

EXTRAORDINARY

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PART-I

GOVERNMENT OF SINDH

LAW DEPARTMENT

NOTIFICATION

Karachi, the 15th June 2002

No. S.LEGIS:1(10)/2002/:-The following Ordinance made by the Governor of Sindh is hereby published for general information:—

THE STAMP (SINDH AMENDMENT) ORDINANCE, 2002.

SINDH ORDINANCE NO. XVIII of 2002

AN ORDINANCE

to amend the Stamp Act, 1899, in its application to the Province of Sindh

WHEREAS, it is expedient to amend the Stamp Act, 1899, in its application to the Province of Sindh, in the manner hereinafter appearing; Preamble.

AND WHEREAS, the Provincial Assembly stands dissolved in pursuance of the Proclamation of the fourteenth day of October, 1999 and the Provisional Constitution Order No 1 of 1999.

AND WHEREAS, the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional Constitution Order read with Provisional Constitution (Amendment) Order No 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of Sindh is pleased to make and promulgate the following Ordinance:-

Short title and commencement	1.	<p>(1) This Ordinance may be called the Stamp (Sindh Amendment) Ordinance, 2002.</p> <p>(2) It shall come into force at once.</p>
Amendments of Act II of 1899	2.	<p>In the Stamp Act, 1899, in its application to the Province of Sindh-</p> <p>(i) in section 23-A, for the word and figure "Article 5 (c)" the word and figure "Article 3 (e)", shall be substituted;</p> <p>(ii) in section 24, for the word and figure "Article 18", the word and figure "Article 11", shall be substituted;</p> <p>(iii) in sections 27-A and 27-B (inserted by Sindh Ordinance VII of 2000), for the word and figure "Article 23" the word and figure "Article 16" and for the word and figure "Article 31" the word and figure "Article 18", shall be substituted;</p> <p>(iv) in section 27-B (inserted by Sindh Ordinance VII of 2000), for the word and figure "Article 33", the word and figure "Article 20", shall be substituted;</p> <p>(v) the existing section 27-B (inserted by Sindh Ordinance XV of 2000) shall be renumbered as section 27-C and in the section so renumbered for the word and figure "Article 48" the word and figure "Article 27", shall be substituted;</p> <p>(vi) in section 29, in clause (a)-</p> <p>(i) the words, figure and comma "No.2 (Administration Bond)" shall be omitted.</p>

- (ii) for the figure "6", the figure "19", for the figure "13" the figure "8", for the figures "15, 16, 26, 27, 34, 56 and 57" the figure "10", for the figures "32 and 40", the figure "23" for the figure "49", the figure "28", for the figure "55", the figure "29", for the figure "58", the figure "30" and for the figure "62", the figure "31", shall be substituted.
- (vii) for the word and figure "Schedule I" wherever occurring the word "Schedule" shall be substituted, and
- (viii) for the existing Schedule I, the following shall be substituted -

"SCHEDULE"
(see section 3)

STAMP DUTY ON INSTRUMENTS

DESCRIPTION OF INSTRUMENT

PROPER STAMP DUTY.

1. **Acknowledgement** of a debt 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 separated piece of paper when such book or paper is left in the creditor's possession where acknowledgement does not contain any promise to pay the debt or any stipulation to pay the interest or to deliver any goods, other property, or

Receipt, as defined by section 2 (23) for any money or other property the amount or value of which -

- (a) where such amount exceeds one hundred and sixty rupees but does not exceed five hundred rupees, One rupee
- (b) where such amount exceeds five hundred rupees, Two rupees.

EXEMPTIONS.

Receipts—

- (a) endorsed on or contained in any instrument duly stamped or any instrument exempted under the proviso to section 3 (instruments executed on behalf of the Government) 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;
- (c) for any payment of rent by a cultivator on account of land assessed to Government revenue;

- (d) for pay or allowances by non-commissioned or petty officers, soldiers, sailors or airmen of the armed forces of Pakistan/Pakistan's military 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 as a non-commissioned or petty officer, soldier, sailor or airmen, or 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 services as such, non-commissioned or petty officers, soldiers, sailors or airmen, and not serving the State 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 receipt or acknowledgement for any sum paid or deposited for, or upon a letter of allotment of a share, or in respect of a call upon any script or share of, or in, any incorporated company or other body corporate or such proposed or intended company or body in respect of a debenture being a marketable security.

2. **Affidavit**, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing. Twenty rupees

EXEMPTIONS.

Affidavit or declaration in writing when made:

- (a) as a condition of enrolment under the Indian Army Act, 1911, or the Pakistan Army Act, 1952 or the Indian Air Force Act, 1932, or the Pakistan Air Force Act, 1953;
- (b) for the immediate purpose of being filed or used in any Court or before the office of any Court, or
- (c) for the sole purpose of enabling any person to receive any pension or charitable allowance.

