

8

The 26th April 1963

No.LJL.20/63.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

(Received the assent of the Governor on the 23rd April, 1963)

ASSAM ACT No.VIII OF 1963
THE ASSAM COURT-FEES (AMENDMENT)
ACT, 1963

(As passed by the Assembly)

[Published in the *Assam Gazette Extraordinary*, dated the 26th April, 1963]

An
Act

further to amend the Court-Fees Act, 1870, in its application to Assam.

Preamble WHEREAS it is expedient further to amend the Court-Fees Act, 1870, hereinafter called the principal Act, in its application to Assam, in the manner hereinafter appearing. Act VII of 1870.

It is hereby enacted in the Fourteenth Year of the Republic of India as follows:—

Short title, extent and commencement. 1. (1) This Act may be called the Assam Court-Fees (Amendment) Act, 1963.

(2) It extends to the whole of Assam.

(3) It shall come into force with effect from the First day of April, 1963.

Amendment of Schedules I and II of Act VII of 1870. 2. In the principal Act—

(1) In Schedule I, for articles number 6, 7, 8 and 9 the following shall be substituted, namely:—

Number	—	Proper Fee
“6. Copy or translation of a judgment or order not being, or having the force of, a decree.	When such judgment or order is passed by any Civil Court other than a High Court, or by the Presiding Officer of any Revenue Court or Office, or by any other Judicial or Executive Authority—	
	(a) If the amount or value of the subject-matter is fifty or less than fifty rupees.	One rupee.
	(b) If such amount or value exceeds fifty rupees.	Two rupees.

Number	Proper Fee
	When such judgment or order is passed by a High Court. Four rupees.
7. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than a High Court, or by any Revenue Court—
	(a) If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees. Two rupees.
	(b) If such amount or value exceeds fifty rupees. Three rupees.
	When such decree or order is made by a High Court. Seven rupees and fifty naye paise.
8. Copy of any document liable to stamp-duty under the Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn.	(a) When the stamp-duty chargeable on the original does not exceed one rupee. The amount of the duty chargeable on the original. Act II of 1899.
9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or Office, or from the office of any chief officer charged with the executive administration of a Division.	(b) In any other case. One rupee.
	For every three hundred and sixty words or fraction of three hundred and sixty words. One rupee. ²

(2) For Schedule II, the following shall be substituted, namely:—

“(Schedule II.—Fixed fees)

SCHEDULE II

Fixed Fees

Number	—	Proper Fee
1. Application or petition.	<p>(a) When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings ; or</p> <p>when presented to any Municipal Board or other local authority constituted under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement ; or</p> <p>when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes constituted under Act No. 11 of 1865 or under Act No. 16 of 1868, section 20 or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees ; or</p> <p>when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or Office.</p>	Fifty naye ⁷ paise.

Number	Proper Fee
1. Application petition— <i>contd.</i>	Seven rupees and fifty naye paise.
(b) When presented to a Regional Transport Authority or State Transport Authority contain- ing a prayer for permits for Contract Carriage, Stage Carriage, Private Carrier or Public Carrier or for any other purpose.	
(c) When containing a complaint or charge of any offence other than an offence for which police-officers may, under the Criminal Proce- dure Code, arrest without warrant and presented to any Criminal Court; or when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any revenue officer having juris- diction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act; or to deposit in Court revenue or rent; or for determination by a Court of the amount of compensa- tion to be paid by a land- lord to his tenant; or when presented to a collector or other officer making a settlement of land revenue, or to a Board of Revenue, or a Commissioner of Reve- nue, relating to matters connected with the assess- ment of land or the as- certainment of rights there- to or interest therein, if pre- sented previous to the final confirmation of such settle- ments; or when presented to any officer of land revenue by any per- son holding temporarily settled land under direct engagement with Govern- ment, and when the subject- matter of the application or petition relates exclu- sively to such engagement.	In the case of a complaint or charge of an offence presen- ted to a criminal court or in the case of an application or petition presented to any officer of land revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject- matter of the appli- cation or petition relates exclusively to such engagement one rupee and fifty naye paise and in other cases one rupee.

Number _____

Proper Fee _____

1. Application or petition—concl'd.

(d) When presented to a Chief Commissioner or other Chief Controlling Revenue or Executive Authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a Division and not otherwise provided for by this Act. Three rupees.

(e) When presented to a High Court. Six rupees.

