

**PART F- AUDIT AND CONTROL OF STAMP REVENUE IN  
THE PUNJAB.**

The following instructions for the audit and control of Stamp Revenue in the Punjab, are issued by the Governor of Punjab, the Punjab High Court and the Financial Commissioners, in their judicial capacity, for the guidance of all officers and courts under their respective control:-

**RULES**

(1) These rules shall be termed "The Punjab Stamp Audit Instructions, 1933."

Title.

(2) There shall be appointed stamp auditors for the purpose of the audit of every document requiring a stamp which is presented to a court of law other than the High Court or a public office.

Appointment of stamp auditors.

(3) The Financial Commissioner as the Chief Controlling Authority will determine the districts within the jurisdiction of each auditor and fix his headquarters. The auditors shall be under the direct control of the Commissioner of the division in which they are from time to time operating and shall be authorised by the Collector in writing in the term of section 73 of the Indian Stamp Act.

Controlling Authority.

(4) The auditor shall prepare a bi-monthly programme of his tour by districts and after obtaining the approval of the Financial Commissioner give due notice to the Collector of the district concerned and the Commissioner of the division of his forthcoming visit.

Tour programme of auditors.

The auditor shall spend the least possible time on travelling and more time on actual audit work. He shall visit each district in his charge once a quarter and spend about eight days at the headquarters of a district and two days at each tahsil.

Scope of audit.

(5) The auditor shall, on visiting a district, audit all fresh institutions, documents and files pending or otherwise in all courts and registration and other offices including record-rooms. Such inspection shall be from the date on which the last audit terminated.

The auditor shall, in particular, see that the stamps used are genuine and have not been removed from files and re-used.

Registers of stamp deficiency.

(6) Every person described in section 33 of the Indian Stamp Act and every public official referred to in section 6 of the Court Fees Act shall maintain a record of stamp deficiencies in Civil Register XVIII. The Collector shall, in addition to the said register maintained by him in respect of his own Court, maintain a register in form S.A. 5, of documents sent to him under section 38 of the Stamp Act. These registers shall be maintained in respect of all deficiencies whether found in audit or independently.

Auditor to check these registers.

(7) The auditor shall examine the register No. XVIII maintained by the court or office with a view to seeing that it is properly maintained and that collections are made not only on account of deficiencies detected in audit but on account of deficiencies detected independently. He shall also examined the register maintained by the Collector in Form S.A. 5.

Deficiencies in stamps to be notified to the collector.

(8) Once a case has been decided and consigned to the record-room, deficient court-fees are not recoverable under the existing law; instances, therefore, of such short recoveries in court-fees as may be brought to light in the general record-room will merely serve the purpose of educating readers and moharrirs or taking disciplinary action against them. But deficiencies in stamp duty may be brought to the notice of the Collector of the district with a view to action under section 61 of the Stamp Act.

Help to be rendered to the auditor by the Courts and officials.

(9) The presiding officers of all courts and heads of offices will give the auditor access to all records and accounts, etc., and, so far as lies in their power, assist him in the performance of his duties.

(10) In the course of his audit the auditor shall draw the attention of presiding officers of courts and heads of offices to documents before them which are insufficiently stamped, and shall advise them where necessary in relation to their powers and obligations as follows:-

Auditor to draw attention of officers as to their powers and duty re. insufficiently stamped documents.

(i) Under the Stamp Act-

(a) To impound documents under section 33 of the Stamp Act.

(b) To admit unstamped documents in evidence under section 35.

(c) To dispose of impounded documents under section 38. The Collector may also ask the auditor to note on cases coming before him under sections 39 to 43 and also seek any other assistance which he may consider necessary.

(ii) Under the Court Fees Act:-

To determine correct fee leviable on any document.

The auditor, if necessary, will discuss the point at issue with the presiding officer and if required by him be present at the discussion in court before orders are passed.

(11) The auditor will maintain for each district a register in Form S.A.1, in which he will note as it is discovered, each deficiency in stamp duty and court-fees.

Register S.A.1.

(12) After discussion of his preliminary notes with the presiding officer or head of office, the auditor will prepare a formal audit note and send typewritten copies to the presiding officer or the head of the office, as the case may be, and to the Collector of the district concerned. This note will

Officers to whom copy of audit note is to be sent.

include a statement in form S.A.3 of deficiencies discovered, and columns 1 and 6 to 15 will be left blank.

