

XIV/36

ASSAM ACT XIV OF 1936.

THE ASSAM COURT-FEES (AMENDMENT) ACT, 1936.

[Published in the Assam Gazette of the 2nd December 1936.]

An Act to amend the Court-fees Act, 1870 with reference to the scale of court-fees in Assam.

WHEREAS it is necessary to revise temporarily the scale of court-fees for Assam, by amendment of the Court-fees Act, 1870, in its application to VII of 1870. Assam, in the manner hereinafter appearing ;

And whereas the previous sanction of the Governor General has been obtained, under section 80-A, sub-section (3), of the Government of India Act, to the passing of this Act;

It is hereby enacted as follows:—

Short title, extent and commencement.

1.(1) This Act may be called the Assam Court-fees (Amendment) Act, 1936.

(2) It extends to the whole of Assam.

(3) It shall come into force on the first day of January 1937 and shall remain in force for a period of three years.

Amendment of Schedule Article 8.

2. In Article 8 of the first schedule to the Court-fees Act, 1870, hereinafter referred to as "the said Act," for the figures "1870" in the first column the figures "1899" shall be substituted.

Amendment of section 18 of Act VII of 1870.

3. In section 18 of the said Act, for the words "a fee of eight annas" the words "a fee of one rupee" shall be substituted.

Amendment of section 19.

4. In item viii in section 19 of the said Act, for the words "one thousand rupees" the words "two thousand rupees" shall be substituted.

Insertion of new section 19GG in Act VII of 1870.

5. After section 19G of the said Act, the following new section shall be inserted, namely:—

"19GG. Notwithstanding anything contained in this or any other Act, no probate or letters of administration heretofore or hereafter granted by any court outside the limits of the province of Assam shall operate to confer upon the grantee any probate and letters of administration inoperative in certain cases.

title to immovable property in Assam of which he did not obtain possession prior to the 1st January 1937 unless he holds a certificate from the Chief Controlling Revenue Authority of Assam that he has paid the court-fee due on such probate or letters of administration in respect of the full value of such property."

Amendment of
Schedule I,
Article 1.

6. For Article 1 in the first schedule to the said Act the following shall be substituted, namely :—

<p>" 1. Plaintiff, 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.</p>	<p>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,</p>	<p>Six annas.</p>
	and	
	<p>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,</p>	<p>Eight annas.</p>
	and	
	<p>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.</p>	<p>One rupee ten annas.</p>
	and	
	<p>when such amount or value exceeds one hundred and fifty rupees, for every ten rupees or part thereof up to one thousand rupees,</p>	<p>One rupee two annas.</p>
	and	
	<p>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,</p>	<p>Seven rupees eight annas.</p>
	and	
	<p>when such amount or value exceeds seven thousand five hundred rupees,</p>	<p>Fifteen rupees.</p>

1. *Plaint, etc.*

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 plaint or memorandum of appeal shall be ten thousand rupees."

Amendment of Schedule I, Article 6. 7. In the third column in Article 6 in the same schedule to the said Act,—

- (a) for the words "Four annas," opposite clause (a) in the second column, the words "Six annas" shall be substituted ; and
- (b) For the words "Eight annas" opposite the first item in clause (b) in the second column, the words "Twelve annas" shall be substituted, and for the words "one rupee" opposite the second item in that clause, the words "one rupee eight annas" shall be substituted.

Amendment
Schedule I,
Article 11.

of 8. (1) For the entries above the proviso in the second column and for the entries in the third column, in Article 11 in the same schedule to the said Act, 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 two 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 a 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.

Substitution in Schedule I of new Article 12. 9. For Article 12 of the first schedule to the said Act the following article shall be substituted, namely:—

<p>"12. Certificate under the Indian Succession Act, 1925.</p>	<p>When the amount or value of any debt or security specified in the certificate under section 374 of the Act exceeds one thousand rupees,</p>	<p>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,</p>
--	--	---

and

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,

seven per centum on the remainder of 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—(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.

(3) 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."

Amendment of table of rates of *ad valorem* fees.

10. For the table of rates of *ad valorem* fees leviable on the institution of suits, at the end of the same schedule to the said Act, the table set forth in the Schedule to this Act shall be substituted.

Amendment of Schedule II, Article 1, clauses (a), (b) and (c).

11. In Article 1 in the second schedule to the said Act—

- (a) 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;
- (b) (i) for the words "One anna" opposite clause (a) in the second column, the words "Two 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 one rupee, and in other cases twelve annas; and"
- (iii) for the words "One rupee" opposite clause (c) in the second column, the words "One rupee eight annas" shall be substituted.

Amendment of Schedule II, Article 10.

