

NEGOTIABLE INSTRUMENTS ACT, 1881

PAGE

CHAPTER I		
	PRELIMINARY	
1.	Short title	1
2.	[Repealed by the Amending Act, 1891 (12 of 1891)]	1
3.	Interpretation clause	1
	CHAPTER II	
	OF NOTES, BILLS AND CHEQUES	
4.	"Promissory note"	2
5.	"Bill of exchange"	2
6.	"Cheque"	3
7.	"Drawer", "drawee"	3
8.	"Holder"	4
9.	"Holder in due course"	4
10.	"Payment in due course"	4
11.	"Inland instrument"	4
12.	"Foreign instrument"	4
13.	"Negotiable instrument"	4
14.	Negotiation	5
15.	Indorsement	5
16.	Indorsement "in blank" and "in full"	5

CONTENTS I-6

		PAGI
17.	Ambiguous instruments	4
18.	Where amount is stated differently in figures and words	4
19.	Instruments payable on demand	(
20.	Inchoate stamped instruments	(
21.	"At sight", "On presentment", "After sight"	(
22.	"Maturity"	(
23.	Calculating maturity of bill or note payable so many months after date or sight	Ó
24.	Calculating maturity of bill or note payable so many days after date or sight	2
25.	When day of maturity is a holiday	7
	CHAPTER III	
	PARTIES TO NOTES, BILLS AND CHEQUES	
26.	Capacity to make, etc., promissory notes, etc.	2
27.	Agency	í
28.	Liability of agent signing	8
29.	Liability of legal representative signing	8
30.	Liability of drawer	8
31.	Liability of drawee of cheque	č
32.	Liability of maker of note and acceptor of bill	8
33.	Only drawee can be acceptor except in need or for honour	8
34.	Acceptance by several drawees not partners	8
35.	Liability of endorser	č
36.	Liability of prior parties to holder in due course	g
37.	Maker, drawer and acceptor principals	g
38.	Prior party a principal in respect of each subsequent party	9
39.	Suretyship	9
40.	Discharge of indorser's liability	9
41.	Acceptor bound, although endorsement forged	10
42.	Acceptance of bill drawn in fictitious name	10
43.	Negotiable instrument made, etc. without consideration	10
44.	Partial absence or failure of money-consideration	10
45.	Partial failure of consideration not consisting of money	10
45A.	Holder's right to duplicate of lost bill	11

I-7 CONTENTS

		PAGE
	CHAPTER IV	
	OF NEGOTIATION	
46.	Delivery	11
47.	Negotiation by delivery	11
48.	Negotiation by endorsement	12
49.	Conversion of endorsement in blank into endorsement in full	12
50.	Effect of endorsement	12
51.	Who may negotiate	12
52.	Endorser who excludes his own liability or makes it conditional	13
53.	Holder deriving title from holder in due course	13
54.	Instrument endorsed in blank	13
55.	Conversion of endorsement in blank into endorsement in full	13
56.	Endorsement for part of sum due	13
57.	Legal representative cannot by delivery only negotiate instrument endorsed by deceased	13
58.	Instrument obtained by unlawful means or for unlawful consideration	13
59.	Instrument acquired after dishonour or when overdue	14
60.	Instrument negotiable till payment or satisfaction	14
	CHAPTER V	
	OF PRESENTMENT	
61.	Presentment for acceptance	14
62.	Presentment of promissory note for sight	14
63.	Drawee's time for deliberation	15
64.	Presentment for payment	15
65.	Hours for presentment	15
66.	Presentment for payment of instrument payable after date or sight	15
67.	Presentment for payment of promissory note payable by instalments	15
68.	Presentment for payment of instrument payable at specified place and not elsewhere	15
69.	Instrument payable at specified place	16
70.	Presentment where no exclusive place specified	16

CONTENTS I-8

		PAGE
71.	Presentment when maker, etc., has no known place of business or residence	16
72.	Presentment of cheque to charge drawer	16
73.	Presentment of cheque to charge any other person	16
74.	Presentment of instrument payable on demand	16
75.	Presentment by or to agent, representative of deceased, or assignee of insolvent	16
75A.	Excuse for delay in presentment for acceptance or payment	16
76.	When presentment unnecessary	17
77.	Liability of banker for negligently dealing with bill presented for payment	17
	CHAPTER VI	
	OF PAYMENT AND INTEREST	
78.	To whom payment should be made	17
79.	Interest when rate specified	17
80.	Interest when no rate specified	18
81.	Delivery of instrument on payment, or indemnity in case of loss	18
	CHAPTER VII	
	OF DISCHARGE FROM LIABILITY ON NOTES, BILLS AND CHEQUES	
82.	Discharge from liability	18
83.	Discharge by allowing drawee more than forty-eight hours to accept	19
84.	When cheque not duly presented and drawer damaged thereby	19
85.	Cheque payable to order	19
85A.	Drafts drawn by one branch of a bank on another payable to order	20
86.	Parties not consenting discharged by qualified or limited acceptance	20
87.	Effect of material alteration	20
88.	Acceptor or endorser bound notwithstanding previous alteration	20
89.	Payment of instrument on which alteration is not apparent	20
90.	Extinguishment of rights of action on bill in acceptor's hands	21

