

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), hereinafter called the principal Act in its application to Assam, in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the 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 and shall remain in force for a period of five years.

2. **Amendment of section 18 of Act VII of 1870.**—In section 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 1.**—For Article 1 in the first schedule to the principal Act, the following shall be substituted, namely:—

"1. Plaint, written statement pleading a set off or counter claim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to any Civil or Revenue Court except those mentioned in section 3.	{	When the amount or value of the subject-matter in dispute does not exceed seventy-five rupees, for every five rupees or part thereof of such amount or value,	Six annas.
		and	
		when such amount or value exceeds seventy-five rupees, for every five rupees or part thereof, in excess of seventy-five rupees, up to one hundred rupees,	Eight annas
		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,	One rupee ten annas,
		when such amount or value exceeds one hundred and fifty rupees, for every ten rupees or part thereof up to one thousand rupees,	One rupee two annas,
		and	

*For statement of Objects and Reasons see "Assam Gazette", 1950, Part V, page 47.

1. <i>Plaint, etc...</i>	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,	Seven rupees eight annas.
	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,	Fifteen 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,	Twenty-two rupees eight annas.
	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,	Thirty 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 :	Thirty-seven rupees eight annas.
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be ten thousand rupees."	

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 column, the words "Five rupees" shall be substituted.

7. **Amendment of Schedule I, Article 8.**—In Article 8 of the first schedule to the principal Act, for the figures "1879" in the first column, the figures "1899" shall be substituted.

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, namely :—

“When the amount or value of the 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,

Two per centum.

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,

Three per centum.

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,

Four per centum.

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,

Five per centum.

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,

Five and a half per centum.

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,

Six per centum.

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,

Six and half per centum.

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.

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.

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 the Indian Succession Act, 1925.

When the amount or value of any debt or security specified in the certificate under section 374 of the Act exceeds one thousand 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.

Two per centum on the first ten thousand 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.

Note.—(1) 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 purposes, the value of the security is 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.”

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 same schedule to the principal Act, the table set forth in the Schedule to this Act shall be substituted.

11. **Amendment of Schedule II, Article 1, clauses (a), (b), (c) and (d) and insertion of a new clause (e).**—In 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 or when presented to any officer containing prayer for registration as a dealer under the provisions of the Assam Sales Tax Act, 1947.....Five rupees.”

- (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 Revenue, 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 controlled commodities.....Five rupees.

12. Amendment of Schedule II, Article 10.—In Article 10 in the same schedule to the principal Act,—

- (1) for the words "Eight annas", opposite clause (a) in the second column, the words "One rupee" shall be substituted; and
- (2) for the words "One rupee", opposite clause (b) in the second column, the words "Two rupees" shall be substituted.
- (3) 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.
- (4) for the words "Two rupees" opposite clause (c) in the second column, the words "Four rupees" shall be substituted.

13. Amendment of Schedule II, Article 11.—In Article 11 in the same schedule to the principal Act,—

- (a) for the words "Eight annas" opposite clause (a) in the second column, the words "Two rupees" shall be substituted.
- (b) for the words "Two rupees" opposite clause (b) in the second column, the words "Five rupees" shall be substituted.
- (c) 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

- (d) 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 II, 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 II, Article 17.—(1) The words "Ten rupees" in the third column opposite Article 17 in the same schedule to the principal Act and the bracket opposite that article in the second column in the same schedule shall be omitted.

- (2) In the third column in the said article,—
 - (a) opposite entries (i), (ii), (iv) and (vi) the words "Fifteen rupees" shall be inserted; and
 - (b) opposite entry (iii) and (v) the words "Twenty rupees" shall be inserted.

16. **Amendment of Schedule II, 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 of administration and certificate.**—Nothing in this Act shall apply to any probate, letters of administration or certificate 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 INSTITUTION OF SUITS

[See SECTION 10 OF THE ASSAM COURT-FEES (AMENDMENT) ACT, 1950]

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee	
(1)	(2)	(3)	
Rs.	Rs.	Rs.	a.
..	5	0	6
5	10	0	12
10	15	1	2
15	20	1	8
20	25	1	14
25	30	2	4
30	35	2	10
35	40	3	0
40	45	3	6
45	50	3	12
50	55	4	2
55	60	4	8
60	65	4	14
65	70	5	4
70	75	5	10
75	80	6	2
80	85	6	10
85	90	7	2
90	95	7	10
95	100	8	2
100	110	9	12
110	120	11	6
120	130	13	0
130	140	14	10
140	150	16	4
150	160	17	6

