



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ - IV-A	ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ಮೇ ೪, ೨೦೦೯ (ವೈಶಾಖ ೧೪, ಶಕ ವರ್ಷ ೧೯೩೧)	ನಂ. ೨೨೧
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Revenue Secretariat

NOTIFICATION

No. RD 380 MUNOMU 2008, BANGALORE, Dated: 8th April, 2009

In exercise of the powers conferred under section 10 and section 68 of the Karnataka Stamp Act, 1957 (Karnataka Act, 34 of 1957), the Government of Karnataka hereby makes the following rules namely:-

RULES

CHAPTER- I - Preliminary

1. Title and commencement :- 1) These Rules may be called "The Karnataka Stamp (Payment of Duty by Means of e-stamping) Rules, 2009.

2) They shall come into force from the date of publication in the official Gazette.

2. Definitions:- In these rules unless the context otherwise requires:-

- (a) "Act" means the Karnataka Stamp Act, 1957 (Karnataka Act no. 34 of 1957).
- (b) "Agreement" means the agreement executed under Rule 6:-
- (c) "Appointing authority" means the Inspector General of Registration appointed under section 3(1) of the Registration Act, 1908 and includes the Chief Controlling Revenue Authority under the Karnataka Stamp Act 1957.
- (d) "Approved Intermediary" / "Authorised Collection Center" / "Authorised Stamping Centre" shall mean and include an agent appointed by the Central Record Keeping Agency, with prior approval of the Chief Controlling Revenue Authority to act as an intermediary between the Central Record Keeping Agency, and the Stamp duty payer for collection of Stamp duty; and for issuing 'e' stamp certificates.
- (e) "Central Record Keeping Agency" means and includes an agency for computerization of stamp duty administration system appointed under Rule-4.

- (f) **“Department”** means the department of Stamps and Registration of the Government of Karnataka.
- (g) **“Depository Services”** means and includes depository related services rendered in de-mat account, trading account in respect of marketable securities, and other auxiliary services
- (h) **“e-Stamp”** means an electronically generated impression on paper to denote the payment of Stamp duty, by Central Record Keeping Agency.
- (i) **“Government”** means the Government of Karnataka
- (j) **“Grievance Redressal Officer”** means and includes the Deputy Commissioner of Stamps or any other officer not below the rank of Assistant Commissioner of stamps, authorised by the Chief Controlling Revenue Authority, to be Grievance Redressal Officer..
- (k) **“State”** means the State of Karnataka
- (l) **“Stamp Duty”** means the duty payable under the Act.

The words not defined in these rules shall have the same meaning as assigned to them in the Karnataka Stamp Act 1957 and the Registration Act 1908 (Central Act 16 of 1908) and the rules framed thereunder.

CHAPTER-II

Central Record Keeping Agency

3. Eligibility for appointment as Central Record Keeping Agency.- Any Public Financial Institution, Scheduled Bank, Body Corporate engaged in providing depository services appointed by Central Government or recognized by State Government or any Body Corporate where not less than 51 percent of equity capital is held by any of the entities mentioned above - either solely or in consortium shall be eligible for appointment as Central Record Keeping Agency.

4. Appointment of Central Record Keeping Agency.- The Appointing Authority shall appoint by notification an agency to function as Central Record Keeping Agency for the State or for the specified districts or places in the State from time to time, by adopting any of the following orders of preference namely:-

(a) on the basis of recommendations, if any, of the Central Government regarding appointment of Central Record Keeping Agency, issued from time to time; and in case such recommendation is not available;

(b) by inviting technical and commercial bids through a duly constituted expert selection committee, by the Appointing Authority.

5. Term of appointment.- The term of appointment of the Central Record Keeping Agency may be for five years or such period as may be decided by the Appointing Authority.

6. Agreement, Undertaking and Indemnity Bond.- (1) The Central Record Keeping Agency shall execute an Agreement in FORM I appended to these Rules;

(2) The terms and conditions of the Agreement in Form-1 may be modified by mutual consent of both the parties to it.

(3) The Central Record Keeping Agency shall execute an “Undertaking and Indemnity Bond” in FORM-2

7. Termination of appointment of Central Record Agency:- (1) The appointment of the Central Record Keeping Agency may be terminated by the appointing authority before the agreed term of appointment, on the ground of any breach of obligation or term of agreement or financial irregularity or for any other sufficient reason such termination is justified according to the appointing authority.

(2) The decision to terminate the appointment under sub rule (1) shall be made-

- (a) after the Central Record Keeping Agency has been given one month's notice specifying the details of grounds for such termination and,
- (b) has been given a reasonable opportunity of being heard.

(3) The appointing authority, if he is of the opinion that the provisions of the Karnataka Stamp Act, 1957 have been violated, after following the procedure under the sub-rule (2), may also impose a penalty in accordance with the provisions of chapter VII of the said Act.

8. Renewal of appointment.- 1) The application for renewal of appointment of the Central Record Keeping Agency will be made to the Appointing Authority at least three months before the expiry of the running term of appointment,

(2) The appointing authority before taking decision on the application may call for any information or record from the concerned offices or Central Record Keeping Agency or Authorised Collection Centre or any other person /institution/ authority, constituted under any law for the time being in force;

(3) The appointing authority, if satisfied may renew the term of appointment, made under rule 4.

(4) In the event of the appointing authority deciding to renew the appointment, a fresh Agreement in Form 1 and "Undertaking and Indemnity Bond" in Form 2, shall be executed by the Central Record Keeping Agency

(5) The appointing authority, may refuse the renewal of term of appointment

CHAPTER - III **Duties of the Central Record Keeping Agency**

9. Duties of Central Record Keeping Agency,- The Central Record Keeping Agency shall be responsible for,-

- (a) Providing software infrastructure, in consultation with the appointing authority, (including its connectivity with the main server), in specified districts or places such as the offices of sub-registrars, District Registrars /Deputy Commissioners of Stamps Authorised Collection Centers (the point of contact for payment of Stamp duty) and at other places in the State, as specified from time to time by the Appointing Authority .
- (b) Providing Training to the identified manpower/ personnel of the department of Stamps and Registration;
- (c) Facilitating selection of Authorised Collection Centres for, collection of Stamp duty and issuing e-stamp certificate.
- (d) Coordinating between the Central Server / Authorised Collection Centres (banks, etc.) and the offices of the Sub-Registrar, District Registrar/Deputy Commissioner of Stamps, or any other office or place in the state, as specified from time to time, by the Appointing Authority.

- (e) Collecting Stamp duty and remitting it to the prescribed Head of Account of the State in accordance with these rules.
- (f) Preparing and providing various reports as required under these rules and as directed by the Appointing Authority from time to time.

10. Commission / Discount allowable to the Central Record Keeping Agency.- 1)

The Central Record Keeping Agency will be entitled to such agreed percentage of discount / commission on the amount of Stamp duty collected by Approved Intermediaries / Authorised Collection Centres, not exceeding 0.65 percentage as may be specified in the terms of the Agreement

(2) The Appointing Authority may allow the discount / commission payable to Central Record Keeping Agency, only after deducting from the discount / commission the compulsory duties/taxes payable to the central/state Government.

11. Specification of software to be used by Central Record Keeping Agency.- The Central Record Keeping Agency, in consultation with the Appointing Authority, shall design and use such software, to indicate the following minimum details on the e-Stamp Certificate, and also for other requirements.

- a. Distinguished serial number /Unique identification number of the e-stamp Certificate so that it is not repeated on any other e-stamp certificate during the lifetime of the e-stamping system,
- b. Date and time of issue of the e-stamp certificate,
- c. Amount of Stamp duty paid through the e-stamp certificate, in words and figures,
- d. Name and address of the purchaser /authorized person of the e-stamp certificate,
- e. Names of the parties to the instrument,
- f. Brief description of the instrument on which the Stamp duty is intended to be paid,
- g. Brief description of the property which is subject matter of the instrument,
- h. User- id of the official issuing the e-stamp certificate.
- i. Code and location of the 'e-stamp certificate issuing branch' of the Central Record Keeping Agency or Authorized Collection Centre/Approved Intermediary .
- j. Any other distinguishing mark of the e-stamp certificate e.g. bar code/security code,
- k. Space for signature and seal of the 'e-stamp certificate issuing officer/ authorized signatory' of the Central Record Keeping Agency or Authorized Collection Centre/Approved Intermediary .
- l. Availability of facility to the sub-registrar / District Registrar (Deputy Commissioner of Stamps) to disable/lock the e-stamp certificate, to prevent the repeated use of any e-stamp certificate.
- m. Facility to cancel the 'spoiled/ unused or not required for use' e-stamp certificate,
- n. Providing for passwords and codes to the designated/authorized officials of the department to search and view any e-stamp Certificate and to access Management Information System and Decision Support System reports,
- o. Availability of details of the issued e-stamp Certificate on the e-stamping Server maintained by the Central Record Keeping Agency,
- p. Availability of different transaction details and reports relating to e-stamping, as mentioned in rule 44 on the website of the Central Record Keeping Agency which will be accessible to the officers designated/authorized by the Appointing Authority.

CHAPTER – IV

Authorized Collection Centers (ACCs)

12. Appointment of Authorized Collection Center or Approved Intermediary/Authorized stamping center. - The Central Record Keeping Agency shall appoint Authorized Collection Centers / Approved Intermediaries/Authorized stamping center, with the prior approval of the Appointing Authority, to act as an intermediary between the Central Record Keeping Agency and the Stamp duty payer for collection of Stamp duty and for issuing 'e' stamp certificate.

