



Karachi, dated the 29<sup>th</sup> September, 2020.

## **NOTIFICATION**

**No.CIS/R&T-13-II(2019)/BOR/2020- 892:-** In exercise of the powers conferred by section 74 read with section 2(11-A), 10 and 75 of the Stamp Act, 1899 (**Act II of 1899**), the Government of Sindh are pleased to make the following rules, namely: -

1. **Short title and commencement.** - (1) These rules may be called the Sindh e-Stamp Rules, 2020.

(2) They shall come into force at once.

(3) These rules shall apply to a local area notified by the competent authority.

2. **Definitions.**- (1) In these rules, unless the context otherwise requires—

(a) "Act" means the Stamp Act, 1899 (II of 1899);

(b) "agency" means the agency specified by the competent authority to perform functions under these rules;

(c) "attesting or transferring authority" means the principal officer of a cooperative housing society, private housing society, development authority or any other authority responsible for attesting or recording the transfer of an immovable property or of any interest in an immovable property;

(d) "Bank" means State Bank of Pakistan, or any branch or agency of the State Bank of Pakistan, or any branch of a bank acting as agent of the State Bank of Pakistan under the State Bank of Pakistan Act, 1956 (XXXIII of 1956);

- (e) "Board" means Board of Revenue, Sindh established under the Sindh Board of Revenue Act, 1957 (XI of 1957);
- (f) "competent authority" means the Chief Revenue Authority;
- (g) "continuation sheet" means a blank paper, having security features, attached with the e-stamp issued by ex-officio vendor;
- (h) "ex-officio vendor" means a branch of the Bank authorized to issue e-stamps by the competent authority;
- (i) "Government" means Government of Sindh;
- (j) "PS id" means the payment service identification number uniquely identifying a receipt of online payment;
- (k) "Registrar" means Registrar appointed under the Registration Act, 1908 (XVI of 1908);
- (l) "registering authority" means the registering officer under the Registration Act, 1908 (XVI of 1908);
- (m) "stamp duty" means the duty payable under the Act;
- (n) "Sub-Registrar" means the Sub-Registrar appointed under the Registration Act, 1908 (XVI of 1908);
- (o) "system" means the e-stamping system developed through a software infrastructure;
- (p) "unique identification number" means system generated unique alpha numeric fourteen digit code; and
- (q) "user id" means unique identification code of an authorized user in the system.

(2) An expression used in these rules but not defined shall have the same meaning as assigned to it in the Act and the other rules made under it.

3. **Duties of the agency.**- The agency shall perform the following functions: -

- (a) to develop, provide and maintain the software infrastructure, including connectively with the central server, for keeping record and data of e-stamping along with requisite credentials for such periods as may, from time to time, be specified by the competent authority;
- (b) to develop, provide and maintain the system allowing public at large to generate challans meant for deposit of money in the Bank for purposes of purchase of e-stamp;
- (c) to provide training to manpower as per directions of the competent authority;
- (d) to maintain communication between the central server and the Bank, and the central server and the offices of registration authority and ex-officio vendors, or any other office or place in the province, as may, from time to time, be specified by the competent authority;
- (e) to ensure that system does not allow re-use of e-stamp or use of e-stamp against which refund has been claimed or obtained;
- (f) to issue user id and password to the Bank, ex-officio vendor, sub-registrar and others in order to allow them to have access to the system and perform duties assigned to them;
- (g) to ensure that the system shall maintain a permanent history of all the actions performed by users on it;
- (h) to arrange reliable, simultaneous and independent warehousing of data of the system;
- (i) to prepare a comprehensive user manual of the system for provision to all concerned through the competent authority;
- (j) to prepare a contingency plan to be followed in case of non-availability of the system for prolonged or indefinite periods in order to avoid disruption in provision of stamp or e-stamp to the citizens;

- (k) to develop the system so that if a person, for any reasonable cause, purchased e-stamp for an instrument, needs to pay an additional stamp duty on the same instrument, he may do so by following the procedure for purchase of e-stamp;
- (l) to ensure that the additional e-stamp purchased under clause (k) shall also contain unique identification code of the original e-stamp;
- (m) be responsible to protect integrity and reliability of the system;
- (n) to prepare and provide reports as required under these rules or as may be directed by the competent authority;
- (o) the detail of issued e-stamp shall be –
  - (i) made available on the e-stamping server maintained by the agency;
  - (ii) accessible to a person authorized by the competent authority; and
- (p) to perform any other incidental functions.

