to the
Government of Himachal Pradesh.

Endst. No. Rev.B.A.(3)-7/2010-II.

Dated: Shimla-2, the 07th June, 2018.

1. Administrative Secretaries to the Government of H.P.
2. All the Divisional Commissioners in H.P.
3. All the Head of Departments in H.P.
4. All the Deputy Commissioners in H.P. They are requested to ensure that this notification is supplied to all concerned immediately.
5. All the Sub-Divisional Officer (Civil) in H.P.
6. The A.L.R-cum-Under Secretary (Law) to the Government of H.P.
7. All Tehsildars/Naib Tehsildars posted in Tehsils/Sub-Tehsils, in H.P.
8. Clerk of Court to the F.C. (Appeal), Govt. of H.P. Shimla-2.
9. Guard file.

-sd-

Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.

(Authoritative English Text of this Department Notification No.Rev.B.A.(3)-7/2010-II dated 05th August, 2020 as required under article 348(3) of the Constitution of India).

Government of Himachal Pradesh
Department of Revenue

NOTIFICATION

No.Rev.B.A.(3)-7/2010-II.

Dated: Shimla-2

05th August, 2020.

In exercise of the powers conferred by Section 3 of the Himachal Pradesh Public Service Guarantee Act, 2011, the Governor, Himachal Pradesh is pleased to notify the service, designated officers, first appellate authority and stipulated time limits pertaining to revenue department, for the purpose of Act ibid, as follows:

Services	Designated Officer	Time limit	First Appellate Authority
Supply of copy of Mutation.	Officer-in-Charge	Within five days.	Officer to whom Officer-in-Charge is subordinate.

By Order,

(Onkar Sharma)
Principal Secretary (Revenue) to the
Government of Himachal Pradesh.

Endst. No. Rev.B.A.(3)-7/2010-II.

Dated: Shimla-2, the 05th August, 2020.

1. Administrative Secretaries to the Government of H.P.
2. All the Divisional Commissioners in H.P.
3. All the Head of Departments in H.P.
4. All the Deputy Commissioners in H.P. They are requested to ensure that this notification is supplied to all concerned immediately.
5. All the Sub-Divisional Officer (Civil) in H.P.
6. The A.L.R-cum-Under Secretary (Law) to the Government of H.P.
7. All Tehsildars/Naib Tehsildars posted in Tehsils/Sub-Tehsils, in H.P.
8. Tehsildar-cum-Clerk of Court to the F.C. (Appeal), Govt. of H.P. Shimla-2.

-sd-

(K.K. Sharma)
Joint Secretary (Revenue) to the
Government of Himachal Pradesh.

Government of Himachal Pradesh
Department of Revenue

NOTIFICATION

No.Rev-B-A(3)-7/2010-III.

Dated: Shimla-2

22-12-2020.

In exercise of the powers conferred by Section 3 of the Himachal Pradesh Public Service Guarantee Act, 2011, the Governor, Himachal Pradesh is pleased to notify the service, Designated Officers, First Appellate Authority and Second Appellate Authority for providing the services within prescribed time limits for the purpose of the above Act:

Sr. No.	Name of Services	Designated officer	Stipulated period	First appellate authority	Second appellate authority
(1)	(2)	(3)	(4)	(5)	(6)
1.	NOC required for setting up of explosives manufacturing, storage, sale, transport	Deputy Commissioner	60 Days (1 month is period for public notice)	Divisional Commissioner	State Information Commissioner
2.	NOC required for setting up of petroleum, diesel & naphtha manufacturing, storage, sale, transport	Deputy Commissioner	30 Days	Divisional Commissioner	
3.	License for sale of crackers				
3a	License for sale of crackers (permanent)	Deputy Commissioner	30 Days	Divisional Commissioner	
3b	License for sale of crackers (temporary)	Concerned SDM	5 Days	Deputy Commissioner	
4.	Cinematograph license & license for screening of films/ registration under State Cinema Regulation Rules	Deputy Commissioner	20 Days (Excluding time taken by the applicant for addressing the objections)	Divisional Commissioner	
5.	Certificate of non-forest land	Deputy Commissioner	7 Days	Divisional Commissioner	
6.	Tourism events-performance license	Deputy Commissioner	30 Days	Divisional Commissioner	

By Order,

(R.D. Dhiman)

Additional Chief Secretary (Revenue) to the
Government of Himachal Pradesh.

Endst. No. As above

Dated: Shimla-2, the 22.12.2020.

1. The State Information Commissioner, Himachal Pradesh, Shimla-2.
2. The Secretary to Governor, Himachal Pradesh, Raj Bhawan, Shimla-2.
3. The All Administrative Secretaries to the Govt. of Himachal Pradesh, Shimla.
4. The Secretary (Admin. Reforms) to the Govt. of Himachal Pradesh, Shimla.
5. The Deputy Commissioner (All Districts), Himachal Pradesh.
6. The Controller (Printing), HP Govt. Press, Ghora Chowki, Shimla-5 for publication in the Rajpatra (Extra Ordinary).
7. Guard File.

-sd-

(K.K. Sharma)

Joint Secretary (Revenue) to the
Government of Himachal Pradesh.

Government of Himachal Pradesh
Department of Revenue

NOTIFICATION

No.Rev-B-A(3)7/2020-III.

Dated: Shimla-2

23.11.2021.

In continuation of this Department's notification No. Rev-B-A(3)7/2020-II dated 07-06-2018, the Governor, Himachal Pradesh, in exercise of the powers conferred by Section 3 of the Himachal Pradesh Public Service Guarantee Act, 2011, is pleased to notify the Service, Designated Officers, First Appellate Authority and stipulated time limits pertaining to Revenue Department, for the purpose of Act ibid as under:-

Services	Designated Officer	Time limit	First Appellate Authority
Distance Certificate for distance of property from the road.	Patwari Concerned	The Patwari shall issue the distance certificate within 7 days from the date of receipt of such application strictly on first come first serve basis, by scaling the distance of proposed property from the road in Revenue map (Momi/Latha) and shall also describe relevant class of the road. Where the road is not reflected on the existing revenue map, he shall visit the spot for the purpose.	Tehsildar/ Naib-Tehsildar concerned

By Order,

(Onkar Chand Sharma)
Principal Secretary (Revenue) to the
Government of Himachal Pradesh.

Endst. No. Rev-B-A(3)7/2020-III.

Dated: Shimla-2, the 23-11-2021.

1. Administrative Secretaries to the Government of H.P.
2. All the Divisional Commissioners in H.P.
3. All the Head of Departments in H.P.
4. All the Deputy Commissioners in H.P. They are requested to ensure that this notification is supplied to all concerned immediately.
5. All the Sub-Divisional Officer (Civil) in H.P.
6. The A.L.R-cum-Under Secretary (Law) to the Government of H.P.
7. All Tehsildars/Naib Tehsildars posted in Tehsils/Sub-Tehsils, in H.P.
8. Clerk of Court to the F.C. (Appeal), Govt. of H.P. Shimla-2.
9. Guard file.

-sd-

Joint Secretary (Revenue) to the
Government of Himachal Pradesh.