

THE ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

THE ARUNACHAL PRADESH COURT FEES BILL, 2023

(TO BE INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

THE ARUNACHAL PRADESH COURT FEES BILL, 2023

A

BILL

to consolidate laws relating to Court Fees and matters connected therewith or incidental thereto; BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Seventy-fourth Year of the Republic of India as follows,-

CHAPTER - I**PRELIMINARY**

1. **Short title and commencement** : (1) This Act may be called the Arunachal Pradesh Court Fees Act, 2023.
 - (2) It shall extend to whole of the State of Arunachal Pradesh, except Customary Courts.
 - (3) It shall come into force on the date of its publication in the Official Gazette.
2. **Definition** : Unless the context otherwise requires,-
 - (a) "Act" means the Arunachal Pradesh Court Fees Act, 2023;
 - (b) "Annexure" means Annexure appended to the Act;
 - (c) "Collector" means Deputy Commissioner of the District;
 - (d) "Fees" means fees payable to the High Court and Subordinate Courts of Arunachal Pradesh;
 - (e) "Government" means Government of Arunachal Pradesh;
 - (f) "High Court" means High Court having jurisdiction over the State of Arunachal Pradesh;
 - (g) "Prescribed" means prescribed by rules made under this Act;
 - (h) "Schedule" means Schedules appended to the Act;
 - (i) "State" means State of Arunachal Pradesh;

CHAPTER - II**FEES IN THE HIGH COURTS AND IN THE SUBORDINATE COURTS**

3. **Levy of fees in High Court on their original sides** : The fees payable for the time being to the clerks and officers of the High Courts shall be as provided in the First Schedule and the Second Schedule appended to this Act.
4. **Fees on documents filed, etc., in High Court, in its extraordinary jurisdiction.**— No document of any of the kinds specified in the First or Second Schedule annexed to this Act as chargeable fees, shall be filed, exhibited or recorded in, or shall be received or furnished by, the High Court in any case coming before such Court in the exercise of its extraordinary original civil jurisdiction or in the exercise of its extraordinary original criminal jurisdiction or in the exercise of its jurisdiction as regards appeals from the judgments (other than judgments passed in the exercise of the ordinary original civil jurisdiction of the Court) of one or more Judges of the said Court, or of a Division Court or in the exercise of its jurisdiction as regards appeals from the Courts subject to its superintendence or in the exercise of its jurisdiction as a Court of reference or revision unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said Schedules as the proper fee for such document.

5. **Procedure in case of difference as to necessity or amount of fee :** (1) When any difference arises between the officer whose duty is to see that any fee is paid under this Chapter and any litigator or advocate, as to the necessity of paying a fee or the amount thereof, the question shall, when the difference arises in the High Court, be referred to the taxing-officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of the High Court, or of such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf.
- (2) When any such difference arises in any of the Subordinate Courts, the question shall be referred to the Clerk of the Court, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Judge of Subordinate Court.
- (3) The Chief Justice shall declare who shall be taxing-officer within the meaning of sub-section (1) of this section.

CHAPTER - III

FEES IN OTHER COURTS AND IN PUBLIC OFFICES

6. **Fees on documents filed, etc., in Subordinate Courts or in public offices :** Except in the Court hereinbefore mentioned, no document of any of the kinds specified as chargeable in the First or Second Schedule annexed to this Act shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said Schedules as the proper fee for such document.
7. **Computation of fees payable in certain suits :** The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows:—
- for money :** (i) In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically)—according to the amount claimed.
- for maintenance and annuities :** (ii) In suits for maintenance and annuities or other sums payable periodically—according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year.
- for other movable property having a market-value :** (iii) In suits for movable property other than money, where the subject-matter has a market-value—according to such value at the date of presenting the plaint;
- (iv) In suits—
- for movable property of no market-value :** (a) for movable property where the subject-matter has no market-value, as, for instance, in the case of documents relating to title,
- to enforce a right to share in joint family property :** (b) to enforce the right to share in any property on the ground that it is joint family property,
- for a declaratory decree and consequential relief :** (c) to obtain a declaratory decree or order, where consequential relief is prayed,
- for an injunction :** (d) to obtain an injunction,
- for easements :** (e) for a right to some benefit (not herein otherwise provided for) to arise out of land, and

for accounts : (f) for accounts—

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal :

In all such suits the plaintiff shall state the amount at which the values the relief sought

for possession of land, houses and gardens in notified township : (v) In suits for the possession of land, houses and gardens—according to the value of the subject-matter; and such value shall be deemed to be—

where the subject-matter is land, and—

- (a) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such an estate and is recorded in the Collector's register as separately assessed with such revenue, and such revenue is permanently settled— ten times the revenue so payable:
- (b) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid and such revenue is settled, but not permanently— five times the revenue so payable:
- (c) where the land pays no such revenue, or has been partially exempted from such payment, or is charged with any fixed payment in lieu of such revenue, and net profits have arisen from the land during the year next before the date of presenting the plaint— fifteen times of such net profits:

but where no such net profits have arisen therefrom— the amount at which the Court shall estimate the land with reference to the value of similar land in the neighbourhood :

- (d) where the land forms part of an estate paying revenue to Government, but is not a definite share of such estate and is not separately assessed as above mentioned—the market-value of the land:

Explanation.—The word -estate, as used in this paragraph, means any land subject to the payment of revenue, for which the proprietor or a farmer or shall have executed a separate engagement to Government, or which, in the absence of such engagement, shall have been separately assessed with revenue

for houses and gardens : (e) Where the subject-matter is a house or garden according to the market-value of the house or garden:

to enforce a right of pre-emption : (vi) In suits to enforce a right of pre-emption according to the value (computed in accordance with paragraph (v) of this section) of the land, house or garden in respect of which the right is claimed:

to set aside an attachment : (vii) In suits to set aside an attachment of land or of an interest in land or revenue—according to the amount for which the land or interest was attached:

Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest.

