

ASSAM COURT FEES (AMENDMENT) ACT, 1963

TV26th April 1963 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.V111 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] Act further to amend the Court-Fees Act, 1870, in its application to Assam. WHEREAS it is expedient further to amend the Preamble Court-Fees Act, 1870, hereinafter called the principal Act, in its application to Assam, in the manner hereinafter appearing, It is hereby enacted in the Fourteenth Year of the Republic of India as follows I. (1) This Act may be called the Assam Court- Short title, extent and Fees (Amendment) Act, 1963. Act VII of 1070. commence- mente mendment o Schedules 1 and 11 of Act VII of 1870, 2. (2) it extends to the whole of Assam. (3) It shall come into force with effect from the First day of April, 1963. In the principal Act— (1) In Schedule I, for articles number 6, 7, 8 Number ' 6. Copy or translation of a judgment or order not being, or having the force of, a decree. and 9 the following shall be substituted, namely Proper Fee 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 One of the subject-matter is rupee. less than fifty fifty or rupees. (b) If such amount or value Two exceeds fifty rupees. rupees. Number 7, Copy of a decree or order having the force of a decree, 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to stamp-duty under the Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn. 9, Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken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. When such judgment or order is passed by a High Court. 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 Proper Fee; Four rupees or Two rupees, the subject-matter of the rupees. suit wherein such decree or order is made is fifty or less than fifty rupees, (b) If such amount or value Three exceeds fifty rupees. rupees. When such decree or order is made by a High Court. (a) When the stamp-duty chargeable on the original does not exceed one rupee. (b) In any other case, For every three hundred and sixty words or fraction of three hundred and sixty words. rupees and fifty paise. The amount Act of 1899. of the duty chargeable on the original, One rupee. One rupee,' 2 (2) For Schedule II the following shall be substituted, namely Number 1. Application or petition. "(Schedule II.—Fixed fees) SCHEDULE 11 Fixed Fees Proper Fee (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 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 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 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. 4 Number 1. Application "(b) When presented to a Regional petition—contd. Transport Authority or State Transport Authority containing 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 Procedure 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 jurisdiction 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 compensation to be paid by a landlord 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 Revenue, relating to matters connected. With the assessment of land or the ascertainment of rights 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, Proper Fee Seven rupees and fifty naye paise, 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 fifty naye paise and in other cases one rupee, Number - 1. Application or petition—concl. 5 (d) When presented to a Chief Commissioner or to the 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. (e) When presented to a High Court. (f) When presented to any officer containing prayer for settlement of fishery, ferry, forest produce, 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. (g) When presented to an Appropriate Revenue Authority for demarcation of land— (i) when the area of such land does not exceed one hectare; (ii) for each subsequent area of one hectare or part thereof. When the Court grants the application and is of opinion that the transmission of such records involves the use of the post. Proper Fee. Three rupees. Six rupees. Seven rupees and fifty naye paise. Two rupees, One rupee, 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 2. Application for leave to sue* as a pauper

3. Application for leave to appeal as a pauper.40

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

7. Undertaking under section 49 of the Indian Divorce Act, 1869, 89 IO. Mukhtarnama or Wakalatnama. 6 (a) When presented to a District Court, (b) When presented to a Commissioner or a High Court. 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 clause* (b) and (c) of this Number; Proper Fee One rupee Two rupees, Three rupees. One rupee, Act IV of 1896 Act V of 1908 Act IV One rupee.

10. Mukhtarnama or Wakalatnama—concl. 11, Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented, 7 (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 (a) 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. 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); Proper Fee Two rupees and fifty naye paise. Five rupees. Act IV of 1939 Assam Act XVII of 1947 Three rupees, (b) to an Excise appellate Fifteen rupees. 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 Ten rupees. Fifty rupees, Fifteen rupees. Act IV of Number 12 Caveat 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

14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866. 15 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 Re-venue Court ; (ii) to alter or cancel any entry in a register of the names of-proprietors of revenue-paying estates ; 8 (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 ; (ii) when the bid money is above ten thousand rupees but below twenty thousand rupees ; (iii) when the bid money is above twenty thousand rupees. proper Fee Fifteen rupees. Twenty-five rupees. Thirty rupees. Ten rupees. Five rupees. Five rupees Fifte rupees. Act XXI of 1866, Number (iii) to obtain a declaratory decree where no consequential relief is prayed ; (iv) to set aside an award ; (v) to set aside an adoption • other (vi) every 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

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

19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 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

21. Complaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1865.9 When presented to a Siff's Court. When presented to other Court. Mun- any Proper Fee Twenty rupees. Fifteen rupees, Twenty rupees. Fifteen rupees. Fifteen rupees. Fifty rupees. Fifteen rupees. Twenty rupees Twenty rupees. Act X of Act V of 1908. Act of 1869. Act XV of Secy. R. C. CHAUDHURI, to the Govt. Of Assam, Law Deptt,