13. Eligibility for appointment of Authorized Collection Center,- Any Scheduled Bank, Financial Institution or undertaking controlled by Central or State Government Post Offices or such other agencies as approved by the Appointing authority shall be eligible for appointment as Authorized Collection Centre / Approved Intermediary/ Authorized stamping center,

14. Central Record Keeping Agency to collect Stamp duty,-All the offices / branches of the Central Record Keeping Agency or Authorized Collection Centers authorized in this behalf by the Appointing Authority, shall be entitled to collect the amount of Stamp duty from the Stamp duty payer. in districts / places as specified by the Appointing Authority from time to time.

15. Infrastructure.- The Approved Intermediaries/ Authorised Collection Centers shall be equipped with the required computer systems, printers, internet connectivity and other related infrastructure which are necessary to implement the e-stamping system as specified by the Central Record Keeping Agency from time to time in consultation with the Appointing Authority.

16. Cost of Infrastructure,- The cost of providing equipment and infrastructure referred to in rule (15) shall be borne by the concerned Approved Intermediaries/Authorised Collection Centers/ Central Record Keeping Agency as the case may be.

17. Government to provide necessary hardware and infrastructure in the offices of the department,- The Government may provide available necessary Hardware and infrastructure at the offices of the Inspector General of Registration and Commissioner of Stamps, / Chief Controlling Revenue Authority, Sub-Registrars / District Registrars / Deputy Commissioner of Stamps or such other offices, authorised in this behalf, which would include a Personal Computer, printer, bar code scanner, internet connection as required for implementing the e-stamping system.

18. Termination of agency of Authorised Collection Centre,- The Appointing Authority may at any time, for reasons to be recorded in writing, direct the Central Record Keeping Agency to terminate the agency of any Authorized Collection Centre and upon such direction, the Central Record Keeping Agency shall terminate the agency of such Authorized Collection Centre.

CHAPTER PART – V

Remittance of the Stamp duty to Government account

19. Central Record Keeping Agency to Remit the Stamp duty (less, the prescribed discount/commission) to Government account on next working day,- 1) The Central Record Keeping Agency shall be responsible to remit the consolidated amount of Stamp duty collected by its offices/ branches and by its Authorised Collection Centres to “0030-02-103-0-01 Non – Judicial” head of account or any other notified head of account of the State, in the manner prescribed hereunder.

(i) In case of stamp duty, collected by way of cash /Real Time Gross Settlement / Electronic Clearance System or any other mode of electronic transfer of funds, the Central Record Keeping Agency shall remit the consolidated amount of stamp duty (less, the prescribed discount/commission) to the prescribed head of account of the state, not later than the closing of the next working day, after the day of such collection of the amount of stamp duty.

(ii) In case of stamp duty, collected by way of pay order / Demand draft, the Central Record Keeping Agency shall remit the consolidated amount of stamp duty (less, the prescribed discount/commission) to the prescribed head of account of the state, not later than the closing of the second working day, after the day of such collection of the amount of stamp duty.

(2) The method of remittance of the amount of Stamp duty by the Central Record Keeping Agency to the prescribed head account of the State will be through electronic clearing system, Challan or otherwise as may be directed in writing by the Appointing Authority from time to time

(3) The remittances referred to in this rule shall be made to the Government authorized Treasury Banks. And the Central Record Keeping Agency shall maintain the daily account of such remittances in the Register as prescribed in **FORM-6**

CHAPTER – VI

Procedure for Issue of e-stamp certificate

20. Application for e-stamp certificate.- Any person paying Stamp duty may approach any of the Approved Intermediaries;/ Authorised Collection Centres and furnish the requisite details in **FORM-3** along with the payment of Stamp duty amount, for getting the e-stamp certificate

21. Mode of payment of Stamp duty.- 1) The payment for purchase of e-stamp certificate may be made by means of cash, pay order, Bank draft, Electronic Clearing System, Real Time Gross Settlement or by any other mode of transferring funds as authorized by the Appointing Authority. .

(2) The Authorized Collection Center shall issue e-stamp certificate for the amount received through any of the modes of payments mentioned in sub-rule 1

(3) The Authorized Collection Center / Central Record Keeping Agency shall keep a daily account of e-stamp certificates issued in a Register to be maintained by them as prescribed in **FORM-5**

22. Issue of e-stamp certificate.- 1) The Authorised official of the Approved Intermediary shall, on the payment made under rule 21, enter the requisite information and details as provided by the applicant in the application Form- 3 in the computer system, get the correctness of such entered details verified by the applicant, take his signature on the application as proof of verification, download the e-stamp certificate (vide Annexure-A1), take out its print, sign with date and affix his official seal on the print- out and issue the e-stamp certificate to the applicant.

(2) The ink to be used in the e-stamp Certificate printer must be non- washable permanent black.

23. Signature and seal on e-stamp certificate, Size of paper and only Regular employee to be designated as issuing officer,- 1) The signature and seal showing name and designation of the issuing officer and name and address of the branch of Approved Intermediary shall be made in black ink

(2) The e-stamp Certificate shall be printed on 80 GSM quality paper of the size 210 Mms. X 297 Mms. with a margin of 3.5 Cms. on the left and 1.5 Cms. on the right side of the page or such other appropriate margins as may be determined by the Appointing Authority

(3) The Approved Intermediary / Authorised Collection Centre shall ensure that the person who has been authorised to issue e-stamp Certificate, is a regular full time employee of the Approved Intermediary / Authorised Collection Centre, having suitable credentials.

24. Details of e-stamp Certificate to be on website.- The details of the issued e-stamp Certificate shall be made available on the e-stamping Server maintained by the Central Record Keeping Agency and shall be accessible to any person authorized by the Appointing Authority in this behalf, including the Sub Registrar, District Registrar/Deputy Commissioner of Stamps holding a valid code or password which shall be provided by the Central Record Keeping Agency;

25. Payment of additional Stamp duty.- If for any reason a person, who has an e-stamp Certificate of certain denomination issued for a document, needs to pay an additional Stamp duty on the same document, he may make an application in the prescribed format (FORM-3) along with the payment of such required amount of additional Stamp duty to the Approved Intermediary/ Authorized collection Center, in accordance with the provisions of the Act.

26. Issue of e-stamp Certificate for additional Stamp duty.- 1) The Approved Intermediary shall issue e-stamp Certificate for such additional Stamp duty on separate sheet of paper in the same way as laid down in rules 21 to 24

(2) The party to an instrument may, at his discretion, use impressed stamp(s) together with the e-stamp Certificate to pay stamp duty chargeable on such instrument under the Act. The use of one type of stamp shall not exclude the use of other type of stamp in the same instrument

27. Use of e-stamp certificate.- (1) Every instrument written upon paper stamped with an e-stamp Certificate shall be written in such manner that the e-stamp Certificate may appear on the face of the instrument, and a portion of the Instrument written below the "e-stamp" certificate, so that the 'e' Stamp Certificate can not be used for or applied to any other instrument

(2) No second Instrument chargeable with duty shall be written upon or using the 'e'-stamp certificate, upon which or using the same, an Instrument chargeable with duty has already been written

(3) Every instrument written in contravention of sub-rule (1) and (2) shall be deemed to be unstamped

28. The distinguished unique identification number of the e-stamp Certificate to be written on each page of the instrument.- The distinguished unique identification number of the e-stamp Certificate shall be written or typed at the top center of each page of the instrument

29. Registering officer to verify the details of 'e'-stamp certificate.- The Sub-registrar, District Registrar/Deputy Commissioner of Stamps shall verify the details of the e-stamp Certificate used in an instrument by entering its distinguishing unique identification number in the computer system by accessing the relevant website of the Central Record Keeping Agency by using the code/ pass word provided by the Central Record Keeping Agency and verify the details of the certificate with the details displayed on the system.

30. Sub-Registrar / District Registrar to disable the distinguishing serial number of the e - stamp certificate.- After verifying the details, the sub-registrar, District Registrar/Deputy Commissioner of Stamps shall disable or lock the distinguishing unique identification number of the e-stamp Certificate to prevent repeated use of such e-stamp certificate.

CHAPTER - VII Cancellation and refund of e-stamps

31. Procedure for refund of spoiled/ unused/ not required for use e-stamp certificate.- The State Government / Chief Controlling Revenue Authority / Deputy Commissioner of stamps may, on an application in the prescribed format (Form-4) accompanied with the original 'spoiled or misused unused or not required for use e-stamp certificate', if satisfied as to the facts & circumstances of the case, make allowance for such e-stamp Certificate in accordance with the provisions of sections 47 to 52-A contained in Chapter V of 'the Act' and the rules 16 & 17 of the Karnataka Stamp Rules, 1958, framed under the Act.

32. The Deputy Commissioner of Stamps to cancel the e-stamp certificate and refund its amount. 1) The Deputy Commissioner of Stamps after such verification shall cancel the verified e-stamp Certificate, endorse the fact of cancellation on the e-stamp Certificate with his signature and seal and refund the amount as required in the said Act and disable or lock such e-stamp certificate.

(2) The Deputy Commissioner of Stamps shall maintain a record of such cancelled e-stamp Certificates in his office and send the details of the same to the Chief Controlling Revenue Authority, in the first week of every month.

(3) The refund, if any, under sub-rule (1) shall be made by the Deputy Commissioner of Stamps only by means of Treasury cheque drawn in favour of the person in whose name the e-stamp Certificate was issued.