to redeem.—(viii) In suits against a mortgagee for the recovery of the property mortgaged,

to foreclose.—and in suits by a mortgagee to foreclose the mortgage, or, where the mortgage is made by conditional sale, to have the sale declared absolute—according to the principal money expressed to be secured by the instrument of mortgage .

for specific performance : (ix) In suits for specific performance—

- (a) of a contract of sale—according to the amount of the consideration :
- (b) of a contract of mortgage—according to the amount agreed to be secured;
- (c) of a contract of lease—according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term :
- (d) of an award—according to the amount or value of the property in dispute :

between landlord and tenant : (x) In the following suits between landlord and tenant:—

- (a) for the delivery by a tenant of the counterpart of a lease,
- (b) to enhance the rent of a tenant having a right of occupancy,
- (c) for the delivery by a landlord of a lease,
- (d) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy,
- (e) to contest a notice of ejectment,
- (f) to recover the occupancy of immovable property from which a tenant has been illegally ejected by the landlord, and
- (g) for abatement of rent—according to the amount of the rent of the immovable property to which the suit refers, payable for the year next before the date of presenting the plaint.

8. Inquiry as to valuation of suits : If the Court is of opinion that the subject matter of any suit has been wrongly valued, it may revise the valuation and determine the correct valuation, and may hold such inquiry as it thinks fit for such purpose.

9. Investigation to ascertain proper valuation :

- (1) For the purpose of an inquiry under section 8, the Court may depute or issue a commission to any suitable person to make such local or other investigation as may be necessary and to report thereon to the Court. Such report and any findings recorded by such person shall be evidence in the inquiry.
- (2) The Court may, from time to time, direct such party to the suit as it thinks fit to deposit such sum as the Court thinks reasonable as the cost of the inquiry, and if the costs are not deposited within such time as the Court may fix, notwithstanding anything contained in any other law for the time being in force, dismiss the suit if such party is the plaintiff or the appellant and in any other case, may recover the costs as a public demand.

10. Power of persons making inquiry under sections 8 and 9 :

- (1) The Court, when making an inquiry under sections 8 and 9 shall have, respectively for the purpose of such inquiry or investigation, the powers vested in a Court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:
 - (a) Enforcing the attendance of any person and examining him on oath or affirmation;
 - (b) Compelling the production of documents or material objects, and
 - (c) Issuing commission for the examination of witnesses.
- (2) An inquiry or investigation referred to in sub-section (1) shall be deemed to be as judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code (Act 14 of 1860).

11. Costs of inquiry as to valuation made, refund of excess fee :

- (1) If in the result of an inquiry under section 8 the Court finds that the subject matter of the suit has been under-valued, the Court may order the party responsible for the under-valuation to pay all or any part of the costs of the inquiry.
- (2) If in the result of such inquiry, the Court finds that the subject matter of the suit has not been under-valued, the Court may, in its discretion, order that all or any part of such costs shall be paid by Government or by any party to the suit at whose instance the inquiry has been undertaken, and if any amount exceeding the proper amount of fees has been paid shall refund the excess amount so paid.

12. Fee on memorandum of appeal against order relating to compensation : The amount of fee payable under this Act on a memorandum of appeal against an order relating to compensation under any Act for the time being in force for the acquisition of land for public purposes, shall be computed according to the difference between the amount awarded and the amount claimed by the appellant.

13. Power to ascertain net profits or market-value : If the Court sees reason to think that the annual net profits or the market-value of any such land, house or garden as is mentioned in section 7, paragraphs (v) and (vi), have or has been wrongly estimated, the Court may, for the purpose of computing the fee payable in any suit therein mentioned, issue a commission to any proper person directing him to make such local or other investigation as may be necessary, and to report thereon to the Court.

14. Procedure where net profits or market-value wrongly estimated : (i) If in the result of any such investigation the Court finds that the net profits or market-value have or has been wrongly estimated, the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee: but, if the estimation has been insufficient, the Court shall require the plaintiff to pay so much additional fee as would have been payable had the said market-value or net profits been rightly estimated.

(ii) In such case-

- (a) the suit shall be stayed and until additional fee is paid and if additional fee is not paid within such time as the Court may fix, the suit shall be dismissed; and
- (b) when the additional fee is paid, the Court may, if it is of the opinion that the estimation has been grossly insufficient, further order that the expenses of commission, or such portion thereof as the Court may think reasonable, be paid by the party in default to the Government, and the order so made shall have the force and effect of a decree passed by the Court.

15. Procedure in suits for mesne profits or account when amount decreed exceeds amount claimed : (1) In suits for *mesne* profits or for immovable property and *mesne* profits, or for an account, if the profits or amount decreed are or is in excess of the profits claimed or the amount at which the plaintiff valued the relief sought, the decree shall not be executed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits or amount so decreed shall have been paid to the proper officer.

- (2) Where the amount of *mesne* profits is left to be ascertained in the course of the execution of the decree, and if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits so ascertained is paid. If the additional fee is not paid within such time as the Court may fix, the suit shall be dismissed.

- 16. Decision of questions as to valuation :** (1) Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this Chapter on a plaint or memorandum of appeal, shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit.
- (2) However, whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of section 14, clause (ii), shall apply.

- 17. Refund of fee paid on memorandum of appeal :** If an appeal or plaint, which has been rejected by the Subordinate Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in order 41 rule 23 of the Code, for a second decision by the Subordinate Court, the Appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the Collector the full amount of fee paid on the memorandum of appeal:

Provided that if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

- 18. Refund of fee on application for review of judgment :** Where an application for a review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorizing him to receive back from the Collector or by way of electronic transfer in such manner as may be prescribed so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.
- 19. Refund where Court reverses or modifies its former decision on ground of mistake :** Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorising him to receive back from the Collector or by way of electronic transfer in such manner as may be prescribed so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under the Second Schedule to this Act, Serial No. 1, clause (b) or clause (e) or clause (f).

Provided that, nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

- 20. Multifarious suits :** Where a suit embraces two or more distinct subjects, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaints or memoranda of appeal in suits embracing separately each of such subjects would be liable under this Act.

Provided that, nothing in the former part of this section shall be deemed to affect the power conferred by section 9 of the Code of Civil Procedure.

