

PART C- CANCELLATION OF COURT-FEE STAMPS

Rules made by the High Court for regulating the cancellation of Court-fee Stamps.

RULES

1. The cancellation of court-fee stamps shall be effected-
 - (a) When a document bearing a court-fee stamp is received by a court competent to receive the same;
 - (b) When a court-fee stamp is paid in on account of process-fee;
 - (c) When a court-fee stamp is affixed to a document issued by any court or office;
 - (d) When the record of a case in which court-fee stamps have been filed is finally made over to the Record-keeper for safe custody.

Cases when cancellation of Court-fees is to be effected.

2. Court-fee stamps falling under clauses (a) and (b) of the foregoing rule shall be cancelled immediately on receipt of the document or stamp, by such officer as the court may from time to time appoint, in writing, in the manner prescribed by section 30 of the Court-fees Act. As an additional precaution, the cancelling officer should affix his signature, and the date, across each label, at the time of cancellation, in durable ink.

Mode of cancellation of stamps on documents received by a court or received on account of process fee.

NOTES- In order to ensure compliance with the rules 2, 3 and 4 and uniformity of practice in the State it has been decided that round punches shall be used by courts and offices and triangular punches by the record room staff. Both kinds of punches are obtainable from the Controller of Stationery, Calcutta. Care should be taken to see that all round punches in courts and offices in a district are a uniform size in order to prevent fraud arising from the stamps already punched being punched again with a larger punch.

3. In regard to stamps on documents falling under clause (c) of rule 1 of the Central Government have directed in financial Department resolution No. 3373, dated the 24th September, 1875, that the court or office issuing copies, certificates, or other similar documents liable to stamp duty

Mode of cancellation of stamps on documents issued by a Court or office.

under the Court-fees Act shall, before issue, cancel the labels affixed to them 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, and that, as an additional precaution, the signature of the officer attesting the document, with the date, shall be written across the label, and upon the paper on either side of it.

Cancellation of stamps by Record-keeper.

4. The rules for the cancellation of court-fee stamps by the Record-keeper are contained in a resolution of the Central Government in the Financial Department, No. 1763, dated the 24th July, 1873, in which it is ordered that the Record-keeper of every court shall, when a case is decided and the record consigned to his custody, punch a second hole, or, in the case of stamps falling under clause (c), rule 1, a third hole, in each label, distinct from the first and note the date of doing so at the same time. Special attention is requested to the words in italics, as the direction therein contained is always not complied with. The Record-keeper's punching should not remove so much of the label as to render it impossible or difficult to ascertain its value or nature. From the resolution of the Central Government, No.3047, dated 5th September, 1883, it will be seen that these directions apply only to adhesive labels used under the Act, and not to impressed stamps which need not be punched a second time.

Certificate required when a record is transferred from one official to another.

5. Whenever the custody of a record containing court-fee stamps is transferred from one official to another before final disposal, the receiving officer shall examine the court-fee stamps in the record and either certify on the index of papers that they are complete, or immediately bring to notice any deficiency, as the case may require.

Record-keeper to see that stamps in the record are complete.

6. Record-keepers will be held personally responsible that the stamps appertaining to the records under their charge are complete, and that they have been duly cancelled in accordance with these instructions. Should a record be sent into the record-room in which the stamps are incomplete or

not duly cancelled, the Record-keeper shall report the circumstances at once to the head of the office, and shall defer entering the case in its appropriate register until orders have been passed in the matter.

7. When a record containing court-fee stamps is taken out of the record-room for any purpose, each official through whose hands it passes must note on the index of papers or on the list of records where such a list is with the record, that he has examined the court-fee stamps in the record, and that they are complete, or, if they are not complete, at once report the fact for orders.

Certificate as to the completeness of stamps when a record is taken out of record-room.

NOTES.-1. To facilitate the examinations required by the above rules a column has been inserted in the index of papers attached to each record which shows at a glance what papers in the record bear court-fee stamps, and the number and value of the stamps attached to each of such papers.

2. Further precautions against the fraudulent use of court-fee labels a second time were, under the orders of Government, prescribed by the Superintendent of Stamps in his Circular No.I, dated 24th April, 1877 of which the effective portions are extracted below. It is to be noted that at that time adhesive labels alone were used to denote fees of court:-

Precautions against the fraudulent use of stamps.

The most important point to be guarded against is the re-use of stamps which have once been used; such stamps may have been punched, or they may have been left unpunched, and passed into the record-office and there removed. In the case of a removed stamp that has been punched once, it is clear that its use a second time can only be effected by the dishonesty of the subordinate official who, in the first instance receives the document presented by suitors. In the case of a removed stamp that has not been punched, it is possible that it may have been so little injured in the removal as to be used a second time without detection, unless the stamps be closely examined, and it may pass undetected, whether from dishonesty or from want of vigilance on the part of that official. In order effectually to prevent frauds of this nature, it is absolutely necessary that the subordinate official whose duty it is to see that the full fee has been affixed in each case and to punch the stamps and to record orders, should be made to stand or sit within full view of the officer and in that position to perform his task, certifying on each petition that the full fee has been affixed, and all stamps have been punched. It is of the utmost importance that this subordinate should be allowed no time or opportunity for tampering with the stamps.

When files of decided cases are sent to the record-room the Record-keeper should be required, without any loss of time.. to examine the stamps and punch a second hole in each stamp, affixing the date on which he does so.

* Copy of a resolution of the Central Government in the Department of Finance and Commerce, no. 3047, dated Simla the 5th September, 1883.

Resolution.- It was directed in Financial resolution No.1763, dated 24th July, 1873 that the Record-keeper of every court shall, when a case is decided and the record consigned to his custody, punch a second hole in each label distinct from the first which is prescribed by section 30 of the Court-fees Act, and note the date of doing so at the same time.

These directions apply only to adhesive labels used under the Court-fees Act. Impressed stamps used for denoting court-fees need not be cancelled or punched otherwise than as required by sections 30 of the Court-fees Act.

8. The following executive instructions to be observed when a document is written upon two or more impressed stamps which are used to make up the fee chargeable under the Court-fees Act, 1870, have been issued by the Financial Commissioner:-

When two or more impressed stamps are used to make up the amount of the fee chargeable under the Court fees Act, a portion of the subject-matter shall ordinarily be written on each stamped sheet. Where this is impracticable or seriously inconvenient, the documents shall be written on one or more sheets bearing impressed stamps of the highest value, and the remaining stamps shall be punched and cancelled by the court and filed with the record, a certificate being recorded by the court on the face of the first sheet of the document to the effect that the full court-fee has been paid in stamps. The writing on each stamped sheet shall be attested by the signature of the person or persons executing the documents.

Instructions to be observed when two or more impressed stamps are used.