CHAPTER - VIII Inspections, audit and appraisal of the performance of the system

33. Who may inspect.- 1) The Deputy Commissioner of Stamps or any authorized officer of the department and any private or public sector technical cum audit expert/ agency duly authorised by the Chief Controlling Revenue Authority in this behalf may inspect all or any of the branches / offices of the Central Record Keeping Agency and Approved Intermediaries /Authorized Collection Center located within its jurisdiction as prescribed in the "Schedule of Inspections" vide Annexure- 1.

(2) The Chief Controlling Revenue Authority may, however, at any time on receipt of a complaint or *suo motu*, direct any official of the department to inspect any branch /office of the Central Record Keeping Agency or Approved Intermediaries/ Authorized Collection Centers and to submit report, besides the regular inspections mentioned in sub-rule (1).

(3) The Accountant General Karnataka may also conduct annual audit of the receipts and remittances made by the Central Record Keeping Agency.

34. Schedule of Inspections and audit.- All or any of the branches/ offices of the Central Record Keeping Agency and Approved Intermediaries in the State may be inspected and audited, as far as possible, according to the Schedule of Inspections referred to in rule 33 .

35. Central Record Keeping Agency / Authorised Collection Centre bound to provide information.- During such inspection, the inspecting officer or the expert/ agency may require the Officer in-charge of such branch/office to provide any information on soft and/or hard copy of any electronic or digital record with regard to the collection and remittance of

Stamp duty relating to any period and the concerned Central Record Keeping Agency or Approved Intermediary shall be bound to provide such information.

36. Inspection report.- The inspecting officer shall within one week and the technical cum audit expert/ agency shall within two weeks, from the date of inspection, submit his inspection report to the Appointing Authority /Chief Controlling Revenue Authority.

37. Chief Controlling Revenue Authority / Appointing Authority to take appropriate action.- The Chief Controlling Revenue Authority on receipt of such inspection report may take appropriate action including imposition of penalty in accordance with Chapter VII of the Act and or termination of appointment of Central Record Keeping Agency or the Authorised Collection Centre if so warranted by the circumstances, after giving an opportunity of being heard .

CHAPTER – IX

Penalty for omissions and violations

38. Penalty for delay in remittance to government account.- In case the Central Record Keeping Agency fails to remit the amount of Stamp duty collected within the period as stipulated in rule 19, the Central Record Keeping Agency shall be liable, as specified in the terms of the agreement (in form-1) being entered into between the Chief Controlling Revenue Authority and the Central Record Keeping Agency, to pay, along with the collected amount of Stamp duty, an interest amount calculated @ 12 % per annum on the amount of stamp duty so collected, for the period of delay in day(s). Any part of a day will be treated as one day for the purpose of such calculation.

39. Resolve of disputes and place for resolving disputes.-In case of any dispute on any issue, the decision of the Appointing Authority shall be final and the place for resolving such disputes shall be at Bangalore.

CHAPTER - X - Arbitration

Public Grievance redressal system

40. Grievance Redressal Officers.- 1) The Appointing Authority may designate District Registrar / Deputy Commissioner of Stamps or any other officers of the department not below the rank of Assistant Commissioner of Stamps to be 'Grievance Redressal Officers' to enquire into the complaints received against the misconduct or irregularities of the Central Record Keeping Agency or its Authorised Collection Centres or any other official related with the implementation of the e-stamping system.

(2) These Grievance Redressal officers will be allocated specified districts/places for entertaining the complaints.

41. Complaint to Grievance Redressal officer.- Any person who has any grievance against the services of the Central Record Keeping Agency or any of its Authorised Collection Centre or any other official related with the implementation of these rules, may make a complaint to the concerned Grievance Redressal officer.

42. Opportunity of being heard.- The Grievance Redressal officer will conduct a fair enquiry with regard to such complaints, by giving an opportunity of being heard to the parties concerned; and redress the grievance suitably; and submit the enquiry report to the Appointing Authority.

43. Appointing Authority / Chief Controlling Revenue Authority to take appropriate action on enquiry reports.- On the basis of the enquiry report, the Appointing Authority may take appropriate action under these rules against the Central Record Keeping Agency/Authorized Collection Centre or may make suitable recommendation to the employer of the concerned official for taking appropriate action.

CHAPTER – XI**Management Information System (MIS)/ Decision Support System (DSS)**

44. Central Record Keeping Agency to furnish reports to the department.- The Central Record Keeping Agency shall be responsible to furnish the following information reports to the Chief Controlling Revenue Authority and to any other officers specified in this behalf:

- (i) Audit reports; - tracking of all system based actions performed by users of branches/ offices of the Central Record Keeping Agency and the Authorised Collection Centers pertaining to any specified day or period.
- (ii) Payment reports;- total collection report of all branches/offices of the Central Record Keeping Agency and the Authorised Collection Centres pertaining to any specified day or period.
- (iii) Additional Stamp duty certificate reports;- for all the branches/ offices of the Central Record Keeping Agency and Authorised Collection Centres pertaining to any specified day or period
- (iv) Disabled (locked) e-stamp Certificate report; – relating to all the Offices of sub-registrars, District Registrars / Deputy commissioners of Stamps or such places / districts of the state where this system is in force, pertaining to any specified day or period
- (v) Remittance reports; – the state wise daily, weekly, fortnightly and monthly or desired period details of the remittances made by the Central Record Keeping Agency into the Government account.
- (vi) Report of cancelled e-stamp Certificates relating to any period of all the districts.
- (vii) Any other report or information as may be required by the Chief Controlling Revenue Authority from time to time.

Appendix

Forms under these Rules-

1. Form-1-Agreement with Central Record Keeping Agency -(see rule 6).
2. Form-2-Indemnity Bond by Central Record Keeping Agency -(see rule 6).
3. Form-3-Application for e-stamp-(see rule 20 & 25).
4. Form 4-Application for refund of Stamp duty-(see rule 31).
5. Form 5-Register regarding daily postings of applications for e-stamp certificates and e-stamp certificates issued; to be maintained by the Authorized Collection Center/Central Record Keeping Agency.(See Rule 21(3)).
6. Form 6- Register regarding daily stamp duty collected and remitted to Government; to be maintained by the Central Record Keeping Agency.(See Rule 19(3)).

Annexures-

Annexure-1-Schedule of audit and inspections-(see rule 33).

Annexure-A Service Level Agreement (see Rule 6)

Annexure-A1-“e”-stamp certificate” (see rule 22).

By order and in the name of the Governor of Karnataka,

T.K.RAMACHANDRA

Under Secretary to Government
Revenue Department
(Stamps and Registration)

Annexure – 1

**SCHEDULE OF INSPECTIONS AND AUDIT
OF THE CENTRAL RECORD KEEPING AGENCY AND THE AUTHORISED COLLECTION
CENTRES
(See Rule 33)**

Sl. No.	Name of the authority/ agency	Jurisdiction	Frequency of inspection	Points of inspection	Whom to submit the report
1	Deputy Commissioner of Stamps / District Registrar	Within the registration District.	Bi-Monthly	Shall Verify the collections made by Central Record Keeping Agency / Authorised Collection Centres and the e-Stamp certificates issued.	The Chief Controlling Revenue Authority in Karnataka, Bangalore.
2	Assistant Commissioner of Stamps/Head Quarters Assistant to the District Registrar	within the Registration district	Monthly	Shall Verify the collection of stamp duty (from e-stamp certificates) of the Authorised collection Centres with the remittance figures of the Central Record Keeping Agency	The Chief Controlling Revenue Authority in Karnataka, Bangalore
3	Technical cum Financial Expert / Agency	Whole of the State	Quarterly	Shall Verify; (i) the overall collections made by the Central Record Keeping Agency / the Authorised Collection Centers and verify the same with the remittances made by Central Record Keeping Agency to the Government Account; (ii) the Technical Working and fairness of accounting of the e-stamping system	The Chief Controlling Revenue Authority in Karnataka, Bangalore.

T.K. RAMACHANDRA
Under Secretary to Government
Revenue Department
(Stamps and Registration)

Form - 1
(See Rule 6)

AGREEMENT

THIS AGREEMENT is entered on this _____ day of _____ **200**__.

BETWEEN

The Chief Controlling Revenue Authority, having his office at No. 720, 46th Cross, 8th Block, Jayanagar, Bangalore (hereinafter referred to as the **CCRA**, which expression shall include Government of Karnataka and his successors in office), of the One Part,

AND

(. **name of the Central Record Keeping Agency**.)having their Registered office at and branch office at _____ through Shri _____ (hereinafter called "**CRA**", which expression shall include its successors and assigns, representatives) of the Other Part.

"The CCRA and "CRA" are together referred to as "the Parties" and either of them as "the Party".

WHEREAS, after due bidding process (..name of the Company / SHCIL.) was selected to act as Central Record Keeping Agency (CRA) for the Computerized Stamp duty administration system (**C-SDAS**); and to devise a mechanism of electronic method of collection of Stamp duty vide letter F.No. 16/1/20040CY1, Dated 28th December 2005 of Govt. of India.

AND WHEREAS the Government of India Ministry of Finance, Department of Economic affairs in the said letter has also authorized **the CRA** to undertake various services in States against a payment of 0.65% (as commission/discount) of the value of Stamp duty collected through e-stamping mechanism;

AND WHEREAS pursuant to the said notification, (..name of the Company / SHCIL.) has approached the Government for implementing the e-stamping mechanism in the State.