- 21. Written examinations of complainants :** When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police-officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Act, is reduced to writing under the provisions of the Code of Criminal Procedure, the complainant shall pay a fee of fifty rupees, unless the Court thinks fit to remit such payment.
- 22. Exemption of certain documents :** Nothing contained in this Act shall render the following documents chargeable with any fee:—
- (i) Power-of-attorney to institute or defend a suit when executed by a member of any of the Armed Forces of the Union not in civil employment.
 - (ii) Written statements called for by the Court after the first hearing of a suit.
 - (iii) Plaints in suits or any proceedings before village authority under the provisions Arunachal Pradesh Civil Courts Act, 2021 and the Assam Frontier (Administration of Justice) Regulation, 1945.
 - (iv) Probate of a will, letters of administration, where the amount or value of the property in respect of which the probate or letters or certificate shall be granted does not exceed two thousand rupees.
 - (v) Application or petition 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 interests therein, if presented previous to the final confirmation of such settlement.
 - (vi) Application relating to a supply for irrigation of water belonging to Government.
 - (vii) Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land-revenue by a person holding, under direct engagement with Government, land of which the revenue is settled, but not permanently.
 - (viii) Application for service of notice of relinquishment of land or of enhancement of rent.
 - (ix) Written authority to an agent to distrain.
 - (x) First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.
 - (xi) Bail-bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.
 - (xii) Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.
 - (xiii) Complaint of a public servant as defined in the Indian Penal Code 1860.
 - (xiv) Application for the payment of money due by Government to the applicant.
 - (xv) Petition of appeal against the assessment of municipal tax.
 - (xvi) Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes.
 - (xvii) Petition relating to marriage solemnized as per local traditional customary laws of the State or registration of marriage as per Arunachal Pradesh Recording of Marriage Act, 2008, as the case may be.

CHAPTER IV

PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION

23. **Relief where too high a court-fee has been paid :** Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if, within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue-authority for the local area in which the probate or letters has or have been granted, and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation, and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required, the said Authority may—
- (a) cancel the stamp on the probate or letters if such stamp has not been already cancelled;
 - (b) substitute another stamp for denoting the court-fee which should have been thereon; and
 - (c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

24. **Relief where debts due from a deceased person have been paid out of his estate :** Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act, such Authority may return the difference, provided the same be claimed within three years after the date of such probate or letters.

Provided that when by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

25. **Relief in case of several grants :** Whenever a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

- 26. Probates declared valid as to trust property though not covered by court-fee :** The probate of the will or the letters of administration of the effects of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning, any movable or immovable property whereof or whereto the deceased possessed or was entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a court-fee was paid on such probate or letters of administration.
- 27. Provision for case where too low a court-fee has been paid on probates, etc. :** Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a court-fee thereon, the Principal Revenue authority for the local area in which the probate or letters has or have been granted may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of grant, of five times, or, if it or they is or are produced after one year from such date, of twenty times, such proper court-fee, without any deduction of the court-fee originally paid on such probate or letters:
- Provided that, if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a court-fee was at first paid on the probate or letters, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the proper court-fee, the said Authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.
- 28. Administrator to give proper security before letters stamped under section 27 :** In case of letters of administration on which too low a court-fee has been paid at first, the said Authority shall not cause the same to be duly stamped in manner aforesaid until the administrator has given such security to the Court by which the letters of administration as required by law to have been given in case the full value of the estate of the deceased had been then ascertained.
- 29. Executors, etc., not paying full court-fee on probates, etc., within six months after discovery of under-payment :** Where too low a court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten per cent on the amount of the sum wanting to make up the proper court-fee.
- 30. Probate and letters of administration inoperative in immovable property :** Notwithstanding anything contained in this Act or any other Laws for the time being in force no probate or letters of administration hereto for or hereafter granted by any court outside the limits of the State of Arunachal Pradesh shall confer upon the grantee who is not a native of Arunachal Pradesh any title to immovable property in Arunachal Pradesh.

31. Notice of applications for probate or letters of administration to be given to Revenue authorities, and procedure thereon : (1) Where an application for probate or letters of administration is made to any Court other than a High Court, the Court shall cause notice of the application to be given to the Collector.

- (2) Where such an application as aforesaid is made to a High Court, the High Court shall cause notice of the application to be given to the Principal Controlling Revenue-authority for the local area.
- (3) The Collector within the local limits of whose revenue-jurisdiction the property of the deceased or any part thereof is, may at any time inspect or cause to be inspected, and take or cause to be taken copies of, the record of any case in which application for probate or letters of administration has been made; and if, on such inspection or otherwise, he is of opinion that the petitioner has underestimated the value of the property of the deceased, the Collector may, if he thinks fit, require the attendance of the petitioner (either in person or by agent) and take evidence and inquire into the matter in such manner as he may think fit, and, if he is still of opinion that the value of the property has been underestimated, may require the petitioner to amend the valuation.
- (4) If the petitioner does not amend the valuation to the satisfaction of the Collector, the Collector may move the Court before which the application for probate or letters of administration was made, to hold an inquiry into the true value of the property:

Provided that no such motion shall be made after the expiration of six months from the date of the exhibition of the inventory required the Indian Succession Act, 1925.

- (5) The Court, when so moved as aforesaid, shall hold, or cause to be held, an inquiry accordingly, and shall record a finding as to the true value, as near as may be, at which the property of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.
- (6) For the purposes of any such inquiry, the Court or person authorised by the Court to hold the inquiry may examine the petitioner for probate or letters of administration on oath (whether in person or by commission), and may take such further evidence as may be produced to prove the true value of the property. The person authorised as aforesaid to hold the inquiry shall return to the Court the evidence taken by him and report the result of the inquiry, and such report and the evidence so taken shall be evidence in the proceeding, and the Court may record a finding in accordance with the report, unless it is satisfied that it is erroneous.
- (7) The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment and disposal by the Principal Controlling Revenue-authority of any application under section 27.
- (8) The State Government may make rules for the guidance of Collectors in the exercise of the powers conferred by sub-section (3).