4. **Information on e-stamp.**- (1) The agency shall ensure that the system shall print the following information on the e-stamp: -

- (a) unique identification number referred to as e-stamp id;
- (b) quick response code at the bottom of e-stamp;
- (c) date and time of issuance of the e-stamp;
- (d) amount of stamp duty paid in the Bank for the purchase of the e-stamp, in words and figures;
- (e) name, number of CNIC and address of:
  - (i) the purchaser of e-stamp or his authorized representative in case of non-judicial e-stamp; and
  - (ii) the depositor in case of judicial e-stamp;
- (f) names of the parties to the instrument;

- (g) brief description of the instrument on which the stamp duty is intended to be paid;
- (h) brief description of the property or type of a court case which is the subject matter of the instrument;
- (i) user-id of the official issuing the e-stamp in quick response code at the bottom of the e-stamp;
- (j) code and location of the ex-officio vendor; and
- (k) any other distinguishing mark of the e-stamp including quick response code.

5. **Mode of payment of stamp duty.**- (1) The payment for purchase of e-stamp shall be made through system generated challan in the ex-officio vendor by use of payment methods generally accepted by the bank or online payment through PS id, as the case may be.

(2) The competent authority may require submission of information and the manner of its submission in relation to the facts and circumstances affecting the chargeability of an instrument to the duty payable through e-stamp.

(3) The submission of information, mentioned in sub-rule (2), may be made a condition-precedent for generation of challan from the system.

6. **Issuance of e-stamp.**- (1) The ex-officio vendor shall issue e-stamp immediately upon submission of original receipted copy of the challan or PS id, as the case may be, after verification of its genuineness from the system.

(2) The ex-officio vendor shall maintain such information and records as may be prescribed by the competent authority.

7. **Use of e-stamp.**- (1) Any statement or writing on the e-stamp shall be written -

- (a) on the printed part of e-stamp in such a manner that it appears on the face of the instrument; and
- (b) below the e-stamp, so that the e-stamp shall not be used for, or applied to, any other instrument.

(2) No second instrument chargeable with duty shall be written on the e-stamp on which an instrument chargeable with duty has already been written.

(3) The names of the parties, the description and nature of the transaction, the subject matter and the consideration of the instrument shall be written on the instrument.

(4) Till such date as may be notified by the competent authority for a local area, e-stamp shall be in addition to, and not in substitution of, stamps being issued through a Stamp office, treasury or sub-treasury.

8. **Number of Sheets.**- (1) In case of non-judicial e-stamp, the ex-officio vendor shall issue an e-stamp along with two continuation sheets.

(2) The e-stamp shall contain all the security features approved by the competent authority and shall inscribe the type of instrument, the denomination and the e-stamp ID:

Provided that competent authority may, by notification in the official Gazette, determine the number of continuation sheets required for any type or denomination of e-stamp.

(3) If the e-stamp and continuation sheets are not sufficient, one or more plain papers may be subjoined for the completion of the instrument.

9. **Single sheet for e-stamp.**-(1) The ex-officio vendor shall issue e-stamp on a single sheet.

(2) If a single sheet of judicial e-stamp is inadequate to cover the text of the pleadings, the judicial e-stamp may be subjoined by one or more plain papers.

10. **Verification of e-stamp.**-(1) The registering authority shall before registration of a document, verify the information printed on e-stamp, such as -

- (a) e-Stamp ID;
- (b) ex-officio vendor's reference number;
- (c) the amount, document description; and
- (d) the names of the parties and the number of the CNICs.

(2) The information required under sub-rule (1), shall be verified through –

- (a) the information retrieved through e-stamping system by entering unique e-stamp ID;
- (b) the information retrieved through mobile application by scanning quick response code of e-stamp; and
- (c) the information retrieved through the e-stamping system by entering unique Challan ID printed on challan.

(3) If the information retrieved under sub-rule (1) does not match, the e-stamp shall be considered as a fake and tampered document.

(4) The registering authority, attesting or transferring authority, Collector or any person authorized on behalf of a Court -

- (a) disable the stamp id of the e-stamp after verifying the details; or
- (b) lock e-stamp to prevent the re-use of such stamps.

(5) All other authorities, to whom an instrument written on e-stamp is presented for action in accordance with law, shall get the e-stamp verified before initiating any action on the instrument presented to them.

