

**THE ASSAM COURT-FEES (AMENDMENT)  
ACT, 1963\***

**(Assam Act No. VIII of 1963)**

**An Act further to amend the Court-Fees Act, 1870, in  
its application to Assam**

**Preamble.**

Whereas it is expedient further to amend the Court-Fees Act, 1870 (Act VII of 1870), hereinafter called the Principal Act, in its application to Assam in the manner hereinafter appearing;

It is hereby enacted in the Fourteenth Year of the Republic of India as follows:

**1. Short title, extent and commencement.**

(1) This Act may be called the Assam Court-Fees (Amendment) Act, 1963.

(2) It extends to the whole of Assam.

\*Received the assent of the Governor on the 23<sup>rd</sup> April, 1963, published in the Assam Gazette Extraordinary, dated the 26<sup>th</sup> April, 1963.

(3) It shall come in to force with effect from the First day of April 1963.

**2. Amendment of Schedule I and II of the Act VII of 1870.**

In the Principal Act -

(1) In Schedule I, for Article numbers 6, 7, 8, and 9 the following shall be substituted, namely:

Number	Proper fee
“6. Copy of judgment or translation of a order 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 a 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.
(b) If such amount or value exceeds fifty	Two rupees.

rupees

When such judgment or order is passed by a High Court Four rupees.

7. Copy of decree or order having 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 where in such decree or order is made is fifty or less than fifty rupees. Two rupees.

(b) If such amount or value exceeds fifty rupees Three rupees.

When such decree or order is made by a High Court. Seven rupees and fifty naye paise.

<p>8. Copy of any document liable to stamp-duty under the Indian Stamp Act, 1899 Act II of 1899), when left by any party to a suit or proceeding in place of the original withdrawn.</p>	<p>(a) When the stamp – duty charge able on the original does not exceed one rupee.</p> <p>(b) In any other case</p>	<p>The amount of the duty chargeable on the original.</p> <p>One rupee.</p>
<p>9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or Office, or from the office of any chief officer charged with the executive administration of Division.</p>	<p>For every three hundred and sixty words or fraction of three hundred any sixty words.</p>	<p>One rupee.”</p>

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(2) For Schedule II, the following shall be substituted, namely:

## **"SCHEDULE II**

### **Fixed Fees**

Number	Proper Fee
1. Application or petition	<p>(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>when presented to any Municipal Board or other local authority constituted under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such</p>

conservancy or improvement; or

when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes constituted under Act No. 11 of 1865 or under Act No. 1968, S. 20 or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees; or

when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment decree or order passed by such Court, Board or officer, or of any other document on record in such Court or Office.

(b) When presented in a Seven rupees and  
Regional Transport Authority or fifty naye paise.  
State Transport Authority  
containing a prayer for permit  
for Contract Carriage, Stage  
Carriage, Private Carrier or  
Public Carrier or for any other  
purpose

(c) When containing a complaint or charge of any offence other than an offence for which police-office may, under the Criminal Procedure Code, 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 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 or such engagement- one rupee and fifty paise and in other case one rupee.



1. when presented to Civil, Criminal or Revenue Court, or to a Collector or any revenue officer having jurisdiction equal or ordinate to Collector or to any Magistrate in his executive capacity and not otherwise provided for by the Act, or to deposit in Court as revenue or rent: or  
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contd.

for determination by a Court of the amount of compensation be paid by a landlord to his tenant; or

when presented to a Collector or other officer making a settlement of land revenue, or to a Board of Revenue, or a Commissioner of Revenue relating to matters connected with the assessment of land or the ascertainment of rights thereto or interest therein, if presented previous to the final confirmation of such settlement; 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.

(d) When presented to a 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

(e) When presented to a High Court. Six rupees.

(f) When presented to any officer containing prayer for settlement of fishery, ferry, forest produce, forest mahals, elephant mahals, or an officer giving terms for acceptance of Government for any construction or an application for a permit or license to deal in controlled commodities. Seven rupees and fifty naye paise.