(f) When presented to any officer containing prayer for settlement of fishery, ferry, forest produce, forest mahals, elephant mahals, or an offer giving terms for acceptance of Government for any construction or an application for a permit or license to deal in controlled commodities. Seven rupees and fifty naye paise.

(g) When presented to an Appropriate Revenue Authority for demarcation of land—

(i) when the area of such land does not exceed one hectare; Two rupees.

(ii) for each subsequent area of one hectare or part thereof. One rupee.

1A. Application to any Civil Court that records may be called for from another Court.

When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.

One rupee and fifty naye paise in addition to any fee levied on the application under clause (a), clause (c) or clause (e) of Article 1 of this Schedule.

Number

Proper Fee

2. Application for leave to sue as a pauper.

One rupee

3. Application for leave to appeal as a pauper.

(a) When presented to a District Court.

Two rupees.

(b) When presented to a Commissioner or a High Court.

Three rupees.

4.....

5. Complaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.

6. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908 and not otherwise provided for by this Act.

One rupee,

Act V of 1898

Act V of 1908

7. Undertaking under section 49 of the Indian Divorce Act, 1869.

Act IV of 1869

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10. Mukhtarnama or Wakalatnama.

When presented for the conduct of any one case—

(a) to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer except such as are mentioned in clauses (b) and (c) of this Number;

One rupee.

Number	Proper Fee
10. Mukh t a r n a- ma or Wakalatnama— concl'd.	(b) to a Commissioner of Revenue, Circuit or Customs or to any officer charged with the executive administration of a Division, not being the Chief Revenue or Executive Authority ; (c) to a High Court, Chief Commissioner, Board of Revenue, or other Chief Controlling Revenue or Executive Authority, or/ an appellate authority prescribed under the Motor Vehicles Act, 1939 or to an appellate authority prescribed under the Assam Sales Tax Act, 1947.
	Two rupees and fifty naye paise. Five rupees.
	Act IV of 1939
	Assam Act XVII of 1947
11. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is present- ed.	(a) to any Civil Court other than a High Court, or to any Revenue Court or executive officer other than the High Court or Chief Controlling Revenue or Executive Authority except an authority specified in clause (b) ; (b) to an Excise appellate authority under Rule 340 of the Assam Excise Rules ; (c) to a High Court or Chief Commissioner, or other Chief Controlling Executive or Revenue Authority except an authority prescribed in clause (b) ; (d) to an Excise Appellate Authority under Rule 341 of the Assam Excise Rules ; (e) to a High Court in miscellaneous revenue matters except (f) below or to an appellate authority prescribed under the Motor Vehicles Act, 1939 ; and
	Three rupees. Fifteen rupees. Ten rupees. Fifty rupees. Fifteen rupees.
	Act IV of 1939

Number	Proper Fee
(f) to a High Court in appeal and revision matters arising out of settlement of fisheries—	
(i) when the bid money is below ten thousand rupees ;	Fifteen rupees.
(ii) when the bid money is above ten thousand rupees but below twenty thousand rupees ;	Twenty-five rupees.
(iii) when the bid money is above twenty thousand rupees.	Thirty rupees.
12 Caveat	Ten rupees.
13. Application under Act No. 10 of 1859, section 26, or Bengal Act No. 6 of 1862, section 9, or Bengal Act No. 8 of 1869, section 37.	Five rupees.
14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866.	Five rupees Act XXI of 1866.
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16.	
17. Complaint or memorandum of appeal in each of the following suits :—	
(i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court ;	Fifteen rupees.
(ii) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates ;	

Number	Proper Fee	
(iii) to obtain a declaratory decree where no consequential relief is prayed ;	Twenty rupees.
(iv) to set aside an award ;	Fifteen rupees.
(v) to set aside an adoption ;	Twenty rupees.
(vi) every other suit where it is not possible to estimate at a money-value the subject-matter in dispute, and which is not otherwise provided for by this Act.	Fifteen rupees.
18. Application under section 14 or section 20 of the Indian Arbitration Act, 1940, for a direction for filing an award or for an order for filing an agreement.	Fifteen rupees.	When presented to a Munsiff's Court.
	Fifty rupees.	When presented to any other Court.
		Act X of 1940.
19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.	Fifteen rupees.
		Act V of 1908.
20. Every petition under the Indian Divorce Act, 1869, except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act.	Twenty rupees
		Act IV of 1869.
21. Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1865.	Twenty rupees.
		Act XV of 1865."

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