32. Payment of court-fees in respect of probates and letters of administration : (1) No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in the Third Schedule, and the Court is satisfied that the fee mentioned in item 10 of the First Schedule has been paid on such valuation.

- (2) The grant of probate or letters of administration shall not be delayed by reason of any motion made by the Collector under section 31, sub-section (4).

- 33. Recovery of penalties, etc. :** (1) Any excess fee found to be payable on any inquiry held under section 31 sub-section (6), and any penalty or forfeiture under section 29, may, on the certificate of the Principal Revenue-authority, be recovered from the executor or administrator as if it were an arrear of land-revenue by any Collector.
- (2) The Principal Revenue-authority may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 27 or of any court-fee under section 27 in excess of the full court-fee which ought to have been paid.
- 34. Sections 6 and 43 not to apply to probates or letters of administration :** Nothing in section 6 or section 43 shall apply to probates or letters of administration.

CHAPTER - V

PROCESS-FEES

- 35. Rules as to cost of processes :** (1) The High Court shall, make rules as to the following matters:—
- (i) The fees chargeable for serving and executing processes issued by such court in its appellate jurisdiction, and by the other Civil and Revenue Courts established within the local limits of such jurisdiction;
- (ii) the fees chargeable for serving and executing processes issued by the Criminal Courts established within such limits in the case of offences other than offences for which police-officers may arrest without a warrant; and
- (iii) The High Court, in consultation with the State Government, may from time to time alter and add to the rules so made.
- (2) Confirmation and publication of rules : All such rules, alterations and additions shall, after being confirmed by the State Government be published in the Official Gazette, and shall thereupon have the force of law.
- (3) Until such rules shall be so made and published, the fees leviable for the time being in force for serving and executing processes shall continue to be levied, and shall be deemed to be fees leviable under this Act.
- 36. Tables of process fees :** A table process fees in the English and Vernacular languages, showing the fees chargeable for such service and execution, shall be displayed to be viewed in a conspicuous part of each Court.

CHAPTER - VI

OF THE MODE OF LEVYING FEES

- 37. Collection of fees by stamps :** All fees referred to in section 3 or chargeable under this Act shall be collected by stamps or electronic transfer of payment to the State Government or in such manner as may be prescribed.
- 38. Stamps to be impressed or adhesive :** The stamps used to denote any fees chargeable under this Act shall be impressed or adhesive, or partly impressed and partly adhesive, as the State Government may, by notification in the Official Gazette, from time to time direct.

39. Rules for supply, number, renewal and keeping accounts of stamps : (1) The State Government may, from time to time, make rules for regulating—

- (a) the supply of stamps to be used under this Act;
- (b) the manner of electronic transfer of payment of court fee and its refund thereof;
- (c) the number of stamps to be used for denoting any fee chargeable under this Act;
- (d) the renewal of damaged or spoiled stamps; and
- (e) the keeping accounts of all stamps used under this Act:

Provided that, in the case of stamps used under section 3 in a High Court, such rules shall be made with the concurrence of the Chief Justice of the High Court.

(2) All such rules shall be published in the Official Gazette, and shall thereupon have the force of law.

40. Stamping documents inadvertently received : No document which ought to bear a stamp under this Act shall be of any validity, unless and until it is properly stamped.

Provided that, if any such document is inadvertently received, filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office, as the case may be, or, in the case of a High Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and, on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

41. Amended document : Where any such document is merely amended in order to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

42. Cancellation of stamp : No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure -head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

Provided that, where the court fee is paid by electronic transfer of payment, the officer competent to cancel stamp shall verify the genuineness of the payment and after satisfying himself that the court fee is paid, shall lock the entry in the computer and make an endorsement under his signature on the document that the court fee is paid and the entry shall be locked.

CHAPTER - VII MISCELLANEOUS

43. Admission in criminal cases of documents for which proper fee has not been paid :

Whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the presiding Judge, necessary to prevent a failure of justice, nothing contained in section 4 or section 6 shall be deemed to prohibit such filing or exhibition.

- 44. Sale of stamps :** (1) The State Government may from time to time make rules for regulating the sale of stamps to be used under this Act, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons.
- (2) All such rules shall be published in the Official Gazette, and shall thereupon have the force of law.
- (3) Any person appointed to sell stamps who violates or act in contravention to any provisions of this Act or rules made under this section, and any person not so appointed who sells or offers to sell any stamp, shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to one lakh rupees, or, with both.
- (4) Any person who is not authorized to sell stamps and if found to be doing so, shall be punished with imprisonment for a period or a term which may extend to two years or with fine which may extend to 1 lakh rupees or with both.
- 45. Power to reduce or remit fees or amend the Schedule :** The State Government may, from time to time by notification in the Official Gazette, reduce or remit or amend, any of the fees mentioned in the First and Second Schedules and Annexures annexed to this Act, and may in like manner cancel or vary such order.
- 46. Power to make Rules :** The State Government shall make Rules for all or any of the provisions to carry out the purposes of this Act. The Rules so made shall be laid in the House of the State Legislative Assembly when it is in Session comprised of not less than 14 days which may consist in one session or such successive sessions.
- 47. Power to remove difficulty :** If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty.