AND WHEREAS the State has approved and authorised (...name of the CRA Company/) to be their CRA vide Government intimation datedfor the proposed C-SDAS in the State on the terms and conditions specified in this Agreement.

AND WHEREAS (..name of the CRA Company/.) will develop a system for the payment of Stamp duty by the client / ultimate user, with prior approval of the CCRA, through Approved Intermediaries hereinafter called Authorised Collection Centres (ACC's).

NOW IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS :

1. Appointment of (. . . name of the Company.) as CRA :-

1.1 The CCRA, hereby appoints (..name of the Company..) as its exclusive authorized CRA to undertake the following activities :

- (i) Creating need based infrastructure, hardware and software and connectivity for facilitating its operations on the e-stamping project, in the entire State.
- (ii) To facilitate selection of Approved Intermediaries for the e-stamping and collection of Stamp duty.
- (iii) To act as a Co-ordinator between the office of the CCRA, Sub-Registrars and District Registrars / Deputy Commissioner of Stamps and Approved Intermediaries.
- (iv) Collection of stamp duty and generation of E-stamp Certificates through the computer systems.

- (v) Effecting remittances of the collected amount of Stamp duty to the State and reconciliation of accounts.

1.2. The Parties may by mutual consent modify or withdraw any of the scope of appointment or effect any changes therein depending upon the public policy of the State and exigencies of business.

2. TERRITORY

The territory covered under this Agreement will be the entire State or such lesser number of specified districts as may be specified by the CCRA.

3. **Appointment of Approved Intermediaries i.e. ACC's : (...name of the Company appointed as CRA..)** shall appoint Approved Intermediaries on such terms as decided by **(..name of the Company appointed as CRA..)** with prior approval of the CCRA.

3.2 Amongst the Approved Intermediaries, the ACCs could preferably be a scheduled bank, financial institution, post office, Insurance Regulatory Development Authority (IRDA) recognized insurance company or any / institution as approved by the CCRA.

3.3 All the offices of **(...name of the Company appointed as CRA..)** in the State on need base will also do the collection of Stamp duty under intimation to the CCRA.

3.4 All such Approved Intermediaries shall be equipped with the required computerization, laser printers, internet connectivity and other regular infrastructure to implement the e-stamping system. The cost of providing such equipment will be borne by the concerned Approved Intermediaries.

3.5 All such Approved Intermediaries will access the main server through internet by using an identification number and a confidential password. This Unique Identification Number and Password will be allotted by **(...name of the Company appointed as CRA. . .)** This password shall be kept confidential and the concerned Approved Intermediaries will be required to change it immediately after its allotment to maintain the confidentiality.

3.6 Approved Intermediaries will enter the requisite information and details in the system and download a e-Stamp Certificate with the Distinguishing serial number which will be attached to the document. The details of the e-Stamp Certificate will be available on the e-stamping Server (e-ss.) .

3.7 In providing the services under this Agreement, the CCRA in consultation with **(..name of the Company appointed as CRA..)** may make rules or issue guidelines regarding the appointment of the Approved Intermediaries & other terms and conditions

4. EES / COMMISSION

4.1 For the above services to be provided by **(..name of the Company appointed as CRA...)**, the **(...name of the Company appointed as CRA....)** shall be entitled from the State a commission/discount of 0.65 % of the Stamp duty collected through e-stamping mechanism. **(..name of the Company appointed as CRA....)** will deduct this commission towards their fees from the Stamp duty collection prior to remitting the balance amount into the State Government Account. The Commission so deducted shall be inclusive of the compulsory taxes / duties payable by the CRA to the Central / State Government.

5. MODE OF REMITTANCE TO STATE GOVERNMENT

5.1 The proposed e-stamping system will allow both collection and transfer of Stamp duty paid.

5.2 The aforesaid remittances shall be effected only to the designated account "0030-02-103-0-01 Stamp Non-Judicial" of the Government through Real Time Gross Settlement

(RTGS), ECS, Challan, bank transfer or such other mode as may be decided by the Parties from time to time.

5.3 **(..name of the Company appointed as CRA..)** shall be responsible for payment to the Government, of the amounts which are collected towards the download of stamps through the Approved Intermediaries. Such payment shall be made to the designated account “0030-02-103-0-01 Stamp Non-Judicial” of the Government, in accordance with rule 19 of the Karnataka Stamp (payment of duty by means of e-stamping) rules 2009.

5.4 The CRA undertakes that, in case, it fails to remit the amount of Stamp duty collected within the period as stipulated in rule 19 of the above said rules, the CRA shall be liable to pay, along with the collected amount of Stamp duty, an interest amount calculated @ 12.00 % per annum on the amount of stamp duty so collected for the period of delay in day(s). Any part of a day will be treated as one day for the purpose of such calculation; as per rule 38 of the said rules

6. PROPOSED SYSTEM

6.1 Detailed structure of the proposed system, including flow diagrams and salient features, schematic view of connectivity envisaged, systems and procedures to be followed by end users and format of proof of payment / certificate to be issued to client/ultimate users is given in the “Service Level Agreement” (SLA) which is attached as Annexure ‘A’ to this Agreement.

6.2 The CCRA will make available necessary Hardware and infrastructure at the office of the CCRA, offices of Sub-Registrars and District Registrars / Deputy Commissioner of Stamps (or such other designated offices) which would include a printer, PC, bar code scanner, internet connection, in consultation with the CRA **(..name of the Company appointed as CRA. . . .)**

6.3 The CRA shall design and develop such software that the following minimum details are shown on the e-stamp Certificate –

- a. Distinguished serial number /UIN(unique identification number)of the e-stamp Certificate so that it is not repeated on any other e-stamp certificate during the lifetime of the e-stamping system,
- b. Date and time of issue of the e-stamp certificate,
- c. Amount of Stamp duty paid through the e-stamp certificate, in words and figures,
- d. Name and address of the purchaser /authorized person of the e-stamp certificate,
- e. Names of the parties to the instrument,
- f. Brief description of the instrument on which the Stamp duty is intended to be paid,
- g. Brief description of the property which is subject matter of the instrument,
- h. User- id of the official issuing the e-stamp certificate.
- i. Code and location of the ‘e-stamp certificate issuing branch’ of the Central Record Keeping Agency or Authorized Collection Centre/Approved Intermediary .
- j. Any other distinguishing mark of the e-stamp certificate e.g. bar code/security code,
- k. Space for signature and seal of the ‘e-stamp certificate issuing officer/ authorized signatory’ of the Central Record Keeping Agency or Authorized Collection Centre/ Approved Intermediary .

- l. Availability of facility to the sub-registrar / District Registrar (Deputy Commissioner of Stamps) to disable/lock the e-stamp certificate, to prevent the repeated use of any e-stamp certificate.
- m. Facility to cancel the 'spoiled/ unused or not required for use' e-stamp certificate,
- n. Providing for passwords and codes to the designated/authorized officials of the department to search and view any e-stamp Certificate and to access Management Information System and Decision Support System reports,
- o. Availability of details of the issued e-stamp Certificate on the e-stamping Server maintained by the Central Record Keeping Agency,
- p. Availability of different transaction details and reports relating to e-stamping, as mentioned in rule 44 on the website of the Central Record Keeping Agency which will be accessible to the officers designated/authorized by the Appointing Authority.

7. COMPATIBILITY WITH THE REGISTRATION SYSTEM

- 7.1 The Office of CCRA, Offices of Sub-Registrars and District Registrars / Deputy Commissioner of Stamps and such other offices as the CCRA may authorise in this behalf, will have access to the Central Server through internet connectivity.
- 7.2 The authorized officers (as mentioned in 7.1 above) of the State will have access to the e-ss through internet using user id & password issued by (**...name of the Company appointed as CRA..**). After login, such authorized officers will be able to view the e-Stamp Certificates by accessing the e-ss.
- 7.3 The offices of the Sub-Registrars, District Registrars / Deputy Commissioner of Stamps or such other offices authorised in this behalf, shall ensure that the prescribed amount of Stamp duty on the documents has been paid for the transaction. After verification, the Registering officer by logging into the e-ss through user Id & password shall disable (lock) the e-Stamp Certificate on the documents presented for registration.

8. HARDWARE REQUIREMENTS :-

- 8.1 The use of e-ss will warrant the use of the required configuration of computer system with requisite operating system and laser printers specified by (**...name of the Company appointed as CRA..**) with proper internet connectivity by the user. The configuration of the computer systems, internet connectivity, laser printers, barcode readers or any other Hardware infrastructure should meet the specifications of (**...name of the Company appointed as CRA..**) and which may be subject to change with prior intimation to CCRA.

9. GENERAL OBLIGATIONS

- 9.1 All payments for stamp duties made and received from all clients and/or Approved Intermediaries shall be recorded on a day- to- day basis by (**...name of the Company appointed as CRA..**) and in turn reported to the State in following and such other form as maybe determined in mutual consultation between the CCRA & (**...name of the Company appointed as CRA..**)
 - (i) **Audit reports** - tracking of all system based actions performed by users of branches/ offices of the CRA and the ACCs pertaining to any specified day or period.
 - (ii) **Payment reports** : Total collection of Stamp duty report of every branch/ office of the CRA and the ACC pertaining to any specified day or period.
 - (iii) **Additional Stamp duty certificate reports** : for all or any of the branches/ offices of the CRA and ACCs pertaining to any specified day or period.

