

ASSAM COURT FEES (AMENDMENT) ACT, 1950

326 ASSAM ACT VIII of 1950 *THE ASSAM COURT-FEES (AMENDMENT) ACT, 1950 (Passed by the Assembly) [Published in the "Assam Gazette, Extraordinary", dated the 30th March 1950] An Act to amend the Court-Fees Act, 1870, with reference to the scale of court-fees in Assam Whereas it is necessary to increase temporarily the revenues of Assam and for that purpose to amend the Court-fees Act, 1870 (VII of 1870), called the principal Act in its application to Assam, in the manner appearing ; It is hereby enacted as follows :— 1. Short title, extent and commencement.—(1) This Act may be Assam Court-fees (Amendment) Act, 1950. (2) It extends to the whole of Assam. (3) It shall come into force on the first day of April, 1950 remain in force for a period of five years

2. Amendment Of section 18 of Act VII of 1870.—In section hereinafter 4' called the and shall 18 of the principal Act, for the words "a fee of eight annas" the words "a fee of one rupee" shall be substituted

3. Amendment of section 19.—Item (ix) in section 19 of the principal Act* shall be deleted

4. Amendment of Schedule I, Article 10.—For Article 1 in the first schedule to the principal Act, the following shall be substituted, namely :— When the amount Or Value. of the subject-matter Six annas. c 'l. Plaintiff, written state- in dispute does not exceed seventy-five rupees, for ment pleading a set off or every five rupees or part thereof of such amount or counter claim or memoran- value, dum of appeal (not otherwise and provided for in this Act) or of cross-objection presented to any Civil or Revenue Court when such amount or value exceeds seventy-five except those mentioned in rupees, for every five rupees or part thereof, in excess section 3. of seventy-five rupees, up to one hundred rupees, and when such amount or value exceeds one hundred rupees for every ten rupees, or part thereof, in excess of one hundred rupees up to one hundred and fifty rupees, when such amount or value exceeds one hundred and fifty rupees, for every ten rupees or part thereof up to one thousand rupees, and Eight annas One rupee. ten annas, One rupee: two annas; *For statement of Objects and Reasons see "Assam Gazette", 1950, Part page 47. I. Plaintiff, etc 327 when such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to seven thousand five hundred rupees, and when such amount or value exceeds seven thousand five hundred rupees, for every two hundred and fifty rupees, or part thereof, in excess of seven thousand five hundred rupees, up to ten thousand rupees, and when such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees, and when such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to fifty thousand rupees, and when such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees : Provided that the maximum fee leviable on a plaintiff or memorandum of appeal shall be ten thousand rupees." Seven rupees eight annas. Fifteen rupees. Twenty- two rupees eight annas. Thirty rupees. Thirty- seven rupees eight annas

5. Amendment of Schedule I, Article 6.—In the third column in Article 6 in the same schedule to the principal Act,— (a) for the words "Four annas", opposite clause (a) in the second column, the words "Eight annas" shall be substituted ; and (b) for the words "Eight annas" opposite the first item in clause (b) in the second column, the words "One rupee" shall be substituted, and for the words "One rupee" opposite the second item in that clause, the words "Two rupees" shall be substituted

6. Amendment of Schedule I, Article 7.—In the third column in Article 7 in the same schedule to the principal Act, (a) for the words "Eight annas" opposite clause (a) in the second column, the words "One rupee" shall be substituted ; and (b) for the words "One rupee" opposite clause (b) in the second column, the words "Two rupees" shall be substituted ; and (c) for the words "Four rupees" opposite the last entry in the second 7. to the "1899" column, the words "Five rupees" shall be substituted. Amendment of Schedule I, Article 8.—In Article 8 of the first schedule "1879" in the first column, the figures principal Act, for the figures shall be substituted. 328 8. Amendment of Schedule I, Article 11.—In Article 11 in the same schedule to the principal Act,— (i) for the entries above the proviso in the second column and for the entries in the third column, the following shall be substituted, the namely :— "When the amount or value of the per centum. 19: property in respect of which the grant of probate or letters is made exceeds