SCHEDULE - I
AD VALORAM FEES

Serial No.	Particulars	Proper Fee
1	2	3
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	Fifty-five paise.
	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 and ninety-five paise.
	and	

1	2	3
	When such amount or values exceeds one hundred and fifty rupees, for every ten rupees, or part thereof, up to one thousand rupees;	One rupee and forty paise.
	and	
	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;	Eight rupees and twenty-five paise.
	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 thousand rupees;	Sixteen rupees and fifty paise.
	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-four rupees and seventy-five paise.
	and	
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof in excess of twenty thousand rupees upto fifty thousand rupees;	Thirty-three 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:	Forty-one rupees and twenty-five paise.
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall not exceed eleven thousand rupees. II	

1	2	3
2. Plaint in a suit for possession under the Specific Relief Act, 1877, section 9.	-	A fee of one-half the amount prescribed in the foregoing scale
3. Application for review of judgement, if presented on or after the ninetieth day from the date of the decree.	-	The fee leviable on the plaint or Memorandum of appeal.
4. Application for review of judgments, if presented before the ninetieth day from the date of the decree.	-	One-half of the fee leviable on the plaint or Memorandum of appeal.
5. 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 High Court, or by the Presiding Officer of any Revenue Court or officer 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 and ten paise.
	(b) if such amount or value exceeds fifty rupees.	Two rupees and twenty paise.
	(c) when such judgment or order is passed by a High Court.	Four rupees and forty paise.
6. 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 and twenty paise.
	(b) If such amount or value exceeds fifty rupees.	Three rupees and thirty paise.
	(c) when such decree or order is made by High Court.	Eight rupees and twenty-five paise.
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 other revenue court-	

1	2	3
	(a) If the amount or value of subject matter of the suit wherein such decree or order is made is fifty or less than fifty rupees.	Two rupees and twenty Paise.
	(b) If such amount or value exceeds fifty rupees	Three rupees and twenty paise.
	(c) When such decree or order is made by High Court.	Eight rupees and twenty paise.
8. Copy of document liable to stamp duty under the Indian Stamp Act, 1899 (Act No. 2 of 1899), when left by any part to a suit or proceeding in place of the original suit withdrawn	(a) When the stamp duty chargeable on the original suit does not exceed on rupee.	The amount of the duty chargeable on the original suit.
	(b) In any other case	One rupee and twenty paise.
9. Copy of any revenue or judicial proceeding or other not otherwise provide 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 the Civil Officer charged with the executive administration of division.	For every three hundred sixty words or fraction of three hundred and sixty words.	One rupee and twenty paise.
10. Probate of a will or letters of administration with or without will annexed.	When such amount or value exceeds fifty thousand rupees:	Three per centum on such amount or value.
	Provided that when, after the grant of a certificate under the Succession Certificate Act, 1889 (7 of 1889), or under the Regulation of the Bombay Code, No. 8 of 1827, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the letter grant shall be reduced by the amount of the fee paid in respect of the former grant.	

1	2	3
	When the amount or value of the property in respect of which the grant of probate or letters made exceeds one thousand rupees, on such amount or value upto ten thousand rupees.	Two percentum
	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, upto fifty thousand rupees	Three percentum
	and	
	When such amount or value exceeds fifty thousand rupees, on the portion of such amount or value of which is in excess of fifty thousand rupees, upto a lakh rupees	Four percentum
	and	
	When such amount or value exceeds a lakh of rupees on the portion of such amount or value of which is in excess of a lakh of rupees upto two lakhs and fifty thousand rupees.	Five percentum
	and	
	When such amount or value exceeds two lakh and fifty thousand rupees, on the portion of such amount or value which is in excess of two lakhs and fifty thousand rupees upto three lakhs rupees.	Five and half percentum.
	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 upto four lakhs of rupees.	Six percentum.
	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 upto five lakhs of rupees	Six and half percentum.
	and	

1	2	3
	When such amount or value exceeds five lakhs of rupees, on such amount or value which is in excess of five lakhs of rupees	Seven per centum.
11. 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	Three per centum on the next forty thousand rupees.
	and	
	When the aggregate amount or value of any debt or securities specified in the certificate has been extended under section 376 of the Act exceeds one thousand rupees.	<ul style="list-style-type: none"> (i) Four per centum on the next fifty thousand rupees. (ii) Five per centum on the next fifty thousand rupees. (iii) Six per centum on the next one lakh of rupees. (iv) Six and half per centum on the next one lakh of rupees; and (v) 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 fees herein before provided in that behalf in this Serial numbers; and (vi) Three per centum on such portion of the first ten thousand rupees. (vii) Four and half per centum on such portion of the next forty thousand rupees (viii) Six per centum on such portion of the next fifty thousand rupees

1	2	3
		<p>(ix) Six percentum on such portion of the next fifty thousand rupees</p> <p>(x) Seven and half percentum on such portion of the next one lakh and fifty thousand rupees</p> <p>(xi) Eight and a quarter percentum on such portion of the next one lakh rupees.</p> <p>(xii) Nine percentum on such portion of the next one lakh rupees.</p> <p>(xiii) Nine and three quarters percentum on such portion of next one lakh of rupees; and</p> <p>(xiv) Ten and half percentum on such portion of the remainder of such aggregate amount or value as consists of the amount or value of debts or securities has been extended.</p> <p>Note: (1) The amount of debt is its amount including interest on the day on which the inclusion of debts in the certificate is applied for as far as such amount can be ascertained.</p> <p>(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 receiving of interest or dividends on or for the negotiation or transfer of the security, or for both purposes, the value of the</p>

1	2	3
		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 be ascertained.

SCHEDULE - I

TABLE OF RATES OF AD VALOREM FEES LEVIABLE ON THE INSTITUTION OF SUITS.

When the amount or value of the subject matter exceeds	But does not exceed	Proper fee
1	2	3
₹	₹	₹
-	5	0.55
5	10	1.10
10	15	1.65
15	20	2.20
20	25	2.75
25	30	3.30
30	35	3.38
35	40	4.40
40	45	4.95
45	50	5.50
50	55	6.05
55	60	6.60
60	65	7.15
70	75	8.25
75	80	8.80
80	85	9.35
85	90	9.90
90	95	10.45
95	100	11.00

1	2	3
100	110	12.95
110	120	14.85
120	130	16.80
130	140	18.70
140	150	20.65
150	160	21.35
160	170	23.30
170	180	24.60
180	190	25.90
190	200	27.25
200	210	28.55
210	220	29.55
220	230	31.20
230	240	32.50
240	250	33.85
250	260	35.15
260	270	36.50
270	280	37.80
280	290	39.15
290	300	40.45
300	310	41.75
310	320	43.10
320	330	44.40
330	340	45.70
340	350	47.50
350	360	48.35
360	370	49.70
370	380	51.00
380	390	52.35
390	400	53.65
400	410	54.95
410	420	56.30