- (iv) **Disabled e-stamp Certificate report** – relating to all or any of the sub-registrars / District registrars / Deputy Commissioner of Stamps of such districts, where this system is in force, pertaining to any specified day or period.
- (v) **Remittance reports** - Daily, weekly, fortnightly and monthly or desired period details of the remittances made by the CRA into the Government account..
- 9.2 The CCRA shall set up and provide information that will enable the Approved Intermediaries or the client who is liable to pay Stamp duty to ascertain the exact amount of Stamp duty that is payable on a particular instrument. Further, the CCRA will also provide the necessary information with respect to the amount of the Stamp duty to be paid for the documents pertaining to immovable properties on the basis of their details. Such information provided will be updated by the Government/CCRA as per the Registration Act, 1908 (Act no. 16 of 1908) and the Karnataka Stamp Act, 1957 (Act no. 34 of 1957) the current rules and regulations and amendments carried out to them from time to time and a link from the Government / CCRA's site to e-ss. Such information provided on e-ss will be for the guidance of clients/users and **(..name of the Company appointed as CRA. . .)** will not be responsible for correctness of the information.
- 9.3 The CCRA will be able to access the data through internet by using user id and password.
- 9.4 **(..name of the Company appointed as CRA..)** shall enable CCRA to extract the MIS and DSS reports as provided in para 9.1 above from the data captured on the e-ss via internet.
- 9.5 The requirement of the MIS may be further crystallized and mutually agreed. The CCRA will provide any changes to the master lists to **(..name of the Company appointed as CRA..)** for updating the information in e-stamping system from time to time.
- 9.6 It will be the responsibility of the offices of the Sub-Registrar, District Registrar / Deputy Commissioner of Stamps and such other officers as the CCRA may decide, to verify about the authenticity of the e-Stamp Certificate and adequacy of the Stamp duty paid.
- 10. TRAINING OF THE PERSONNEL AT THE REGISTRAR'S OFFICES AND OF THE STATE**
- 10.1 **(..name of the Company appointed as CRA..)** shall provide suitable and adequate training, to such of the Government personnel as the CCRA may nominate, on a train-the-trainer mode, on the operation and the use of the system.
- 10.2 The training provided at the premises of the State by SHCIL will be free of cost for the first time to the candidates suggested by the CCRA, which may be upto to 10 or such other mutually agreed greater number of officials.
- 10.3 **(.....name of the Company appointed as CRA..)** may assume that the trainees have the required skills, knowledge and pre-requisites to follow the training on the Application.
- 10.4 The training for the system shall be conducted at the place to be decided by the CCRA. **CRA** shall provide one trainer to conduct the training over a maximum period of one (1) week. For the avoidance of doubt, CCRA will be responsible for arranging and providing all the necessary facilities, equipment and premises required for conducting the training.
- 10.5 At periodic intervals to be mutually decided by **(..name of the Company appointed as CRA..)** and the CCRA, **(..name of the Company appointed as CRA..)** shall provide additional training on any up-gradation, modification to the system. **(..name of the Company appointed as CRA..)** may also provide refreshers courses to the various participants if required by the CCRA.
- 10.6 Any training to the Approved Intermediary or end user shall be charged separately to the Approved Intermediary by **(..name of the Company appointed as CRA. . .)**.

11. TERM

- 11.1 This Agreement shall be initially for a period of 5 years from the effective date referred below and thereafter it may be renewed in mutual consultation between the parties. The CCRA will be at liberty to take over the operation of the e-stamping system after the initial period of 5 years if they so choose and / or may retain the services of **(...name of the Company appointed as CRA..)** for a further period based on mutual agreement.
- 11.2 On termination of Operation of e-stamping by the CCRA, **(...name of the Company appointed as CRA..)** will be required to transfer the data generated during the period of appointment to the Government. After the termination of the appointment of the CRA, the latter shall not in any way use or cause to be used the data generated during the period of appointment for its business or any purpose whatsoever.
- 11.3 **(...name of the Company appointed as CRA..)** will not provide, transfer or share any Hardware, Software or any other technical details with respect to the e-stamping project undertaken by it in the State to anybody, except the duly appointed ACC, without written permission or authority of the CCRA.

12. EFFECTIVE DATE

This agreement shall be effective from the date of its signing by the parties or such other date as fixed by the CCRA, hereinafter called the 'effective date'. The period of five years shall be calculated from the effective date.

13. EXCLUSIVITY

The appointment of **(...name of the Company appointed as CRA..)** as the CRA for the State shall be exclusive and CCRA will not appoint any other CRA for e-stamping during the period of validity of this agreement.

14. CHANGE OF CRA

After the expiry of the initial or renewed term of appointment, the CCRA will be at liberty to avail the services / facilities of e-stamping for part or whole of the State from any agency of its choice and the **(...name of the Company appointed as CRA..)** shall have no objection to it.

15. THE GOVERNMENTS RESONSIBILITY

The Government /CCRA shall be responsible for providing on timely basis all information, decision making and approvals under its control and resources required at offices of Sub-Registrar, District Registrar / Deputy Commissioner of Stamps or at any other offices authorized in this behalf, which may be reasonably required from time to time for the performance of this agreement. The Government / CCRA acknowledges that any delay to provide such information, decision-making and approvals may result in delays in implementing this agreement.

16. ARBITRATION

- 17.1 All disputes and differences between the parties under this agreement shall as far as possible, be settled amicably and failing that all such disputes shall be referred to arbitration under the provisions of the Indian Arbitration and Conciliation Act, 1996.
- 17.2 The place of arbitration shall be at Bangalore.

IN WITNESS WHEREOF the Parties have executed this Agreement on the day and year first hereinabove written.

SIGNED, SEALED AND DELIVERED]

By the CCRA (in Karnataka) Bangalore.]

_____]

in the presence of :]

(i) Signature]

Name,

Official designation,

Address,

(ii) Signature]

Name,

Official designation,

Address,

SIGNED, SEALED AND DELIVERED]

by the within named (**..name of the**

Company appointed as CRA..) by]

Shri -----]

its authorised official.]

in the presence of :]

(i) Signature]

Name,

Official designation,

Address.]

(ii) Signature]

Name,

Official designation,

Address.

T.K. RAMACHANDRA
Under Secretary to Government
Revenue Department
(Stamps and Registration)

Annexure – A
(See Rule 6)

SERVICE LEVEL AGREEMENT

THIS AGREEMENT is made this.day of.at Bangalore between the CCRA in Karnataka Bangalore, for and on behalf of the Government of Karnataka (hereinafter referred to as the Appointing Authority/CCRA) and **Stock Holding Corporation of India Limited, (SHCIL)/CRA (Central Record Keeping Agency)** a Company incorporated under the Companies Act, 1956, with its registered office at **Mittal Court 'B' Wing, 2nd floor, 224, Nariman Point, Mumbai-400021** (herein referred to as "Stock Holding Corporation of India Limited.", / CRA / Service Provider).

WHEREAS the State of Karnataka is desirous of implementing the Computerized stamp duty Administration system (C-SDAS) for the Stamps and Registration Department of the State of Karnataka.

AND WHEREAS the C-SDAS in particular will allow issuance of e-Stamp Certificates electronically.

AND WHEREAS SHCIL/CRA/SP (Service provider) agreed to develop and implement the C-SDA System for the State of Karnataka and also to act as the Central Record Keeping Agency (CRA) for the C-SDA System.

AND WHEREAS the parties have signed a Agreement dated for the purpose of rendering the services of e-stamping and one of the conditions of the said agreement is that a Service Level Agreement will be executed between the parties.

NOW IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES:

1. Duration of the Agreement

This agreement shall be continuous with the main agreement dated between the parties.

2. Services to be provided by SHCIL/CRA/SP

2.1 The Appointing Authority / CCRA hereby appoints SHCIL and the SHCIL/CRA/SP accepts the appointment subject to the terms of this Agreement and the agreement dated to provide the following services:

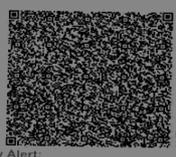
- a) Operation of the C-SDA System:
- b) Customization of the C-SDA system, and
- c) CRA Services.