**11. Audit and Inspection.**– (1) The competent authority may make arrangements for regular or surprise audit including information technology audit and inspection of the agency, registering authorities or others related to the use of e-stamp and may take such action as it may deem necessary.

(2) The competent authority may require any entity to submit information regarding e-stamp; provided that the entity may reasonably be in a position to render the requisite information.

**12. Refund or cancellation of the e-stamp.**– (1) The Chief Inspector of Stamps or Collector may, on an application in the prescribed manner, accompanied with the original spoiled, misused, unused or not required for use e-stamp, if satisfied as to the facts and circumstances of the case, make allowance for such e-stamp under the provisions of the Stamps (Non-Judicial) Refund, Renewal and Disposal Rules, 1954.

(2) The Treasury Officer or Sub-Treasury Officer shall, before finalization of a case of refund in respect of e-stamp, confirm through the e-stamping system, the name of the parties, the type of instrument and the amount of e-stamp and also ensure that the e-stamp has not been utilized either for registration or for any other purpose.

(3) The refund granted under this rule shall be recorded in the system.

(4) No authority shall entertain an instrument written on e-stamp against which refund has been allowed by the Treasury Officer or Sub-Treasury Officer.

(5) The Chief Inspector of Stamps or Collector may, on an application, authorize payment in lieu of judicial e-stamp, issued under the Court Fee Act, 1870 (VII of 1870), if the applicant produces original spoiled, misused, unused or unrequired e-stamp and certificate of the Court to that effect before the Chief Inspector of Stamps or Collector.

13. **Fixation of the denomination.**— The competent authority may, by notification, fix the value and type of stamp (judicial or non-judicial) for which the e-stamp shall be issued.

14. **Deficiency in stamp duty.**—(1) If parties to the instrument want to deposit the deficiency in stamp duty of the unexecuted instrument, only first page of e-stamp containing the unique identification number of the original e-stamp shall be issued by the ex-officio vendor upon receipt of deficient amount.

(2) The amount deposited under sub-rule (1), shall be reflected in the deficiency box, both in figures and words.

(3) If penalty is imposed by the Chief Inspector of Stamps or Collector due to deficiency in the stamp duty on the executed instrument, on deposit of deficient amount and penalty in the bank, the provision of sub-rule (1) shall, as far as possible, apply for issuance of e-stamp.

15. **Unreadable unique identification number.**— If unique identification number is not legible or is not available in the system or e-stamp is damaged in such a manner that it is not readable, e-stamp shall be deemed to be invalid and the instrument shall be considered as unstamped.

16. **Pecuniary loss to the Government.**— In case of any pecuniary loss to the public exchequer owing to non-compliance with the provisions of the Act or rules, the concerned public officer shall be personally responsible for the loss and shall make good the loss:

Provided that the public officer concerned shall be entitled to recover the stamp duty due from the person from whom the stamp duty should have been collected.

17. **Tampered document.**— (1) If an instrument or e-stamp is found tampered, it shall be considered as unstamped.

(2) In case of a tampered instrument or e-stamp, the Chief Inspector of Stamps or Collector shall impose a penalty upto ten times of the chargeable duty under section 40 of the Act.

18. **Responsibility of password secrecy.**— (1) The person, to whom such password has been allotted by the agency, shall be personally responsible for -

- (a) the password secrecy; and
- (b) any pecuniary loss to the Government exchequer due to breach of the password secrecy.

(2) The ex-officio vendor shall change the password immediately after its allotment to maintain the password secrecy.

19. **Maintenance of record.**— (1) The agency shall, on day-to-day basis, record all details of stamp duty collected through the system and remitted to Government account.

(2) The agency shall furnish the following information and reports to the competent authority after deriving them from the system -

- (i) payment reports;
- (ii) deficiency stamp duty certificate reports;
- (iii) locked e-stamp certificate reports;
- (iv) remittance reports;
- (v) cancelled e-stamp certificate report; and
- (vi) any other report or information as may be required by the competent authority.

(3) The agency shall be solely responsible for securing the system from hacking and security of data.

20. **Affixation of Challan on the e-stamp.**— In case of a registered deed or transfer made by a Cooperative Housing Society or Housing Authority, challan shall be so affixed on the e-stamp that it shall not be detached from the instrument.

21. **Non-issuance of a duplicate e-stamp.**— A duplicate copy of an e-stamp shall, in no case, be issued.

**SECRETARY TO GOVT OF SINDH  
REVENUE DEPARTMENT**