1	2	3
420	430	57.60
430	440	58.90
440	450	60.25
450	460	61.25
460	470	62.90
470	480	64.25
480	490	65.55
490	500	66.85
500	510	68.15
510	520	69.50
520	530	70.80
530	540	72.15
540	550	73.45
550	560	74.75
560	570	76.10
570	580	77.40
580	590	78.75
590	600	80.05
600	610	81.32
610	620	82.70
620	630	84.00
630	640	85.30
640	650	86.65
650	660	87.95
660	670	89.30
670	680	90.60
680	690	91.95
690	700	93.25
700	710	94.55
710	720	95.90
720	730	97.20
730	740	98.55

1	2	3
740	750	99.85
750	760	101.15
760	770	102.50
770	780	103.80
780	790	105.15
790	800	106.75
800	810	107.75
810	820	109.10
820	830	110.40
830	840	111.75
840	850	113.05
850	860	114.35
860	870	115.70
870	880	117.00
880	890	118.35
890	900	119.65
900	910	120.65
910	920	112.30
920	930	123.60
930	940	124.95
940	950	126.25
950	960	127.55
960	970	128.90
970	980	130.20
980	990	131.50
990	1000	132.85
1,000	1,100	141.040
1,100	1,200	145.35
1,200	1,300	157.60
1,300	1,400	165.85
1,400	1,500	174.10
1,500	1,600	182.34

1	2	3
1,600	1,700	190.60
1,700	1,800	191.85
1,800	1,900	207.10
1,900	2,000	215.35
2,000	2,100	223.60
2,100	2,200	231.85
2,200	2,300	240.10
2,300	2,400	248.85
2,400	2,500	256.60
2,500	2,600	264.85
2,600	2,700	273.10
2,700	2,800	281.30
2,800	2,900	289.60
2,900	3,000	297.85
3,000	3,100	306.10
3,100	3,200	314.35
3,200	3,300	322.60
3,300	3,400	330.85
3,400	3,500	339.10
3,500	3,600	347.35
3,600	3,700	355.60
3,700	3,800	363.85
3,800	3,900	372.10
3,900	4,000	380.35
4,000	4,100	388.60
4,100	4,200	369.85
4,200	4,300	405.10
4,300	4,400	413.35
4,400	4,500	421.60
4,500	4,600	429.85
4,600	4,700	438.10
4,700	4,800	446.35

1	2	3
4,800	4,900	454.60
4,900	5,000	462.85
5,000	5,100	471.10
5,100	5,200	479.35
5,200	5,300	486.60
5,300	5,400	495.85
5,400	5,500	504.10
5,500	5,600	512.35
5,600	5,700	520.60
5,700	5,800	528.80
5,800	5,900	537.10
5,900	6,000	545.35
6,000	6,100	553.60
6,100	6,200	661.80
6,200	6,300	570.10
6,300	6,400	578.35
6,400	6,500	586.60
6,500	6,600	594.85
6,600	6,700	603.10
6,700	6,800	611.35
6,800	6,900	619.60
6,900	7,000	627.85
7,000	7,100	636.10
7,100	7,200	644.35
7,200	7,300	652.60
7,300	7,400	660.85
7,400	7,500	669.10
7,500	7,750	685.60
7,750	8,000	702.10
8,000	8,250	735.10
8,250	8,500	745.10
8,500	8,750	751.60

1	2	3
8,750	9,000	765.10
9,000	9,250	784.60
9,250	9,500	801.10
9,500	9,750	817.60
9,750	10,000	834.10
10,000	10,500	858.85
10,500	11,000	882.60
11,000	11,500	908.35
11,500	12,000	933.10
12,000	12,500	957.85
12,500	13,500	982.60
13,500	14,000	1,007.35
14,000	14,500	1,056.85
14,500	15,000	1,081.60
15,000	15,500	1,106.35
15,500	16,000	1,131.10
16,000	16,500	1,155.85
16,500	17,000	1,180.60
17,000	17,500	1,205.35
17,500	18,000	1,230.10
18,000	18,500	1,254.40
18,500	19,000	1,279.00
19,000	19,500	1,304.35
19,500	20,000	1,329.10
20,000	21,000	1,356.10
21,000	22,000	1,395.10
22,000	23,000	1,428.10
23,000	24,000	1,461.10
24,000	25,000	1,494.10
25,000	26,000	1,527.10
26,000	27,000	1,593.10
27,000	28,000	1,693.10

1	2	3
28,000	29,000	1,626.10
29,000	30,000	1,659.10
30,000	31,000	1,692.10
31,000	32,000	1,725.10
32,000	33,000	1,758.10
33,000	34,000	1,791.10
34,000	35,000	1,824.10
35,000	36,000	1,857.10
36,000	37,000	1,890.10
37,000	38,000	1,923.10
38,000	39,000	1,956.10
39,000	40,000	1,989.10
40,000	41,000	2,022.10
41,000	42,000	2,055.10
42,000	43,000	2,088.10
43,000	44,000	2,121.10
44,000	45,000	2,154.10
45,000	46,000	2,187.10
46,000	47,000	2,222.10
47,000	48,000	2,253.10
48,000	49,000	2,286.10
49,000	50,000	2,319.10
50,000	55,000	2,360.35
55,000	60,000	2,401.60
60,000	65,000	2,442.85
65,000	70,000	2,484.10
70,000	75,000	2,525.35
75,000	80,000	2,566.60
80,000	85,000	2,607.85
85,000	90,000	2,649.10
90,000	95,000	2,690.35
95,000	1,00,000	2,731.60

1	2	3
1,00,000	1,05,000	2,772.85
1,05,000	1,10,000	2,814.10
1,10,000	1,15,000	2,855.35
1,15,000	1,20,000	2,896.60
1,20,000	1,25,000	2,937.85
1,25,000	1,30,000	2,979.10
1,30,000	1,35,000	3,020.35
1,35,000	1,40,000	3,061.60
1,40,000	1,45,000	3,102.85
1,45,000	1,50,000	3,144.10
1,50,000	1,55,000	3,185.35
1,55,000	1,60,000	3,226.60
1,60,000	1,65,000	3,267.85
1,65,000	1,70,000	3,309.10
1,70,000	1,75,000	3,350.35
1,75,000	1,80,000	3,391.60
1,80,000	1,85,000	3,432.85
1,85,000	1,90,000	3,474.10
1,90,000	1,95,000	3,515.35
1,95,000	2,00,000	3,556.60
2,00,000	2,05,000	3,597.85

NOTE : The fees shall increase at the rate of forty one rupees and twenty five paise for every five thousand rupees or part thereof, upto a maximum fee of eleven thousand rupees.