one thousand rupees, on such amount or value up to ten thousand rupees, and when such amount or value exceeds ten thousand rupees, on the portion of such amount or value which is in excess of ten thousand rupees, up to fifty thousand rupees, and when such amount or value exceeds fifty thousand rupees, on the portion of such amount or value which is in excess of fifty thousand rupees, up to a lakh of rupees, and when such amount or value exceeds a lakh of rupees on the portion of such amount or value which is in excess of a lakh of rupees up to two lakhs and fifty thousand rupees, and when such amount or value exceeds two lakhs and fifty thousand rupees, on the portion of such amount or value which is in excess of two lakhs and fifty thousand rupees up to three lakhs of rupees, and when such amount or value exceeds three lakhs of rupees, on the portion of such amount or value which is in excess of three lakhs of rupees up to four lakhs of rupees, and when such amount or value exceeds four lakhs of rupees, on the portion of such amount or value which is in excess of four lakhs of rupees up to five lakhs of rupees, and when such amount or value exceeds five lakhs of rupees, on the portion of such amount or value which is in excess of five lakhs of rupees. Three per centum. Four per centum. Five per centum. Five and a half per centum. Six per centum. Six and half per centum. Seven per centum." (2) In the proviso for the words and figures "the Succession Certificate Act, 1889" the words and figures "the Indian Succession Act, 1925" shall be substituted. 329 9. Substitution in Schedule I of new Article 12.— For Article 12 of the first schedule to the principal Act the following article shall be substituted, namely 12. Certificate under Whene the amount or Two per centum on the first ten thousand the Indian Succession Act, 1925. 1 value of any debt or security specified in the certificate under section 374 of the Act exceeds thousand one rupees, and when the aggregate amount or value of any debts or securities specified in the certificate and of any debts or securities to which the certificate has been extended under section 376 of the Act exceeds one thousand rupees. rupees, three per centum on the next forty thousand rupees, four per centum on the next fifty thousand rupees, five per centum on the next one lakh and fifty thousand rupees, five and a half per centum on the next fifty thousand rupees, six per centum on the next one lakh of rupees, six and a half per centum on the next one lakh of rupees, and seven per centum on the remainder such amount or value. In respect of such portion of the aggregate amount or value as consists of the amount or value of debts or securities so specified, the fee hereinbefore provided in that behalf in this article, and three per centum on such portion of the first ten thousand rupees, four and a half per centum on such portion of the next forty thousand rupees, six per centum on such portion of the next fifty thousand rupees, seven and a half per centum on such portion of the next one lakh and fifty thousand rupees, eight and a quarter per centum on such portion of the next fifty thousand rupees, nine per centum on such portion of the next one lakh of rupees, nine and three-quarters per centum on such portion of the next one lakh of rupees, and ten and a half per centum on such portion of the remainder of such aggregate amount or value as consists of the amount or value of debts or securities to which the certificate has been extended. The amount of a debt is its amount, including interest on the day on which the inclusion of the debt in the certificate is applied for so far as such amount, can be ascertained. (2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both the value of the security is purposes, its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained." 330 10, Amendment of table of rates of ad valorem fees—For the table of rates of ad valorem fees leviable on the institution of suits, at the end of the schedule to the principal Act, the table set forth in the Schedule to this Act Shall be substituted

11. Amendment of Schedule 11, Article 1, clauses (a), (b), (c) and (d) and insertion of a new clause Article 1 in the second schedule to the principal Act—(a) the second entry in the second column in clause (a) shall be deleted. (b) After clause (a) the following new clause in the second column and entry in the third column shall be added, namely— "(a) (a)—When presented to a Regional Transport Authority or State, Transport Authority containing prayer for permits for Contract Carriage, Stage Carriage, Private Carrier or Public Carrier of when presented to any officer containing prayer for registration as a dealer under the provisions of the Assam Sales Tax Act, . Five rupees." 1947 (c) in clause (a) after the words "Municipal Commissioner" in the third entry in the second column the words "or member of a Local Board" shall be inserted ; (d) (i) for the words "One anna" opposite clause (a) in the second column, the words "Four annas" shall be substituted ; (ii) for the words "Eight annas" opposite clause (b) in the second