(THE SCHEDULE)

When the amount
or value of the
subject-matter
exceeds—

But does not
exceed—

Proper fee

(1)	(2)	(3)	
Rs.	Rs.	Rs.	a.
160	170	18	8
170	180	19	10
180	190	20	12
190	200	21	14
200	210	23	0
210	220	24	2
220	230	25	4
230	240	26	6
240	250	27	8
250	260	28	10
260	270	29	12
270	280	30	14
280	290	32	0
290	300	33	2
300	310	34	4
310	320	35	6
320	330	36	8
330	340	37	10
340	350	38	12
350	360	39	14
360	370	41	0
370	380	42	2
380	390	43	4
390	400	44	6
400	410	45	8
410	420	46	10
420	430	47	12
430	440	48	14
440	450	50	0
450	460	51	2
460	470	52	4
470	480	53	6
480	490	54	8
490	500	55	10
500	510	56	12
510	520	57	14
520	530	59	0
530	540	60	2
540	550	61	4
550	560	62	6
560	570	63	8
570	580	64	10
580	590	65	12
590	600	66	14
600	610	68	0
610	620	69	2

(THE SCHEDULE)

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee	
(1)	(2)	(3)	
Rs.	Rs.	Rs.	a.
620	630	70	4
630	640	71	6
640	650	72	8
650	660	73	10
660	670	74	12
670	680	75	14
680	690	77	0
690	700	78	2
700	710	79	4
710	720	80	6
720	730	81	8
730	740	82	10
740	750	83	12
750	760	84	14
760	770	86	0
770	780	87	2
780	790	88	4
790	800	89	6
800	810	90	8
810	820	91	10
820	830	92	12
830	840	93	14
840	850	95	0
850	860	96	2
860	870	97	4
870	880	98	6
880	890	99	8
890	900	100	10
900	910	101	12
910	920	102	14
920	930	104	0
930	940	105	2
940	950	106	4
950	960	107	6
960	970	108	8
970	980	109	10
980	990	110	12
990	1,000	111	14
1,000	1,100	119	6
1,100	1,200	126	14
1,200	1,300	134	6
1,300	1,400	141	14
1,400	1,500	149	6
1,500	1,600	156	14
1,600	1,700	164	6
1,700	1,800	191	14

(THE SCHEDULE)

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee	
(1)	(2)	(3)	
Rs.	Rs.	Rs.	a.
1,800	1,900	179	6
1,900	2,000	186	14
2,000	2,100	194	6
2,100	2,200	201	14
2,200	2,300	209	6
2,300	2,400	216	14
2,400	2,500	224	6
2,500	2,600	231	14
2,600	2,700	239	6
2,700	2,800	246	14
2,800	2,900	254	6
2,900	3,000	261	14
3,000	3,100	269	6
3,100	3,200	276	14
3,200	3,300	234	6
3,300	3,400	291	14
3,400	3,500	299	6
3,500	3,600	306	14
3,600	3,700	314	6
3,700	3,800	321	14
3,800	3,900	329	6
3,900	4,000	336	14
4,000	4,100	344	6
4,100	4,200	351	14
4,200	4,300	359	6
4,300	4,400	366	14
4,400	4,500	374	6
4,500	4,600	381	14
4,600	4,700	389	6
4,700	4,800	396	14
4,800	4,900	404	6
4,900	5,000	411	14
5,000	5,100	419	6
5,100	5,200	426	14
5,200	5,300	434	6
5,300	5,400	441	14
5,400	5,500	449	6
5,500	5,600	456	14
5,600	5,700	464	6
5,700	5,800	471	14
5,800	5,900	479	6
5,900	6,000	486	14
6,000	6,100	494	6
6,100	6,200	501	14
6,200	6,300	509	6

(THE SCHEDULE)