3. **Agreement or Memorandum of an Agreement—**

- (a) if relating to the sale or transfer of a registered motor vehicle; One hundred rupees.
- (b) if relating to the sale of an immovable property; One hundred rupees.
- (c) if relating to the re-conveyance of mortgaged property; One hundred rupees.
- (d) if relating to the instrument of partnership or dissolution of partnership; Five hundred rupees.
- (e) if not otherwise provided for Fifty rupees.

Allotment Order or Transfer of Allotment Order, issued by a developer, builder, co-operative society, housing society or housing authority, or any other body or organization providing plots, dwelling houses or built up commercial premises,

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| (i) | in respect of residential plots. | |
| (a) | exceeding 200 sq. yards, but not exceeding 240 sq. yards; | Eight rupees per sq. yard. |
| (b) | exceeding 240 sq. yards, but not exceeding 400 sq. yards; | Ten rupees per sq. yard |
| (c) | exceeding 400 sq. yards | Twenty rupees per sq. yard. |
| (ii) | in respect of commercial plots | Twenty rupees per sq. yard. |
| (iii) | in respect of flats having covered area exceeding 1500 sq. ft. | One rupee per sq. ft. |
| (iv) | in respect of bungalows and residential houses; | Five rupees per sq. yard. |
| (v) | in respect of built-up commercial premises | Three rupees per sq. ft. |

Explanation: The expression "developer" and "builder" shall have the same meanings as are assigned to them in the Sindh Buildings Control Ordinance, 1979.

5. (1) Articles of Association of a Company—

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| (a) | where the company has share capital not exceeding Rs.500,000; | One thousand rupees |
| (b) | where the share capital exceeds Rs.500,000. | Two thousand rupees. |

(2) Memorandum of Association of a Company—

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| (a) | if accompanied by articles of association under Companies Ordinance, 1984; | One thousand rupees |
| (b) | if not so accompanied. | Two thousand rupees |

EXEMPTIONS.

Articles or Memorandum of Association not formed for profit and registered under Section 42 of the Companies Ordinance, 1984.

6. **Bank Guarantee.** Fifty rupees for every One Lac rupees of the amount of the guarantee.
7. **Bill of Entry.** Four hundred rupees.
8. **Bill of Exchange** as defined by section 2 (2) not being Bond, bank note or currency note:
(a) where payable otherwise than on demand but not more than one year after date or sight.

If drawn singly

if drawn in set of two,
for each part of the set.If drawn in set of three,
for each part of the set.For every Rs. 1000/-
Or part thereof of the
Amount of the bill

Rs. 2.00

Re. 1.50

Re. 1.00

(b) where payable more than one year after date or sight.

2.25 percent of the amount
of the bill.

9. **Bill of Lading** (including a through bill of lading)

Ten rupees for every one
lac rupees or part thereof
the value of the bill
subject to minimum of one
hundred rupees.

Note— If a bill of lading is drawn in parts, the proper stamps therefor must be borne by each one of the sets.

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 Ports Act, 1908, and are to be delivered at another place within the limits of the same port.
- (b) Bill of lading when executed out of Pakistan and relating to property to be delivered in Pakistan.

Bond—

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| (A) | Indemnity Bond, 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 in favour of a Court for the due discharge of a contingent liability or executed by surety to secure the due performance of a contract | One hundred rupees |
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EXEMPTIONS.

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) under No 3-A of the rules made by the Provincial Government under section 70 of the Sindh Irrigation Act, 1879;
- (c) executed by persons taking advances under the Land Improvement Loans Act, 1883, or the West Pakistan Agricultural Loans Act, 1958, or by their sureties, as security for repayment of such advances;
- (d) executed by servants of the State or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.

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| (B) | Customs Bond | Five hundred rupees. |
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| (C) | Debenture including a Participation Term Certificate and Term Finance Certificate (whether a mortgage debenture or not), being a marketable security transferable. | 6 percent of the amount of the Debenture |
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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 there under, 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.

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| (D) Bottomry Bond , that is to say, any instrument whereby the master of a seagoing ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage. | 4.5 percent of the amount of the bond. |
| (E) 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. | 4.5 percent of the amount of the bond. |
| (F) Any bond not otherwise provided for | 4.5 percent of the amount of the bond. |
| 11. 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 percent of the amount of purchase money only. |
| 2. 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. | 0.25 percent of the face value of shares mentioned in the certificate subject to a minimum of one rupees. |
| 3. Charter Party , that is to say, any instrument (except an 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. | One hundred rupees for every one lac rupees or part thereof of the value of the charter party. |
| 4. Cheque, Pay Order or Bank Draft | One rupee |
| 15. Contract- | |
| (a) that is to say, any instrument in the nature of memorandum or agreement made or entered into by a contractor with Government, a corporation, local body, local authority, commercial or industrial concern, whether singly owned or run through partnership, body registered under the Company Law, a cooperative society or any other organization to execute any works or to supply or to undertake cartage of stores and materials and to provide engineering consultancy services or any other services covered under above documents including a purchase order, work order, cargo bill, a railway ticket of ACC, a running rate contract and other levies and taxes pertaining to local bodies. | Twenty paise for every hundred rupees or part thereof of the amount of the contract. |