

GOVERNMENT OF KERALA
Law (Legislation-A) Department

NOTIFICATION

No. 5048/Leg. A2/2010/Law

Dated, Thiruvananthapuram, 28th July, 2010
6th Sravana, 1932.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 28th day of July, 2010.

By order of the Governor,

K. MADHUSUDHANAN NAIR,
Special Secretary (Law).

ACT 10 OF 2010
THE KERALA FINANCE ACT, 2010

An Act to give effect to certain financial proposals of the Government of Kerala for the Financial Year 2010-2011.

Preamble.- WHEREAS, it is expedient to give effect to certain financial proposals of the Government of Kerala for the Financial Year 2010-2011;

BE it enacted in the Sixty-first Year of the Republic of India as follows:-

1. *Short title and commencement.-* (1) This Act may be called the Kerala Finance Act, 2010.

(2) Save as otherwise provided in this Act,-

(a) sub-clauses (i), (iii) and (iv) of clause (b) and sub-clauses (i) and (ii) of clause (c) of sub-section (21) of section 8 shall be deemed to have come into force on the 1st day of April, 2005;

(b) sub-clause (iii) of clause (c) sub-section (21) of section (21) of section 8 shall be deemed to have come into force on the 1st day of April, 2007;

(c) clause (i) of sub-section (3) of section 4 and clause (ii) of sub-section (10) of section 8 shall be deemed to have come into force on the 1st day of April, 2008;

(d) clause (i) of sub-section (4) of section 4 shall be deemed to have come into force on the 1st day of April, 2009;

(e) sub-clause (iv) of clause (a) and sub-clause (viii) of clause (b) of sub-section (21) of section 8 shall be deemed to have come into force on the 18th day of September, 2009;

(f) clause (iv) of sub-section (4) of section 8 shall be deemed to have come into force on the 13th day of November, 2009;

(g) clause (ix) of sub-section (3) of section 3; item (r) in serial number 3 (i) of clause (i) and clause (ii) of sub-section (3) of section 5; clause (iii) of sub-section (2) of section 6; and section 9 shall come into force at once; and

(h) the remaining provisions of this Act shall be deemed to have come into force on the 1st day of April, 2010.

3. *Amendment of Act 17 of 1959.*- In the Kerala Stamp Act, 1959 (17 of 1959),-

(1) after section 30, the following section shall be inserted, namely :-

“30 A. *No surcharge on stamp duty.*- Notwithstanding anything contained in the Kerala Panchayath Raj Act, 1994 (13 of 1994) or in the Kerala Municipality Act, 1994 (20 of 1944), no surcharge on stamp duty shall be levied and collected on any instrument by a Grama Panchayat, Municipality or Municipal Corporation.”;

(2) in section 45 A,-

(i) in sub-section (1), the words and symbols “other than an instrument of partition, settlement or gift among members of a family,” shall be omitted ;

(ii) in sub-section (3), for the words “the instrument shall be duly registered”, the words “he shall duly register such instrument and certify by endorsement on the instrument under his seal and signature that proper stamp duty has been charged and paid” shall be substituted ;

(3) in the SCHEDULE,-

(i) in serial number 5, in clause (d), for the entries against it in column (3), the following entries shall be substituted, namely:-

“One hundred rupees”;

(ii) in serial number 6, after sub-clause (a) and (b) the following shall be inserted, namely:-

“(i) If the amount secured is up to rupees 5 lakhs	0.5% of the amount
(ii) If the amount secured exceeds rupees 5 lakhs but does not exceed rupees 20 lakhs	0.5% of the amount subject to a maximum of rupees 5,000.
(iii) If the amount secured exceeds rupees	0.5% of the amount

20 lakhs but does not exceed rupees 50 lakhs subject to a maximum of rupees 10,000.

(iv) If the amount secured exceeds rupees 50 lakhs 0.25% of the amount subject to a minimum of rupees 20,000 and a maximum of rupees 25,000.”;

(iii) in serial number 21, for the entries in column (3), the following entries shall be substituted, namely:-

“Seven rupees for every rupees 100 or part thereof of the fair value of the land or the amount or value of the consideration for such conveyance, which is higher.”;

(iv) for serial number 22 and the entries against it in columns (2) and (3), the following serial number and entries shall respectively be substituted, namely:-

“22 Conveyance as defined by section 2 (d), not being a transfer charged or exempted under No. 55 of immovable property situated,-

(i) within the Municipalities/Townships/ Cantonments other than Corporations.

Eight rupees for every rupees 100 or part thereof of the fair value of the land or the amount or value of the consideration for such conveyance, whichever is higher.

(ii) within the Municipal Corporations.