I-9 CONTENTS

		PAGE
	CHAPTER VIII	
	OF NOTICE OF DISHONOUR	
91.	Dishonour by non-acceptance	21
92.	Dishonour by non-payment	21
93.	By and to whom notice should be given	21
94.	Mode in which notice may be given	22
95.	Party receiving must transmit notice of dishonour	22
96.	Agent for presentment	22
97.	When party to whom notice given is dead	22
98.	When notice of dishonour is unnecessary	22
	CHAPTER IX	
	OF NOTING AND PROTEST	
99.	Noting	22
100.	Protest	23
101.	Contents of protest	23
102.	Notice of protest	23
103.	Protest for non-payment after dishonour by non-acceptance	24
104.	Protest of foreign bills	24
104A.	When noting equivalent to protest	24
	CHAPTER X	
	OF REASONABLE TIME	
105.	Reasonable time	24
106.	Reasonable time of giving notice of dishonour	24
107.	Reasonable time for transmitting such notice	24
	CHAPTER XI	
	OF ACCEPTANCE AND PAYMENT FOR HONOUR AND REFERENCE IN CASE OF NEED	
108.	Acceptance for honour	25
109.	How acceptance for honour must be made	25
110.	Acceptance not specifying for whose honour it is made	25
111.	Liability of acceptor for honour	25

	CONTENTS	I-10
		PAGE
112.	When acceptor for honour may be charged	25
113.	Payment for honour	25
114.	Right of payer for honour	26
115.	Drawee in case of need	26
116.	Acceptance and payment without protest	26
	CHAPTER XII	
	OF COMPENSATION	
117.	Rules as to compensation	26
	CHAPTER XIII	
	SPECIAL RULES OF EVIDENCE	
118.	Presumptions as to negotiable instruments	27
119.	Presumption on proof of protest	27
120.	Estoppel against denying original validity of instrument	27
121.	Estoppel against denying capacity of payee to endorse	27
122.	Estoppel against denying signature or capacity of prior party	28
	CHAPTER XIV	
	OF CROSSED CHEQUES	
123.	Cheque crossed generally	28
124.	Cheque crossed specially	28
125.	Crossing after issue	28
126.	Payment of cheque crossed generally	28
127.	Payment of cheque crossed specially more than once	28
128.	Payment in due course of crossed cheque	28
129.	Payment of crossed cheque out of due course	29
130.	Cheque bearing "not negotiable"	29
131.	Non-liability of banker receiving payment of cheque	29
131A.	Application of chapter to drafts	29
	CHAPTER XV	
	OF BILLS IN SETS	
132.	Set of bills	29
133.	Holder of first acquired part entitled to all	30

I-11 CONTENTS

		PAGE
	CHAPTER XVI	
	OF INTERNATIONAL LAW	
134.	Law governing liability of maker, acceptor or endorser of foreign instrument	30
135.	Law of place of payment governs dishonour	30
136.	Instrument made, etc., out of India, but in accordance with the law of India	30
137.	Presumption as to foreign law	31
	CHAPTER XVII	
	OF PENALTIES IN CASE OF DISHONOUR OF CERTAIN CHEQUES FOR INSUFFICIENCY OF FUNDS IN THE ACCOUNTS	
138.	Dishonour of cheque for insufficiency, etc., of funds in the account	31
139.	Presumption in favour of holder	31
140.	Defence which may not be allowed in any prosecution under section 138	32
141.	Offences by companies	32
142.	Cognizance of offences	32
142A.	Validation for transfer of pending cases	33
143.	Power of Court to try cases summarily	33
143A.	Power to direct interim compensation	34
144.	Mode of service of summons	35
145.	Evidence on affidavit	35
146.	Bank's slip prima facie evidence of certain facts	35
147.	Offences to be compoundable	35
148.	Power of Appellate Court to order payment pending appeal against conviction	35
SCHEI	DULE	36