Copies of audit notes on revenue courts and offices, including Sub-Registrars, should also be sent to the Commissioner of the division. In the case of civil courts, where the audit discloses some serious defects, a copy of the audit note should be sent to the District and Sessions Judge through the Collector of the district.

Action to be taken  
Audit Note, Form  
S.A.3.

(13) The presiding officer of the court or the head of the office shall transfer columns 2 to 5 of Form S.A.3 to Civil Register XVIII and proceed to take necessary action on the note. In cases where he does not agree with the auditor or where he considers it necessary to hear the party concerned before passing orders, he shall, where possible, discuss the matter with the auditor. The presiding officer or head of the office will return the Form S.A.3 to the auditor after completing columns 1, 6 to 8 and noting in column 15, the cases, if any, in which he disagrees with the auditor, but without necessarily completing columns 9-14. The auditor after completing his register will return the form to the court or office report to the Collector any case in which the presiding officer or head of the office has been unable to take the advice of the auditor. The Collector (if he thinks fit and after consulting the Financial Commissioner, if necessary) will take action under section 61 of the Stamp Act, or in the case of the Court Fees Act, draw the attention of the appellate court, or take other appropriate action in the case of other offices.

Posting of  
recoveries in proper  
register and writing  
off irrecoverable  
items.

(14) All courts and offices shall, in addition to the account of recoveries effected by them in Civil Register XVIII, show recoveries effected at the instance of the stamp auditor in columns 10 and 11 of the said register and also S.A.3 Irrecoverable loss of stamp revenue is required to be written of under paragraph 20.19 of the Book of Financial Powers, and shall be entered in columns 18 and 19 of register XVIII and columns 11 and 12 of Register S.A.3. They shall also send to the auditor at the end of each months their copies of

Form S.A.3. so that he may complete his returns of recoveries made at his instance from time to time and irrecoverable items written off, after which he will return the form to the court or office. If the court or office has sent a document to the Collector under section 38 of the Stamp Act, it will have no concern with columns 9 to 12.

(15) Special attention shall be paid by the auditors to pauper suits and all their stages carefully watched while they are pending in courts. After their disposal the auditors shall draw the attention of the Collector to the court-fees realizable, and shall suggest to him what steps will ensure early realization. When a court fails to pass an order for costs, the auditor shall advise the Collector to move the court concerned under Order 33, Rules 12, Civil Procedure Code. The auditor shall keep a register of all such cases in Form S.A. 5.

Action to be taken by auditors re: pauper suits. Register S.A.5.

(16) The auditor shall, at the time of his visit to a district, inspect the applications for grant of refund of the value or renewal of spoilt and unused court-fee and non-judicial stamps and register maintained by the Refund Clerk and report the result of his inspection to the Collector of the district.

Auditor to check applications for refund of value of stamps and registers of stamp vendors.

The auditor shall also inspect the registers of stamp vendors and check their stock of stamps.

(17) The auditor shall bring to the notice of the Collector defects in the vend arrangements and make suggestions where necessary for improvement of the arrangements.

Defects in the vend be brought to arrangements to the notice of the Collector.

(18) The auditors shall monthly submit report by districts to the Assistant Secretary to Financial Commissioners through the Collector and Commissioner.

Monthly reports by auditors. Form S.A.4.

In these reports the auditors should give details of the period spent, and of the work done on each day. They should

also state the total number of cases examined by them and note separately for each district the total number of deficient stamp duty discovered and recovered at their instance under the following heads:-

- (1) on plaints;
- (2) on copies;
- (3) on applications, etc;
- (4) on process fees;
- (5) on objection petitions;
- (6) on powers of attorney;
- (7) on security bonds, etc., filed in courts;
- (8) on miscellaneous petitions in the English record; and
- (9) on documents filed by the parties.

The report shall be accompanied by a statement in Form S.A.4 showing district totals and also copies of the audit notice on the courts and offices audited.

(19) In support of their claims for travelling allowance the auditors will obtain from the presiding officers of courts and Collectors a certificate in Form S.A.6 and attach it to their monthly travelling allowance bills.