Nine rupees for every rupees 100 or part thereof of the fair value of the land or the amount or value of the consideration for such conveyance, whichever is higher.”;

(v) in serial number 29, for the entries in column (3), the following entries shall be substituted, namely:-

“The same duty as a conveyance (No. 21 or 22 as the case may be) for the fair value of the land or for the amount of the consideration, whichever is higher, of the property of the greater value as set forth in such instrument.”;

(vi) for serial number 31 and the entries against it in columns (2) and (3), the following serial number and entries shall respectively be substituted, namely:-

“31 Gift – instrument of not being a settlement or will or transfer,

(i) where the gift is in favour of father, mother, husband, wife, son, daughter, brother or sister of a person.

Two rupees for every rupees 100 or part thereof of the fair value of the land or the value set forth in the instrument, whichever is higher.

(ii) in any other case

The same duty as a conveyance (No. 21 or 22 as the case may be).”;

(vii) in serial number 42,-

(a) in clause (i), for the entries in column (3), the following entries shall be substituted, namely:-

“One rupee for every rupees 100 or part thereof of the amount of the value or fair value of the separated share or shares of the property, whichever is higher.”;

(b) in clause (ii), for the entries in column (3), the following entries shall be substituted, namely:-

“Six rupees for every rupees 100 or part thereof of the amount of the value or fair value of the separated share or shares of the property, whichever is higher.”;

(c) for the existing explanation the following shall be substituted, namely:-

“*Explanation.*-Family means father, mother, husband, wife, son, daughter, brother, sister and legal heirs of the deceased children, if any, as the case may be.”.

(viii) in serial number 44,-

(a) in clause (a), for the entries in column (3), the following entries shall be substituted, namely:-

“Fifty rupees.”;

(b) in clause (b), for the entries in column (3), the following entries shall be substituted, namely:-

“One hundred rupees.”;

(c) in clause (c), for the entries in column (3), the following entries shall be substituted, namely:-

“Three hundred rupees.”;

(d) in clause (d), for the entries in column (3), the following entries shall be substituted, namely:-

“One thousand rupees.”;

(e) in clause (e), for the entries in column (3), the following entries shall be substituted, namely:-

“The same duty as a conveyance (No. 21 or 22 as the case may be) for the fair value of the land or for the amount of the consideration, whichever is higher.”;

(f) in clause (f), for the entries in column (3), the following entries shall be substituted, namely:-

“The same duty as a conveyance (No. 21 or 22 as the case may be) for the fair value of the land or the amount of consideration/ estimate, whichever is higher.”;

(g) in clause (g), for the entries in column (3), the following entries shall be substituted, namely:-

“Rupees three hundred for each person authorised.”;

(ix) in serial number 48, for clause (a) and (b) the following clauses shall be substituted, namely:-

“(a) When such release operates in favour of father, mother, husband, wife, son, daughter, brother or sister of a person.	One rupee for every rupees 100 or part thereof of the amount or value of the property or claim or fair value of the land of which the right is relinquished in proportion to the right relinquished or consideration for the release, whichever
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is higher.”;

(b) in any other case

The same duty as conveyance (No. 21 or 22, as the case may be) for such amount or value of the property or claim or fair value of the land of which the right is relinquished in proportion to the right relinquished or consideration for the release, whichever is higher.”.

(x) in serial number 51, for clause (a) and the entries against it in columns (2) and (3), the following clause and entries shall respectively be substituted, namely:-

“(a) instrument of (including a deed of dower),

(i) where the settlement is in favour of father, mother, husband, wife, son, daughter, brother or sister of a person. Rupees two for every rupees 100 or part thereof of the fair value of the land or the value set forth in such instrument, whichever is higher.

(ii) in any other case

The same duty as Bottomry Bond (No. 14) for a sum equal to the amount or value of the property settled as set forth in such instrument or fair value of the land, whichever is higher.

Exemption:
Deed of dower executed on the occasion of a marriage between Muhammadans:

“Where an agreement to settle is stamped with the stamp required for an instrument of settlement and an instrument in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed five rupees.”.

9. *Validation.*- (1) Notwithstanding anything contained in the Kerala Provisional Collection of Revenue Act, 1985 (10 of 1985) or in the Kerala Stamp Act, 1959 (17 of 1959) or in the Kerala Value Added Tax Act, 2003 (30 of 2004) or in any other law for the time being in force, during the period commencing on and from the 1st day of April, 2010 to the date of publication of this Act, during which the declared provision contained in the Kerala Finance Bill, 2010 (Bill No. 330 of the XII Kerala Legislative Assembly) were in force, anything done or any action taken or any tax or duty collected by virtue of the provisions of the said Bill shall be deemed to have been validly done or taken or collected under the said Acts as if the said amendments had been in force on and from the 1st day of April, 2010 to the date of publication of this Act and no action shall lie against any dealer or authority on the ground of short levy or for refund of excess tax or duty and the tax or duty so collected or paid by a dealer or authority, if any, shall be paid over to the Government.