column the following shall be substituted, namely— "In the case of a complaint or charge of an offence presented 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 application or petition relates exclusively to such engagement one rupee and in other cases twelve annas ; " (iii) for the words "One rupee" opposite clause (c) in the second column, the words "Two rupees" shall be substituted. (e) in the second column in clause (b), the following shall be added, namely "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 Revenues relating to matters connected with the assessment of land or the ascertainment of rights thereto or interest therein, if presented previous to the final confirmation of such settlements , or when 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 application or petition relates exclusively to such engagement ; " (f) for the words "Two rupees" opposite clause (d) in the second column, the words "Four rupees" shall be substituted. (g) after clause (d) the following new clause in the second column and entry in the third column shall be added, namely :— (e) 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 Five rupees. controlled commodities. states Ime hall and pal d. ind ate act or ion ird d" nd nn a ng n- er n, d, nt of n, h 1, d yr 331 12. Amendment of Schedule 11, Article 10. -In Article IO in the same schedule to the principal Act, (1) (2) (3) (4) for the words "Eight annas", opposite clause (a) in the second column, the words "One rupee" shall be substituted ; and for the words "One rupee", opposite clause (b) in the second column, the words "Two rupees" shall be substituted. at the end of clause (c) in the second column after putting a comma after the words "Executive Authority", the following shall be added, namely— "to an appellate authority prescribed under the Motor Vehicles Act, 1939 or to an appellate authority prescribed under the Assam Sales Tax Act, 1947. for the words "Two rupees" opposite clause (c) in the second column, the words "Four rupees" shall be substituted

13. Amendment of Schedule 11, Article 11.In Article 11 in the same schedule to the principal Act,— (a) (b) (c) (d) for the words "Eight annas" opposite clause (a) in the second column, the words "Two rupees" shall be substituted. for the words "Two rupees" opposite clause (b) in the second column. the words "Five rupees" shall be substituted. add the following as new clauses in the second column and entries in the third column— "(c) to a High Court in miscellaneous revenue matters except [(d) below] or to an appellate authority prescribed under the Motor Vehicles Act, 1939 or to an appellate authority prescribed under the Assam Sales Tax Act, 1947... Ten rupees ; and to a High Court in appeal and revision matters arising out of settlement of fisheries ; (i) when bid money is below ten thousand rupees... Ten rupees. (ii) when bid money is above ten thousand rupees but below twenty thousand rupees...Fifteen rupees. (iii) when bid money is above twenty thousand rupees—Twenty rupees" 14. Amendment of Schedule 11, Article 12.— For the words "Five rupees" in the third column opposite Article 12 in the Second Schedule to the principal Act, the words "Ten rupees" shall be substituted

15. Amendment of Schedule 11, Article The words "Ten rupees" in the third column opposite Article 17 in the same schedule to the principal Act and the bracket opposite that same schedule shall be omitted.(2) In the third column in the (a) opposite entries (i), (ii), shall be inserted ; and (b) opposite entry (iii) and inserted. article in the second column in the said article,— (iv) and (vi) the words "Fifteen rupees" (v) the words "Twenty rupees" shall be 332 16. Amendment of Schedule 11, Article 18...—In Article 18 of the Second Schedule to the principal Act, the following shall be substituted, namely— 17. Exemption of certain probates, letters oi administration and certificate.— Nothing in this Act shall apply to any probate, letters of administration or tificate in respect of which the fee payable under the law for the time being in force has been paid prior to the commencement of this Act but which have not issued. THE SCHEDULE TABLE OF RATES OF AD VALOREM FEES LEVIABLE ON THE INS. TITUTION OF SUITS [See SECTION IO OF THE ASSAM COURT-FEES (AMENDMENT) ACT, 1950] When the amount or value of the subject-matter exceeds— (1) 10 15 20 25 30 35 45 50 55 60 65 70 75 80 85 90 95 100 110 120 130 140 150 But does not exceed— (2) Rs. 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100 110 120 130 140 150 160 Proper fee (3) Rs. o 2 4 5 6 9 11 13 14 16 17 a. 12 14 10 12 14 10 10 10 12 10 When the amount or value of the subject-matter exceeds— (1) 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390 400 410 420 430

