Indian Stamp Act, 1899

Section 2 - Definitions In this Act, unless there is something repugnant in the subject or context,

1) "banker" includes a bank and any person acting as a banker: (2) "bill of exchange" means a bill of exchange as defined by the Negotiable Instruments Act, 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: (3) "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" includes a "through bill of lading", but does not include a mate's receipt: (5) "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" 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 33. Words "the Provinces" first subs, for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948, then the word "States" subs, for the word "Provinces" by the Adaptation of Laws Order, 1950, and finally the word "India" subs, for the words "the States" by Act 43 of 1955, w.e.f. 1.4.1956. [India] when such instrument was executed or, where several persons executed the instrument at different times, first executed:- (7) "cheque" means a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand: (8)44. Clause (8) om. by the Government of India (Adaptation of Indian Laws) Order, 1937. * * * (9) "Collector" (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 55. Words "the Collecting Government" first subs, for the word "the Local Government" by.the Government of India (Adaptation of Indian Laws) Order, 1937, then the words "State Government" subs, for the words "Collecting Government" by the Adaptation of Laws Order, 1950. [the State Government] may, by notification in the Official Gazette, appoint in this behalf: (10) "conveyance" includes a conveyance on sale and every instrument by which property, whether moveable or immoveable, is transferred inter vivos and which is not otherwise specifically provided for by Schedule I 66. Words and figures ins. by Ben. Act 3 of 1922. [or by Schedule 1A, as the case may be]: 77. 'Explanation' ins. by W.B. Act 17 of 1990. Explanation. An instrument (i) whereby a co-owner of a property having defined share therein transfers such share or part thereof to another co-owner of the property or divides such property among co-owners, or (ii) whereby a partner transfers his share in the property of the partnership business to another partner or to other partners, whether separately or together with transfer of other business assets on retirement or dissolution, or whereby he contributes to the capital of the artnership firm by transferring his right and title to, or inteiest in, any property, is, for the purpose of this clause, an instrument by which property is transferred; (11) "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 88. Words "the Provinces" first subs, for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948, then the word "States" subs, for the word "Provinces" by the Adaptation of Laws Order, 1950, and finally the word "India" subs, for the words "the States" by Act 43 of 1955, w.e.f. 1.4.1956. [India]: (12) "executed" and

"execution", used with reference to instruments, mean "signed" and "signature": 99. Clause (12a) om. by the Adaptation of Laws Order. 1950. * * * * * * * (13) "impressed stamp" includes (a) labels affixed and impressed by the proper officer, and (b) stamps embossed or engraved on stamped paper: 1010. Clause (ISA) ins. by Act 43 of 1955, w.e.f. 1.4.1956. (13A) "India" means the territory of India excluding the State of Jammu and Kashmir: (14) "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" means any instrument whereby co-owners of any property divide or agree to divide such property in severalty, 1111. Words, figures and brackets subs, for the words "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:" by W.B. Act 17 of 1990. [and includes (i) a final order for effecting a partition passed by any revenue authority or any Civil Court; (ii) an award by an arbitrator directing a partition; and (iii) when any partition is effected without excuting any ssuch instrument, any instrument signed by the co-owners and recording, whether by way of declaration of such partition or otherwise, the terms of such partition amongst the co-owners;] (16) "lease" means a lease of immoveable property and includes also (a) a patta; (b) a kabuliyat or other undertaking in writing, not being a counterpart of a lease, to cultivate, occupy or pay or deliver rent for, immoveable property; (c) any instrument by which tolls of any description are let; (d) any writing on an application for a lease intended to signify that the application is granted: 1212. Sub-clauses (e) and (f) ins. by W.B. Act 17 of 1990. (e) any agreement to lease; 1212. Sub-clauses (e) and (f) ins. by W.B. Act 17 of 1990. (f) mining licence; 1313. Clause (16A) ins. by Act 15 of 1904. (16A) "marketable security" means a security or such a description as to be capable of being sold in any stock market in 1414. Words "the Provinces" first subs, for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948, then the word "States" subs, for the word "Provinces" by the Adaptation of Laws Order, 1950, and finally the word "India" subs, for the words "the States" by Act 43 of 1955, w.e.f. 1.4.1956. [India] or in the United Kingdom: 1515. Clause (16B) ins. by W.B. Act 17 of 1990. (16B) "market value" means, in relation to any property which is the subject-matter of an instrument, the price which such property would have fetched or would fetch if sold in open market on the date of execution of such instrument as determined in such manner and by such authority as may be prescribed by rules made under this Act or the consideration stated in the instrument, whichever is higher; (17) "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" includes vellum, parchment or any other material on which an instrument may be written: (19) "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: 1616. Word "and" om. by Act 5 of 1906. ** * (C)1717. Sub-clause (c) om. by Act 5 of 1906. * * * * * 1818. Clause (19A) ins. by Act 43 of 1955, w.e.f. 1.4.1956. (19A) "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" (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 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" 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: 1919. Clause (21A) ins. by W.B. Act 17 of 1998. (21A) "prescribed" means prescribed by rules made under