12. In the third column in Article 10 in the same schedule to the said 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 "One rupee eight annas" shall be substituted.

Amendment of Schedule II, Article 11. 13. For Article 11 in the same schedule to the said Act, the following shall be substituted, namely:—

"11. Memorandum (a) (i) to any Revenue Eight of appeal when the Court or Executive Officer anna. appeal is not from a other than the High Court decree or an order or Chief Controlling Revenue or Executive decree and is present- Authority, ed.

(ii) to any Civil Court One other than a High Court, rupee.

(b) to a Chief Control- Two ling Executive or rupees." Revenue Authority.

Amendment of Schedule II, Article 12. 14. Above the words "Five rupees" where they occur in the third column, opposite Articles 12 and 13, in the same schedule to the said Act, the words "Ten rupees" shall be inserted opposite Article 12, and the bracket between Articles 12 and 13 in the second column shall be omitted.

Amendment of Schedule II, Article 17. 15. (1) The words "Ten rupees" in the third column opposite Article 17 in the same schedule to the said 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.

Amendment of Schedule II, Article 18. 16. In Article 18 of the second schedule to the said Act, for the words and figures "section 326 of the Code of Civil Procedure" the words and figures "paragraph 17 of the second schedule to the Code of Civil Procedure, 1908" shall be substituted.

Exemption of certain probates, letters of administration and certificates. 17. 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, 1936.]

When the amount or value of the subject-matter exceeds -	But does not exceed -	Proper fee.
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	18 0
160	170	19 2
170	180	20 4
180	190	21 6
190	200	22 8
200	210	23 10
210	220	24 12
220	230	25 14
230	240	27 0
240	250	28 2

(THE SCHEDULE.)

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	
Rs.	Rs.	Rs.	a.
250	260	29	4
260	270	30	6
270	280	31	8
280	290	32	10
290	300	33	12
300	310	34	14
310	320	36	0
320	330	37	2
330	340	38	4
340	350	39	6
350	360	40	8
360	370	41	10
370	380	42	12
380	390	43	14
390	400	45	0
400	410	46	2
410	420	47	4
420	430	48	6
430	440	49	8
440	450	50	10
450	460	51	12
460	470	52	14
470	480	54	0
480	490	55	2
490	500	56	4
500	510	57	6
510	520	58	8
520	530	59	10
530	540	60	12
540	550	61	14
550	560	63	0
560	570	64	2
570	580	65	4
580	590	66	6
590	600	67	8
600	610	68	10
610	620	69	12
620	630	70	14
630	640	72	0
640	650	73	2
650	660	74	4
660	670	75	6

(THE SCHEDULE.)

When the amount or value of the subject-matter exceeds—	But does not exceed -	Proper fee.
Rs.	Rs.	Rs. a.
670	680	76 8
680	690	77 10
690	700	78 12
700	710	79 14
710	720	81 0
720	730	82 2
730	740	83 4
740	750	84 6
750	760	85 8
760	770	86 10
770	780	87 12
780	790	88 14
790	800	90 0
800	810	91 2
810	820	92 4
820	830	93 6
830	840	94 8
840	850	95 10
850	860	96 12
860	870	97 14
870	880	99 0
880	890	100 2
890	900	101 4
900	910	102 6
910	920	103 8
920	930	104 10
930	940	105 12
940	950	106 14
950	960	108 0
960	970	109 2
970	980	110 4
980	990	111 6
990	1,000	112 8
1,000	1,100	120 0
1,100	1,200	127 8
1,200	1,300	135 0
1,300	1,400	142 8
1,400	1,500	150 0
1,500	1,600	157 8
1,600	1,700	165 0
1,700	1,800	172 8
1,800	1,900	180 0

(THE SCHEDULE.)

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs.	Rs.	Rs. a
1,900	2,000	187 8
2,000	2,100	195 0
2,100	2,200	202 8
2,200	2,300	210 0
2,300	2,400	217 8
2,400	2,500	225 0
2,500	2,600	232 8
2,600	2,700	240 0
2,700	2,800	247 8
2,800	2,900	255 0
2,900	3,000	262 8
3,000	3,100	270 0
3,100	3,200	277 8
3,200	3,300	285 0
3,300	3,400	292 8
3,400	3,500	300 0
3,500	3,600	307 8
3,600	3,700	315 0
3,700	3,800	322 8
3,800	3,900	330 0
3,900	4,000	337 8
4,000	4,100	345 0
4,100	4,200	352 8
4,200	4,300	360 0
4,300	4,400	367 8
4,400	4,500	375 0
4,500	4,600	382 8
4,600	4,700	390 0
4,700	4,800	397 8
4,800	4,900	405 0
4,900	5,000	412 8
5,000	5,100	420 0
5,100	5,200	427 8
5,200	5,300	435 0
5,300	5,400	442 8
5,400	5,500	450 0
5,500	5,600	457 8
5,600	5,700	465 0
5,700	5,800	472 8
5,800	5,900	480 0

(THE SCHEDULE.)