3. Operational Modalities.

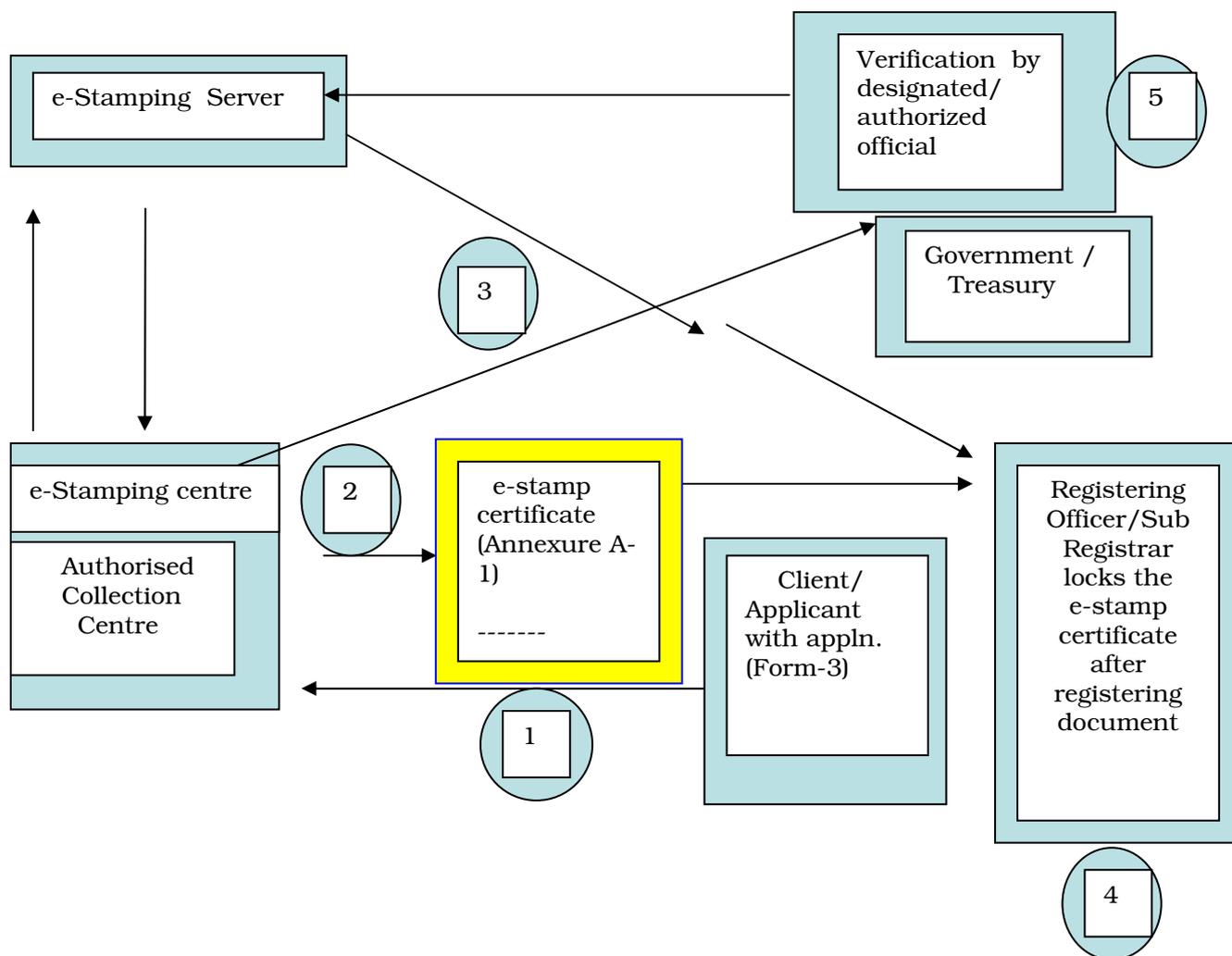
The procedure to be followed by the ACC/CRA is explained herein below.

The format of the proof of payment shall be in the form of e-Stamp Certificate, which is given as Annexure A-1.

Annexure - A-1
(See Rule 22)

 सत्यमेव जयते	INDIA NON JUDICIAL Government of Test State e-Stamp
Certificate No. Certificate Issued Date Account Reference Unique Doc. Reference Purchased by (Name & addition)	: IN-TS00132435056242G : 15-Feb-2008 05:45 PM : NONACC (FI)/ testrajkot/ THANE OFFICE/ MH-NG : SUBIN-TSTESTRAJKOT00144721886441G : Jayesh Vegad
Stamp Duty Amount (Rs.)	: 10 (Ten only)
	Testing
<small>Statutory Alert: 1. The authenticity of the Stamp Certificate can be verified at Authorised Collection Centers (ACCs), SHCIL Offices and Sub-registrar Offices (SROs). 2. The Contact Details of ACCs, SHCIL Offices and SROs are available on the Web site http://www.shcil.gov.in</small>	
-----Please write or type below this line-----	
Signature with seal of the Authorized signatory	

- (i) The Offices of the CCRA, Sub-Registrars and District Registrars / Deputy Commissioner of Stamps will have an access to the Central Server of SHCIL through Internet. Such Internet connectivity will be set up by the said Offices.
- (ii) The ACC will access SHCIL/CRA/SP servers through Internet by using a identification number (UIN) and a confidential password. The requisite details of the information in the system will be entered and the e-Stamp Certificate will be downloaded with a Unique Identification Number(UIN) on a plain paper or on an instrument as the case may be.

Schematic view / system overview

1. Client/Applicant visits the e-stamping center/authorized collection center with the filled in application (Form-3) remitting the required stamp duty amount to obtain e-stamp certificate.
2. The client/applicant secures the e-stamp certificate after having recorded the required information (vide his application/Form-3) in the e-stamping center/authorized collection center.
3. The stamp duty amount paid by the client/applicant (for obtaining the e-stamp certificate) being remitted to Government.
4. The Registering officer/Sub-Registrar locks the e-stamp certificate after registering the document.
5. The designated / authorized official verifies authenticity/correctness of the e-stamp certificate.

- (iii) The Sub-Registrar/District Registrar / Deputy Commissioner of Stamps will have access to SHCIL/CRA/SP site through Internet using password and UIN which will be provided by SHCIL/CRA/SP. Upon entering these details the Sub-Registrar/District Registrar / Deputy Commissioner of Stamps will be able to view the details of the e-Stamp Certificates on instruments.
- iv) It will be the responsibility of the Sub-Registrar, District Registrar/Deputy Commissioner of Stamps to ensure that the stamp duty has been appropriately paid on presentation of the document for registration. The Sub-Registrar, District Registrar / Deputy Commissioner of Stamps will lock the e-Stamp certificate after verification of the instruments presented for registration. Such locking will ensure that the payment of stamp duty for the transaction is not abused,
- v) All the Clients and approved intermediaries desirous of remitting the Stamp duty will access the main server through Internet. The Sub-Registrar, District Registrar / Deputy Commissioner of Stamps who is responsible for Registration of instruments and the Government which is responsible for the collection of the stamp duty will also link to the main server through Internet.
- vi) The Client may approach any Approved Intermediary, which in turn will enter the requisite information in the system. The system will generate a UIN along with the transaction details, which will be printed as a Stamped Certificate on the plain paper or on instrument as the case may be.
- Vii) The Approved Intermediary will be registered with SHCIL/CRA/SP and the procedure for such registration will vary depending upon the same being Financial Institutions, Insurance Companies, Banks, Post Office etc., as approved by the CCRA

4. Authorized Stamping Centers (ASC) ACCs (also known as Approved Intermediaries)

- i) The SHCIL Office, Financial Institutions, Insurance Companies, Banks & Post Offices etc., as approved by the CCRA, shall be the Authorized Collection Centers.
- ii) The aforementioned ACCs will by and large take care of property transactions of people living in cities, towns and villages having Internet facility. However, people residing in areas not having Internet facility also require stamp papers for their transactions. A Computer-savvy Traveling Vender who will carry a lap top/palmtop to the village and download stamp from e-stamping system may be appointed as T.V. or other marketing agent/s, in a phased manner with the approval of the CCRA.

5. Registration of Approved Intermediaries and its operations

- a) The Insurance Companies, banks, financial institutions etc., as approved by the CCRA intending to become a ASC will be required to submit a request in an application form and Agreement as stipulated by the CRA along with the proof of identity and proof of address for 'Service Administrator/s' (person responsible for entering data on eSS and with stipulated application fee. The format of the application form as stipulated by the CRA, can be downloaded from the internet. The duly filled in application form and Agreement along with the fee for registration and deposit as determined by SHCIL/CRA/SP alongwith advance amount (imprest amount) towards the download of stamps based on the business expected, should be submitted to SHCIL/CRA/SP. The AI/ ASC/ACC will have an option of adding up further amounts towards imprest depending upon the usage every day or alternatively give a power of attorney to SHCIL to add up the further amount by giving necessary instructions to their Banker. At no point of time, the ACCs will be allowed to print e- stamp certificates in excess of the amount available in their credit in the books of SHCIL/CRA/SP. SHCIL/CRA/SP will collect such amount including deposits from the ASC for the use of its System.

- b) The Traveling vender (TV) or any other marketing agents intending to be appointed should submit a request in a stipulated application form and Agreement along with proof of identity, proof of address and the stipulated application fee. The duly filled in application form along with the monies towards registration and Agreement and deposit as determined by SHCIL/CRA/SP alongwith advance amount (imprest amount) towards the download of stamps as may be determined based on the business expected, should be submitted to SHCIL/CRA/SP. The TV will have an option of adding up further amounts towards imprest depending upon the usage every day or alternatively give a power of attorney to SHCIL/CRA/SP to add-up further amount by giving necessary instructions to the banker. At no point of time, the ASC will be allowed to print e-Stamp Certificates in excess of the amount available in their credit in the books of SHCIL/CRA/SP. SHCIL/CRA/SP will collect such monies including deposits from the T.V. or other Marketing Agents for the use of its system.
- c) The Approved Intermediary must provide to SHCIL/CRA/SP all information that may be desired by SHCIL/CRA/SP from time to time including but not limited to information on every client being granted access to and use of the services.
- d) **It will be the responsibility of the CCRA to inform the public by way of a notification from time to time the appointment or termination of the Approved Intermediaries/ Authorized collection centers.**
- e) Upon completion of the above SHCIL/CRA/SP will issue password and user identification numbers for use of its services. The proper use of the password will be the sole responsibility of the user and any loss caused to the Government will be at the cost of ASC/SHCIL/CRA/SP where the loss wherever applicable is caused by the SHCIL/ASC.
- f) SHCIL/CRA/SP reserves the right in consultation with CCRA to accept or reject any application of the Approved Intermediary as its sole discretion.
- g) All Approved Intermediaries will be periodically audited jointly by the Government and SHCIL/CRA/SP.
- h) In the case of the termination of the appointment of Approved Intermediary either party may give a notice of one month of its intention to terminate the arrangement.