SCHEDULE - II

Serial Number	Particulars	Proper fee
1	2	3
1. Application or petition.	<p>(1) (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>(b) When presented to any Municipal Corporation/Board or other local authority constituted under the 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>(c) When presented to any Civil Court other than principal Civil Court or original jurisdiction, or any other subordinate Court or to 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>(d) When presented to any Civil or Criminal or Revenue Court, or to any Board or Executive Officer for the purpose of obtaining a copy or translation or any judgement, decree or order passed by such court, Board or Officer, or any other document on record of such Court or Office</p>	Fifty paise
	(2) When presented to a Regional Transport Authority or State Transport Authority containing a prayer for permit or Contract Carriage, Private Carrier or Public Carrier or for any other purpose	Eight rupees and twenty paise
	(3) (1) (a) When containing a complaint or charge of any offence other than an offence for which police officer may, under the Criminal Procedure Code, 1973, arrest without warrant and presented to any Criminal Court; or	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

1	2	3
	(b) When presented to a Civil or Criminal or Revenue Court, or to a Collector or to any Revenue Officer, having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his Executive capacity, and not otherwise provide for by this Act, or to deposit in Court as revenue or rent or for determination by a court of the amount of compensation to be paid by landlord to his tenant; or	any officer of land revenue by any person holding temporarily settled land under direct engagement with the Government, and when the subject matter of the application or petition relates exclusively to such engagement- One rupee and sixty five paise and in any other case one rupee ten paise
	(c) 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 matter connected with the assessment of land or the assessment of rights thereto or interest therein, if presented to the final confirmation of such settlement.	
	(3)(2) (a) 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 such application or petition relates exclusively to such engagement.	One rupee and ten paise
	(b) When presented to any officer of land revenue by any person acceptance application for settlement of land under direct engagement with Government.	Two rupees
	(c) When presented to the 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 and thirty paise.

1	2	3
	(d) When presented to the High Court	
	(i) Under Article 226 of the Constitution	Fifty rupees
	(ii) In all other matters.	Ten rupees
	(e) When presented to any officer containing prayer for settlement of fishery, ferry, forest produce, other forest related matters, or an officer given in term for acceptance of Government for any construction or an application for a permit or licence to deal in controlled commodities.	Eight rupees and twenty five paise
	(f) When presented to an Appropriate Revenue Authority for demarcation of land-	
	(i) When the areas of such land does not exceed one hectare	Two rupees and twenty paise
	(ii) For each subsequent area of one hectare or part thereof	One rupee and ten paise.
2. Application to any Civil Court that record may be called from another Court.	When the Court grants the application and is of the opinion that the transmission of such record involves the use of the post.	One rupee and sixty five paise in addition to any fee levied on the application under clause (1) (a), (b), (c), (d), (3) (1) (a), (b) (c), (3) (2) (a), (b), (c), (d), (e) and (f) of Serial No. 1 of this Schedule.
3. Application for leave to sue as a pauper	-	One rupee and ten paise
4. Application for leave to appeal as a pauper	(a) When presented to District Court.	Two rupees and twenty paise
	(b) When presented to Commissioner or the High Court	Three rupees and twenty paise.
5. Complaint or memorandum of appeal to a suit to establish or disapprove the right of occupancy.	-	One rupee and ten paise

1	2	3
6. Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under the sections of Criminal Procedure Code, 1973, or the Code of Civil Procedure, 1908 and not otherwise provided for by this Act.		One rupee and ten paise
7. Undertaking under section 49 of the Indian Divorce Act, 1869.		One rupee and ten paise.
8. Vakalatnama	When presented for conduct of any of the following case-	
	(a) To any Civil or Criminal Court other than the High Court, or to any Collector or Magistrate, or other Executive Officer, except the cases mentioned in clauses (b) and (c) herein under appearing.	One rupee and ten paise
	(b) To a Commissioner of Revenue, Circuit or Custom Officers or to any officers charged with Executive Administration of a division, not being the Chief Revenue or Executive Authority.	Two rupees and seventy five paise.
	(c) To the High Court, Chief Commissioner, Board of Revenue or other Chief Controlling Revenue or Executive Authority or an Appellate Authority prescribed under the Motor Vehicle Act, 1988.	Five rupees and fifty paise.
9. Memorandum of appeal when the appeal is not from a decree or an order having the force of decree, and is presented	(a) To any Civil Court other than the 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) herein under appearing.	Three rupees and thirty paise.
	(b) To an Excise Appellate Authority under the Arunachal Pradesh Excise Act, 1993 and Rules made thereunder.	Sixteen rupees and fifty paise.
	(c) To the High Court or Chief Commissioner of Revenue, or other Chief Controlling Executive or Revenue Authority, except an Authority specified in clause (b) herein above.	Eleven rupees.