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs.	Rs.	Rs. a.
5,900	6,000	487 8
6,000	6,100	495 0
6,100	6,200	502 8
6,200	6,300	510 0
6,300	6,400	517 8
6,400	6,500	525 0
6,500	6,600	532 8
6,600	6,700	540 0
6,700	6,800	547 8
6,800	6,900	555 0
6,900	7,000	562 8
7,000	7,100	570 0
7,100	7,200	577 8
7,200	7,300	585 0
7,300	7,400	592 8
7,400	7,500	600 0
7,500	7,750	615 0
7,750	8,000	630 0
8,000	8,250	645 0
8,250	8,500	660 0
8,500	8,750	675 0
8,750	9,000	690 0
9,000	9,250	705 0
9,250	9,500	720 0
9,500	9,750	735 0
9,750	10,000	750 0
10,000	10,500	772 8
10,500	11,000	795 0
11,000	11,500	817 8
11,500	12,000	840 0
12,000	12,500	862 8
12,500	13,000	885 0
13,000	13,500	907 8
13,500	14,000	930 0
14,000	14,500	952 8
14,500	15,000	975 0
15,000	15,500	997 8
15,500	16,000	1,020 0
16,000	16,500	1,042 8
16,500	17,000	1,065 0

(THE SCHEDULE.)

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	
Rs.	Rs.	Rs.	a.
17,000	17,500	1,087	8
17,500	18,000	1,110	0
18,000	18,500	1,132	8
18,500	19,000	1,155	0
19,000	19,500	1,177	8
19,500	20,000	1,200	0
20,000	21,000	1,230	0
21,000	22,000	1,260	0
22,000	23,000	1,290	0
23,000	24,000	1,320	0
24,000	25,000	1,350	0
25,000	26,000	1,380	0
26,000	27,000	1,410	0
27,000	28,000	1,440	0
28,000	29,000	1,470	0
29,000	30,000	1,500	0
30,000	31,000	1,530	0
31,000	32,000	1,560	0
32,000	33,000	1,590	0
33,000	34,000	1,620	0
34,000	35,000	1,650	0
35,000	36,000	1,680	0
36,000	37,000	1,710	0
37,000	38,000	1,740	0
38,000	39,000	1,770	0
39,000	40,000	1,800	0
40,000	41,000	1,830	0
41,000	42,000	1,860	0
42,000	43,000	1,890	0
43,000	44,000	1,920	0
44,000	45,000	1,950	0
45,000	46,000	1,980	0
46,000	47,000	2,010	0
47,000	48,000	2,040	0
48,000	49,000	2,070	0
49,000	50,000	2,100	0
50,000	55,000	2,137	8
55,000	60,000	2,175	0
60,000	65,000	2,212	8
65,000	70,000	2,250	0
70,000	75,000	2,287	8
75,000	80,000	2,325	0

(THE SCHEDULE.)

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	
Rs.	Rs.	Rs.	a.
80,000	85,000	2,362	8
85,000	90,000	2,400	0
90,000	95,000	2,437	8
95,000	1,00,000	2,475	0
1,00,000	1,05,000	2,512	8
1,05,000	1,10,000	2,550	0
1,10,000	1,15,000	2,587	8
1,15,000	1,20,000	2,625	0
1,20,000	1,25,000	2,662	8
1,25,000	1,30,000	2,700	0
1,30,000	1,35,000	2,737	8
1,35,000	1,40,000	2,775	0
1,40,000	1,45,000	2,812	8
1,45,000	1,50,000	2,850	0
1,50,000	1,55,000	2,887	8
1,55,000	1,60,000	2,925	0
1,60,000	1,65,000	2,962	8
1,65,000	1,70,000	3,000	0
1,70,000	1,75,000	3,037	8
1,75,000	1,80,000	3,075	0
1,80,000	1,85,000	3,112	8
1,85,000	1,90,000	3,150	0
1,90,000	1,95,000	3,187	8
1,95,000	2,00,000	3,225	0
2,00,000	2,05,000	3,262	8

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	4,012	8
	4,00,000	4,762	8
	5,00,000	5,512	8
	6,00,000	6,262	8
	7,00,000	7,012	8
	8,00,000	7,762	8
	9,00,000	8,512	8
	10,00,000	9,262	8
	11,00,000	10,000	0