6. Link to e-Stamp Server (eSS)

- a) All approved Intermediaries will access the eSS through Internet only. The access will differ depending upon the group to which the Approved Intermediary belong. The Insurance companies, banks and financial institutions will access the site through password and user identification number issued by SHCIL/CRA/SP. SHCIL/CRA/SP will issue as many passwords and user identification numbers as requested by the ASC. These ASC should access eSS site using the password and user identification number provided by SHCIL/CRA/SP. Immediately upon accessing the site for the first time, the user should change the password to maintain confidentiality through a clerk supervisor system.
- b) In respect of Approved Intermediaries falling under the category of traveling vendors, or other marketing agents, these T.V.'s or other marketing agents will take the lap-top or the palm top to the villages, and the recording of data will be off-line. They will have to access the eSS through Internet every day evening and download the information, upon which the e-Stamp Certificate would be generated. To facilitate the entry of data on off-line mode, SHCIL/CRA/SP will install software in the respective laptops/palmtops of the T.V and/or other marketing agents at their cost.

7. The Offices of Sub-Registrars / District Registrars / Deputy Commissioner of Stamps to have link to e-stamp server:

- a) Since the property registration is done at the offices of Sub-Registrars / District Registrars, it is imperative that the Sub-Registrar / District Registrar should have an access to the system, ensure that the stamp duty to be paid for the transaction has indeed been paid and lock the e-Stamp certificate. Such locking is necessary to ensure that the stamp duty paid is not abused. The unique identification number issued by the eSS for the stamp duty paid can be linked to the C-SDAS.
- b) To facilitate the viewing and locking of e-Stamp certificate, pertaining to registered instruments, every office of Sub-Registrar, District Registrar/Deputy Commissioner of Stamps will have a link to the eSS. The Sub-Registrar's, District Registrar's Office will have access to the e-stamping site through internet using password and user identification number issued by SHCIL. Upon gaining the access to the eSS the Sub-Registrar, District Registrar /Deputy Commissioner of Stamps have to enter the year, month and date of stamp duty payment as given in the e-stamp certificate, select the unique identification number given in the e-Stamp Certificate. Upon entering these details, the Sub-Registrar, District Registrar /Deputy Commissioner of Stamps will be able to view the e-Stamp Certificate. The Sub-Registrar, District Registrar / Deputy Commissioner of Stamps will be issued user Id and password with which they should update the system and lock the duty paid e-Stamp certificate.

8. Access by Counter Parties

- a) The purchasers or the beneficiaries may wish to ensure that the counter party has indeed paid the stamp duty for the transaction and the e-Stamp certificate presented to them is genuine. There should be no question of validity of time for the e-Stamp Certificate. Nevertheless, counter parties can check the authenticity of the e-Stamp certificate by entering the year, month, date and Unique Identification No. from the e-Stamp Certificate:
- b) Upon entering these details, the system will display the e-Stamp Certificate for viewing only. The counter party will be able to check the authenticity of the Certificate. Such enquiry module will provide information on the property transactions also after the Sub-Registrar / District Registrar has locked the stamp duty paid. The CRA/SP should ensure that this service is available in all the offices of Sub-Registrar / District Registrar / ASC & website.
- c) The stamping certificate should indicate the code No. of ASC office in which the ASC is located.

9. Stamping of different types of Instruments

- a) The proposed system envisages e-stamping the documents on real time basis via the Internet. The transactions can be broadly divided into:
 - Instruments to be registered with the Sub-Registrar / District Registrar and
 - Instruments, which do not require registration
- b) e-stamping includes two types of documents to be stamped.
 - 1) Instruments printed/typed but not stamped or unduly stamped.
 - 2) Stamps Certificates required for drawing instruments.
- c) The ASC's shall stamp any instrument or plain paper specified in this behalf with an amount of duty as required by the client.

- d) In the case of instruments which require registration with the Sub-Registrar / District Registrar generally these are prepared by Deed Writers, law firms, and practicing Company Secretaries firms etc. or even banks, financial institutions or even insurance companies. The stamp duty can be paid by entering the transaction details in the system. The system will check the balance available in the Account of concerned Approved Intermediary and subject to the availability of requisite funds in the Account will authorize the transaction and issue a certificate of stamp duty immediately with a unique identification number, Year, month and date, and print the certificate at a later point of time.

10. MIS for Government

The CCRA in charge of stamp duty and the Government will be able to get details of stamp duty collected in the State at any point of time. Besides, the CCRA will ensure the amount collected by SHCIL/CRA/SP towards the download of stamps is transferred to the State Governments Account after due reconciliation. For this purpose, it is necessary that the CCRA/ Government should have a link to eSS. Both the departments will have access to site through Internet using the password and identification numbers. Since the Government is responsible for the duty collected across the state, its data requirement will be enormous and all encompassing. To enable the Government / CCRA to download the data in the format in which they require, the SHCIL/CRA/SP will prepare standard formats. The CCRA will specify the requirement of any additional reports The CRA/SP will provide any additional reports in future free of cost, unless in exceptional cases charges will be as mutually agreed. Considering the fact that the Department will be viewing the revenue of the entire Government, the same will be done by procuring digital signature by the Government to access the server for the purpose of getting MIS.

11. General

- a) SHCIL/CRA/SP shall ensure that the following service levels are achieved in relation to the C-SDA System:
- i) The C-SDA System shall be operational and accessible to clients during the following hours on the following days, (hereinafter referred as the "Operational Hours",
Monday to Saturday 9.00 a.m. to 5.00 pm
 - ii) The availability of each and every information service during the Operational Hours shall individually be not less than 90% each calendar month
 - iii) SHCIL/CRA/SP shall not be liable for any failure or reduction in the aforesaid performance level or any other consequences caused by or due to the failure or breakdown of any third party facilities including Internet access providers, telecommunication lines, switches and networks, other than third party facilities provided by any sub-contractors appointed by SHCIL/CRA/SP to perform any part of the services under this Agreement.
 - iv) Before any Approved Intermediary first uses the C-SDA System, SHCIL/CRA/SP shall ensure that every such User enters into the User Network Services Agreement with SHCIL/CRA/SP agreeing not to commence action or otherwise enforce any rights against the Government / CCRA in respect of any liability, in contract or tort or otherwise, for any acts, statements, errors or omissions made by the Government / CCRA or its employees in good faith and in the ordinary course of duties of the employees of the Government, the SHCIL/CRA/SP shall use reasonable endeavours to enforce the terms of such agreement against every user who enters into the same.

b) Maintenance of Servers

SHCIL/CRA/SP will shut down its Servers at least for about eight hours in a week on a holiday for the purpose of maintenance. During this time, the system will be down and there will be no access to e-stamping facility. Further, SHCIL/CRA/SP will endeavor that the up-time of the system will be up to 90% excluding the time for shut down of its servers for the maintenance.

c) SHCIL/CRA/SP shall provide service to investigate and correct defects in the C-SDA Software as reported by the Department including temporary corrections and bypass of the defects until such time as standard corrections and/or updates of the Software are available. The timing for correction/bypassing depends on the severity of the error as set out below:

- i) Severity 1: This is a defect or error, which results in the failure of a service as a whole. Such defects and errors shall be rectified within two (2) working days of the problem being reported to SHCIL/CRA/SP in writing.
- ii) Severity 2 This is the defect, which results in system functionality other than those which are covered under Severity 1, being impaired, and there are no existing alternatives for by-passing the problem. Such defects and errors shall be rectified within two (2) working days of the problem being reported to SHCIL/CRA/SP in writing.
- iii) Severity 3: All other errors and defects. Such defects and errors shall be rectified within seven (7) working days of the problem being reported to SHCIL/CRA/SP in writing.
- iv) The time frames for rectification or correction set out in Clauses above shall not apply where the defects or programming errors have arisen in third party programmes or applications used by SHCIL/CRA/SP to develop its application or used by SHCIL/CRA/SP with or in its applications
- v) Disaster Recovery:

SHCIL/CRA/SP shall take reasonably sufficient measures to ensure that it is able to carry on, with disruption of not more than a continuous time of 24 hours, providing C-SDA System under this agreement, even in the event of the occurrence of a disaster which affects, or would affect providing of services if measures had not been taken.

d) Limitation of Liability

- i) SHCIL/CRA/SP shall not under any circumstances be held responsible for any error, defect, default, delayed or non performance, loss of data, transmission failure or other problems in connection with its provision of C-SDA System for any claims, actions, losses, costs, expenses liabilities or adverse consequences arising there from due to any cause or reason not perpetrated by or attributable to SHCIL/CRA/SP or otherwise outside the control of SHCIL/CRA/SP.

e) Concurrent Users

e-stamping system will have persons logging for the download of stamps and also for logging queries relating to stamp duty and the ultimate printing of the stamps. Keeping in mind the various issues relating to e-stamping and the number of persons that may log into the system throughout the day, SHCIL/CRA/SP will endeavor to ensure that at a given point of time appx. 400 users could use its system. The use of system will include time for the persons logging to our system for queries with regard to e-stamping and for the time for data entry by a user till the time of actual printing of the Stamp Certificate.