1	2	3
	(d) To the High Court in miscellaneous revenue matters, except clause (e) below or to an Appellate Authority prescribed under the Motor Vehicle Act, 1988.	Sixteen rupees and fifty paise.
	(e) To the High Court in appeal and revision matters arising out of settlement of fisheries-	
	(i) When the bid money is below ten thousand rupees.	Sixteen rupees and fifty paise.
	(ii) When the bid money is above ten thousand rupees but below twenty thousand rupees.	Twenty seven rupees and fifty paise.
	(iii) When the bid money is above twenty thousand rupees.	Forty three rupees
10. Caveat	-	Eleven rupees
11. Application under Arunachal Pradesh Tenancy Act, 2022	-	Five rupees and fifty paise.
12. Plaint or memorandum of appeal in each of suits mentioned in column 2	(i) To alter or set aside a summary decision or order of any of the Civil Courts not established by Letter Patent or of any Revenue Court.	Sixteen rupees and fifty paise.
	(ii) To alter or cancel any entry in a register of the names of proprietors of revenue paying estates.	Sixteen rupees and fifty paise
	(iii) To obtain a declaratory decree where no consequential relief is prayed.	Twenty two rupees
	(iv) To set aside an award	Sixteen rupees fifty paise
	(v) To set aside an Adoption	Twenty two rupees.
	(vi) Every other suit where it is not possible to estimate at a money value in which the subject matter in dispute is not provided for by this Act.	Sixteen rupees fifty paise
13. Application under Arbitration and Conciliation Act, 1996	(a) When presented before the Court of Civil Judge Junior Division.	Sixteen rupees fifty paise.
	(b) When presented before any other Court.	Fifty five rupees.
14. Agreement in writing, stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.	-	Sixteen rupees fifty paise

1	2	3
15. Every petition or memorandum of appeal under the provisions of Indian Divorce Act, 1869.	-	Twenty two rupees.
16. Any other application, petition or memorandum and miscellaneous matters not provided in this Schedule or in this Act, as the case may be.	-	Twenty two rupees

SCHEDULE - III

FORM OF VALUATION (TO BE USED WITH SUCH MODIFICATIONS, IF ANY, AS MAY BE NECESSARY

In the Court of.....

Re: Probate of the Will of..... (or administration of property and credits of.....deceased.

1.solemnly affirm/make oath and say that I am the executor (or one of the executors or one of the next-of-kin) of.....deceased, and that I have truly set forth in Annexure A to this affidavit all the property and credits of which the above named deceased died possessed or was entitled to at the time of his/her death, and which have come, or are likely to come, to my hands.
2. I further say that I have also truly set forth in Annexure B all the items I am by law allowed to deduct.
3. I further say that the said assets, exclusive only of such last mentioned items, but inclusive of all rents, interest, dividends and increased values since the date of the death of the said deceased, are the value of.....

ANNEXURE- A

VALUATION OF THE MOVEABLE AND IMMOVABLE
PROPERTY OFDECEASED

	₹	A.	P.
<p>Cash in the house and at the banks, household goods, wearing apparel, books plate, jewels, etc.</p> <p>(State estimated value according to best of Executor's or Administrator's belief)</p> <p>Property in Government securities transferable at the Public Debt Officer.</p> <p>(State description and value at the price of the day; also the interest separately, calculating it to the time of making the application)</p> <p>Immovable property, consisting of</p> <p>(State description, giving, in the case of house, the assessed value, if any, and the number of years assessment the market value is estimated at, and in the case of land, the area, the market-value and all rents that have accrued).</p> <p>Leasehold property</p> <p>(If the deceased held any leases for year determinable, state the number of years' purchase of profit rents are estimated to be worth and the value of such, inserting separately appears due to the date of death and all rents received or due since that date to the time of making the application.)</p> <p>Property in public companies</p> <p>(State the particulars and the value calculated at the price of the day; also the interest separately, calculating it to the time making the application.)</p> <p>Policy of insurance upon life, money out on mortgage and other securities such bonds, mortgage bills, notes and other securities for money.</p> <p>(State the amount of the whole, also the interest separately calculating it to the time of making the application.)</p> <p>Book debts</p> <p>(Other than bad)</p> <p>Stock in trade</p> <p>(State the estimated valued, if any)</p> <p>Other property not comprised under the foregoing heads.</p> <p>(State the estimated value, if any)</p> <p style="text-align: right;">Total</p> <p>Deduct amount shown in Annexure B not subject to duty</p>			
Net total			

ANNEXURE – B
SCHEDULE OF DEBTS, ETC.

	₹	A.	P.
Amount of debts due and owing from the deceased, payable by law out of the estate			
Amount of funeral expenses			
Amount of mortgage encumbrances			
Property held in trust not beneficially or with general power to confer a beneficial interest			
Other property not subject to duty			
Total			

STATEMENT OF OBJECTS AND REASONS

The Court Fees Act, 1870, which is a pre-Independence and pre-Constitution Law extended to the State of Arunachal Pradesh by virtue of its extension clause is followed by all Courts of Arunachal Pradesh as per the Assam Court Fees (Amendment) Act, 1972, since Arunachal Pradesh does not have High Court of its own.

Recently, the Government of India, Ministry of Law & Justice, Department of Justice vide letter No.L-11025/6/2022-JUS(I) dated 6th March, 2023 has directed all the States to enact their own State Acts on Court Fees as the Court Fees Act, 1870 is being proposed to be repealed by the Central Government.

Once the Court Fees Act, 1870 is repealed by Government of India, Arunachal Pradesh will have no Statute left for being implemented in various Courts of the State. That apart, enactment of Court Fees Act is expected to generate revenue for the State Government.

Court Fees which appears at entry 3 of List-II, (State List) of the Constitution of India is within the legislative competence of the State Legislature, and once the Central Government repeals the present Act, it will cease to have force of Law.

Therefore, the proposal for enactment of a Statute to be called the Arunachal Pradesh Court Fees Act, 2023, is an urgent necessity.

Hence, the Bill.

Dated, Itanagar
the..... August, 2023.

(Pema Khandu)
Chief Minister and
Minister-in-charge,
Law, Legislative and Justice

FINANCIAL MEMORANDUM

There would be no any financial implication from the State Exchequer for implementation of the Arunachal Pradesh Court Fees Act, 2023 when enacted. Rather, after its implementation, there would be revenue generation to augment the revenue collection for the State.

Hence, the Bill.

Dated Itanagar
the..... August, 2023.

(Pema Khandu)
Chief Minister and
Minister-in-charge,
Law, Legislative and Justice

A

BILL

to consolidate laws relating to Court Fees and matters connected therewith or incidental thereto;

Dated Itanagar
the..... August, 2023.

(Pema Khandu)
Chief Minister and
Minister-in-charge,
Law, Legislative and Justice