When the amount
or value of the
subject-matter
exceeds—

But does not
exceed—

Proper fee

(1)	(2)	(3)	
Rs.	Rs.	Rs.	a.
6,300	6,400	516	14
6,400	6,500	524	6
6,500	6,600	531	14
6,600	6,700	539	6
6,700	6,800	546	14
6,800	6,900	554	6
6,900	7,000	561	14
7,000	7,100	569	6
7,100	7,200	576	14
7,200	7,300	584	6
7,300	7,400	591	14
7,400	7,500	599	6
7,500	7,750	614	6
7,750	8000,	629	6
8,000	8,250	644	6
8,250	8,500	659	6
8,500	8,750	674	6
8,750	9,000	689	6
9,000	9,250	704	6
9,250	9,500	719	6
9,500	9,750	734	6
9,750	10,000	749	6
10,000	10,500	771	14
10,500	11,000	794	6
11,000	11,500	816	14
11,500	12,000	839	6
12,000	12,500	861	14
12,500	13,000	884	6
13,000	13,500	906	14
13,500	14,000	929	6
14,000	14,500	951	14
14,500	15,000	974	6
15,000	15,500	996	14
15,500	16,000	1,019	6
16,000	16,500	1,041	14
16,500	17,000	1,064	6
17,000	17,500	1,086	14
17,500	18,000	1,109	6
18,000	18,500	1,131	14
18,500	19,000	1,154	6
19,000	19,500	1,176	14
19,500	20,000	1,199	6
20,000	21,000	1,229	6
21,000	22,000	1,259	6
22,000	23,000	1,289	6

(THE SCHEDULE)

When the amount
or value of the
subject-matter
exceeds—

But does not
exceed—

Proper fee

(1)

(2)

(3)

Rs.	Rs.	Rs.	a.
23,000	24,000	1,319	6
24,000	25,000	1,349	6
25,000	26,000	1,379	6
26,000	27,000	1,409	6
27,000	28,000	1,439	6
28,000	29,000	1,469	6
29,000	30,000	1,499	6
30,000	31,000	1,529	6
31,000	32,000	1,559	6
32,000	33,000	1,589	6
33,000	34,000	1,619	6
34,000	35,000	1,649	6
35,000	36,000	1,679	6
36,000	37,000	1,709	6
37,000	38,000	1,739	6
38,000	39,000	1,769	6
39,000	40,000	1,799	6
40,000	41,000	1,829	6
41,000	42,000	1,859	6
42,000	43,000	1,889	6
43,000	44,000	1,919	6
44,000	45,000	1,949	6
45,000	46,000	1,979	6
46,000	47,000	2,009	6
47,000	48,000	2,039	6
48,000	49,000	2,069	6
49,000	50,000	2,099	6
50,000	55,000	2,136	14
55,000	60,000	2,174	6
60,000	65,000	2,211	14
65,000	70,000	2,249	6
70,000	75,000	2,286	14
75,000	80,000	2,324	6
80,000	85,000	2,361	14
85,000	90,000	2,399	6
90,000	95,000	2,436	14
95,000	1,00,000	2,474	6
1,00,000	1,05,000	2,511	14
1,05,000	1,10,000	2,549	6
1,10,000	1,15,000	2,586	1
1,15,000	1,20,000	2,624	6
1,20,000	1,25,000	2,661	14
1,25,000	1,30,000	2,699	6

(THE SHEDULE)

When the amount
or value of the
subject-matter
exceeds—

But does not
exceed—

Proper fee

(1)

(2)

(3)

Rs.

Rs.

R.

a.

1,30,000

1,35,000

2,736 14

1,35,000

1,40,000

2,774 6

1,40,000

1,45,000

2,811 14

1,45,000

1,50,000

2,849 6

1,50,000

1,55,000

2,886 14

1,55,000

1,60,000

2,924 6

1,60,000

1,65,000

2,961 14

1,65,000

1,70,000

2,999 6

1,70,000

1,75,000

3,036 14

1,75,000

1,80,000

3,074 6

1,80,000

1,85,000

3,111 14

1,85,000

1,90,000

3,149 6

1,90,000

1,95,000

3,186 14

1,95,000

2,00,000

3,224 6

2,00,000

2,05,000

3,261 14

and the fee increases at the rate of thirty-seven rupees eight annas for every five thousand rupees, or part thereof, up to a maximum fee of ten thousand rupees, for example—

Rs.

Rs.

Rs.

a.

3,00,000

3,974 6

4,00,000

4,724 6

5,00,000

5,474 6

6,00,000

6,224 6

7,00,000

6,974 6

8,00,000

7,724 6

9,00,000

8,474 6

10,00,000

9,224 6

11,00,000

9,974 6

11,05,000

10,000 0