- f)** SHCIL/CRA/SP will require a stabilization period 6-8 months from the time of the system running in full scale at each of the centers and during such time service standards will

not be applicable. The peak times during the day will be identified and on the basis of experience, the concurrent users who would be using our system will be adjusted accordingly. SHCIL/CRA/SP does not guarantee the availability of the internet.

- g)** If any extra services are required, wherein SHCIL/CRA/SP will be required to put in extra efforts, or the same is on the basis of any extra cost to SHCIL/CRA/SP, the same will be recovered from the ASC or the Traveling Vendor or any other marketing agent or the general public directly.
- h)** This Service Level Agreement will be concurrent with the agreement dated executed between CCRA and SHCIL/CRA/SP.
- i)** All other terms and conditions as mentioned in the agreement dated: between the CCRA and SHCIL/CRA/SP shall be concurrent with this agreement.

IN WITNESS WHEREOF the parties have hereunto set their hands the day and year first above written.

For and on behalf of Stock Holding Corporation of India Ltd.,

In the presence of :

Signed by

CCRA (in Karnataka) Bangalore.

(for and on behalf of the Government)

In the presence of:

(1)

(2)

T.K. RAMACHANDRA
Under Secretary to Government,
Revenue Department
(Stamps and Registration)

Form - 2
(See Rule 6)

(To be executed by the CRA on non-judicial stamp paper of Rs. 100)

Undertaking cum Indemnity Bond

This Indemnity Bond is made and executed at _____(place) on this _____day of (month)..... 200... by SriS/O..... R/O(official designation in the CRA).....as Authorised Signatory for and on behalf of(**..name of the Company appointed as CRA..**) **having its** registered office at _____(complete address of the CRA) hereinafter referred to as the Central Record Keeping Agency or CRA (which expression shall unless repugnant to the context or meaning thereof shall mean and include their representatives, assigns, heirs, etc.).

In favour of the CCRA (in Karnataka) Bangalore. hereinafter referred to as the Appointing Authority, (which expression shall unless repugnant to the context or meaning thereof shall mean and include Government of Karnataka and its duly authorised representative).

Whereas

1. the CRA has been appointed by the State to act as “**Central Record Keeping Agency**” and has thus been authorised by the Government for computerization of Stamp duty Administration System in the State to issue e-stampCertificates to denote the payment of non-judicial Stamp duty under the Karnataka Stamp Act, 1957 (Act no. 34 of 1957) by the public to the Government through its branches/ offices and the Authorised Collection Centers (called ACCs) located in the State.

2. and the CRA has agreed to fulfill all the conditions as required by the law, and also to undertake and keep indemnified the Government against all or any losses suffered by the Government due to any mishandling, misconduct, negligence or any irregularity of any kind whatsoever caused by the CRA or its ACCs,

3. and the CRA has agreed to the obedience and observance of terms and conditions that are prescribed in The Karnataka Stamp (Payment of Duty by Means of e-stamping) Rules, 2009 (hereinafter called ‘the rules’) and other orders issued by the Government or the Department under these rules,

4. the CRA to fulfill the aforesaid requirement and in order to undertake and indemnify the Government, is executing this presents as follows:-

NOW THEREFORE THIS DEED OF UNDERTAKING CUM INDEMNITY BOND WITNESSETH AS FOLLOWS:-

(a) the CRA hereby undertakes that the e-stamping centers (the branches / offices of the CRA and its duly appointed ACCs) shall be available for inspection at all reasonable times by any of the officials mentioned in rule 33 of the rules or any officer authorised by the Appointing Authority/CCRA in this behalf without notice. The CRA also undertakes not to change or increase the ACCs without prior permission in writing of the Appointing Authority / CCRA.

(b) the CRA undertakes to provide on demand to any inspecting officer, as mentioned in clause (a), any information on soft and/or hard copy of any electronic or digital record related to the collection and remittance of Stamp duty relating to any time period or any other related information under rule 44 of the rules without unreasonable delay,

(c) the CRA undertakes to abide by all the terms and conditions as may be prescribed by the Appointing Authority / CCRA from time to time as to the implementation of the rules,

(d) The Central Record Keeping Agency shall be responsible to remit the consolidated amount of Stamp duty collected by its offices/ branches and by its Authorised Collection Centres to “0030-02-103-0-01 Non – Judicial” head of account or any other notified head of account of the State, in the manner prescribed hereunder.

(i) In case of stamp duty, collected by way of cash /Real Time Gross Settlement (RTGS)/ Electronic Clearance System (ECS) or any other mode of electronic transfer of funds, the Central Record Keeping Agency shall remit the consolidated amount of stamp duty (less, the prescribed discount/commission) to the prescribed head of account of the state, not later than the closing of the next working day, after the day of collection of the amount of stamp duty.

(ii) In case of stamp duty, collected by way of pay order (P.O)/ Demand draft (D.D), the Central Record Keeping Agency shall remit the consolidated amount of stamp duty (less, the prescribed discount/commission) to the prescribed head of account of the state, not later than the closing of the second working day, after the day of collection of the amount of stamp duty.

(e). the CRA undertakes that in case it fails to remit the amount of Stamp duty within the period as stipulated in rule 19 of the rules, the CRA shall be liable to pay, along with the collected amount of Stamp duty, an interest calculated @ 12.00 % per annum for the period of delay in day(s). Any part of a day will be treated as one day for the purpose of such calculation,

(f) The CRA shall be responsible to furnish the information reports, as provided in rule 44 of the rules, to the CCRA and to any or all such other officers as he may direct,

(g) the CRA undertakes that any of its employees or the employees of its ACCs directly or indirectly will not misuse or cause to be misused the authorization to collect Stamp duty for the State by issue of e-stamp certificates,

(h) the CRA hereby undertakes to keep the Appointing Authority/CCRA, always indemnified against all or any of the losses or any third party risk arising out of any mishandling, misconduct, negligence or any irregularity of any kind whatsoever caused by the CRA or its ACCs.

IN WITNESS WHEREOF the CRA has executed this **Undertaking cum Indemnity Bond** on the day and year first hereinabove written.

SIGNED, SEALED AND DELIVERED]

By Sri.
as Authorised Signatory for and on behalf of

**(..name of the
Company appointed as CRA.)**

in the presence of :]

(i) Signature]

Name.

Official designation.

Address.

(ii) Signature]

Name.

Official designation.

Address.

T.K. RAMACHANDRA
Under Secretary to Government
Revenue Department
(Stamps and Registration)

**Form - 4
(See Rule 31)**

Application for Cancellation and Refund of e-Stamp Certificate

ACC		ACC Id.	
Application date		/ / 200	

Details of the E-stamp Certificate presented for cancellation and Refund

e-Stamp Certificate Number:

IN																	
Date of Issue of the Certificate										/		/ 200					

Details of Purchaser /Authorised Person

Name & Address of the Purchaser with Phone No	
Name & Address of the Auhtorised Person(if any) with Phone No	

* In case an authorised person is presenting the refund application on behalf of the e-stamp purchaser, this application must be accompanied with authorisation from the purchaser (executed on a Rs. 20 non-judicial stamp paper), duly witnessed and attested by Notary Public.

Stamp Duty Payment Details

e-stamp Certificate Purchased by	
Stamp duty Amount Rs:	e-stamp certificate no: date:

The information stated above is true to the best of my knowledge and belief

Date:

Signature of the purchaser /
Authorised Person of the certificate

Report of the Deputy Commissioner of Stamps

The details of the e-stamp Certificate have been verified from the system. The said certificate has not been disabled in the data base of e-stamp certificate. This certificate of verification has been endorsed on the said certificate also. Refund of the amount of Stamp duty mentioned in the certificate is recommended.

Sign. & Seal of the Authorised Signatory

For use of the Office of the Deputy Commissioner of Stamps.

Report of the Stamp Clerk:

Order of the Deputy Commissioner regarding refund:

Sign. & Seal
of the Deputy Commissioner
of the Stamps

T.K. RAMACHANDRA
Under Secretary to Government
Revenue Department
(Stamps and Registration)

FORM - 5
(See Rule 21(3))

Register regarding daily postings of applications for e-stamp Certificates and e-Stamp Certificates issued (to be maintained by the ACC / CRA)

Sl No	Date	Name of the Purchaser / Authorised Person	Amount of Stamp duty paid by way of Cash / DD / PO / Any other authorised mode	e-stamp Certificate No and date	Signature of the Purchaser or Authorised Person
1	2	3	4	5	6

T.K. RAMACHANDRA
Under Secretary to Government
Revenue Department
(Stamps and Registration)

FORM - 6
(See Rule 19 (3))

Register regarding the daily stamp duty collected and remitted to Government (to be maintained by the CRA)

PART - I

Sl No	Date	Name of the CRA	No. of e-stamp certificates issued	Amount of stamp duty collected		Total
				by Cash	by DD / PO etc.,	
1	2	3	4	5	6	7

PART - II

Date	Opening Balance (Previous day's Closing Balance)	Amount of stamp duty collected		Total	Amount Remitted to Government	Commission @ 0.65% (of the Amount in column 13) payable to the CRA deducted.	TDS (Tax Deducted at Source) / Duty payable to the Central / State Govt., deducted from the Commission Amount (in Column 14)	Closing Balance (12-13)
		by Cash	by DD / PO etc.,					
8	9	10	11	12	13	14	15	16

T.K. RAMACHANDRA
Under Secretary to Government
Revenue Department
(Stamps and Registration)