(20) The Local Audit Department is relieved of the audit of stamp duty and court-fees.

A brief account of the work done under this system shall be included by the Financial Commissioners in their annual note on the Stamp Administration.

Certificate in form S.A.6 to be attached to travelling allowance. Bills by auditors.

Review of stamp audit system by Financial Commissioner.

*(Punjab Government U.O.No.418-P. F-47-S, dated the 19<sup>th</sup> May, 1933).*

2. The forms prescribed in these rules may be obtained on indent from the Controller of Printing and Stationery, Punjab.

F.Cs., Stereo A. & T.No.353  
(FORM S.A.3).

**NOTE OF DEFICIENCIES DISCOVERED IN AUDIT TO BE SUBMITTED TO COURT OR OFFICE CONCERNED WITH HIS INSPECTION NOTE BY THE AUDITOR**

DISTRICT.....COURT OR OFFICE.....

Serial No. in civil register XVIII	No. of suit	Brief particulars of suit or case	Deficiency in stamp duty or court-fees	Serial No. in register S.A.I.	State if sent to Collector under section 33 of Stamp Act	Duty recoverable under section 35 of Stamp Act or under the Court Fees Act	
1	2	3	4	5	6	7	
Penalty imposed under section 35 of Stamp Act	Recovered		Written off as irrecoverable by competent authority		Balance		REMARKS
	Duty	Penalty	Duty	Penalty	Duty(Column 7-Columns 9 and 11)	Penalty (Column 8-Columns 10 and 12)	
8	9	10	11	12	13	14	15

F.Cs'. Stereo A. and T No.351

(FORM S.A.I.)

DISTRICT OF.....

## REGISTER OF STAMP DEFICIENCIES DISCOVERED BY THE AUDITOR (AUDITORS REGISTER)

Serial No.	Court or office and name of presiding officer	No. of suit	Brief particulars of suit or case	Deficiency in stamp duty or court-fees discovered	State if case has been sent to Collector under section 38 of Stamps Act	Penalty if any under section 35 of the Stamp Act
1	2	3	4	5	6	7
By COURT OR OFFICE		BY COLLECTOR				
Amount recovered at the instance of the auditor		Amount recovered at the instance of the auditor.		Amount written off as irrecoverable by competent authority.		
Duty	Penalty under section 35 of Stamp Act	Duty	Penalty under Section 35 or 40 of Stamp Act	Duty	Penalty	REMARKS
8	9	10	11	12	13	14

F.C'S. Stereo. A & T. No.354

(Form S.A.4.)

STATEMENT SHOWING DEFICIENCIES IN STAMP DUTY AND COURT-FEES DISCOVERED BY-----

--STAMP AUDITOR, AND RECOVERIES MADE BY COURTS AND COLLECTORS OF THE

\_\_\_\_\_ DISTRICTS DURING THE MONTH OF 19\_\_\_\_.

(TO BE SUBMITTED BY THE AUDITORS TO THE FINANCIAL COMMISSIONERS MONTHLY)

District	Deficiencies in Court-fees and stamp duty discovered during the month		Deficiency in court-fees and stamp duty discovered during the previous month		TOTAL OF COLUMNS		Recoveries made by Courts and Collectors at the instance of the auditor during the month		Recoveries made during previous months	
					2&4	3&5				
	Duty	Penalty	Duty	Penalty	Duty	Penalty	Duty	Penalty	Duty	Penalty
1	2	3	4	5	6	7	8	9	10	11
Amount written off as irrecoverable during the month	Amount written off as irrecoverable during previous month			TOTAL OF COLUMNS		BALANCE		REMARKS		
				8,10,12 & 14	9,11,13 & 15	Column 6-column 16	Column 7-column 17			
Duty	Penalty	Duty	Penalty	Duty	Penalty	Duty	Penalty			
12	13	14	15	16	17	18	19	20		



F.c's. Stereo A. & T. No. 356

**(FORM S.A.6.)**

Certified that \_\_\_\_\_, Stamp auditor, started audit in this court/office on \_\_\_\_\_ and audited the stamp and court-fee accounts of this court or place/office for \_\_\_\_\_ days.

Dated \_\_\_\_\_

Place \_\_\_\_\_

Signature of Presiding  
Officer of Court, or Head  
of Office.