(g) When presented to an Appropriate Revenue Authority for demarcation Authority for demarcation of land –

(i) when the area of such land does not exceed one hectare. Two rupees.

One rupee.

(ii) for each subsequent area of one hectare or part thereof. One rupee.

1-A. When the Court grants the application and is of opinion that the transmission of such record involves the use records involves the use of the post. One rupee and fifty naye paise in addition to any fee levied on the application under Cl. (a), Cl. (c) or Cl. (e) of Art. 1 of this Schedule.

Application to any Civil Court that records may be called for from another Court.

2. Application for leave to sue as a pauper. ----- One rupee.

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| 3. Application for leave to appeal as a pauper. | (a) When presented to a District Court.              | Two rupees.   |
|   | (b) When presented to a commissioner or a High Court | Three rupees. |

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5. Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.

6. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate.

One rupee.

under any  
section of the  
Code of  
Criminal  
Procedure  
1898 (Act V of  
1898) on the  
Code of Civil  
Procedure,  
1908) and not  
otherwise  
provided for  
by this Act.

7.

Undertaki  
ng under  
S.49 of the  
Indian  
Divorce  
Act 1869  
(Act IV of  
1969)

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10. Mukhtarna  
ma or  
Wakaltna  
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When presented for the conduct of  
any one case –

(a) to any Civil or Criminal Court  
other than a High Court, or to  
any Revenue Court, or to any  
Collector or Magistrate, or other  
executive officer except such as One rupee.  
are mentioned in Cls. (b) and (c)  
of this number.

(b) to a Commissioner of Revenue,  
Circuit or Customs officer or to  
any officer charged with the  
executive administration of a  
Division, not being the Chief Two rupees and  
Revenue or Executive Authority. fifty naye paise.

(c) to a High Court, Chief Commissioner, Board of Revenue, or other Chief Controlling Revenue or executive authority or an appellate authority prescribed under the Motor Vehicles Act, 1939 (Act IV of 1939) or to an appellate authority prescribed under the Assam Sales Tax Act, 1947 (Assam Act XVII of 1947). Five rupees.

11. (a) to any Civil Court other than a High Court, or to any Revenue Court or executive officer other than the High Court or Chief Controlling Revenue or Executive Authority except an authority specified in Cl. (b) Three rupees.

Memorandum of appeal when the appeals is not from a decree or an order having the force of a decree, and is presented -



- (b) to an Excise Appellate Authority under R. 340 of the Assam Excise Rules. Fifteen rupees
- (c) to a high Court or Chief Commissioner, or other Chief Controlling Executive or Revenue Authority except an authority prescribed in Cl. (b). Ten rupees.
- (d) to an Excise Appellate Authority under R.341 of the Assam Excise Rules. Fifty rupees.
- (e) to a high Court in Miscellaneous revenue matters except (f) below or to an appellate authority prescribed under the Motor Vehicles Act, 1939 (Act IV of 1939). Fifteen rupees.
- (f) to a High Court in appeal and revision matters arising out of settlement of fisheries -

- (i) when the bid money is below ten thousand rupees. Fifteen rupees.
- (ii) when the bid money is above ten thousand rupees but below twenty thousand rupees. Twenty-five rupees.
- (iii) when the bid money is above twenty thousand rupees. Thirty rupees.

12. Caveat.

Ten rupees.

13.

Application  
under Act  
No. 10 of  
1859, S  
26, or  
Bengal Act  
No. 6 of  
1862, S.9,  
or Bengal  
Act No. 8  
of 1869, S.  
37

Five rupees.

14. Petition in  
suit under  
the Native  
Converts'  
Marriage  
Dissolutio  
n Act.  
1866 (Act  
XXI of  
1866)

Five rupees

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16.....`

17. Plaint or  
memorand  
um of  
appeal in  
each of the  
following  
suits:

(i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court:

Fifteen rupees.

(ii) to alter or cancel any entry in a register of the names of proprietors of revenue paying estates.

Fifteen rupees.

(iii) to obtain  
a  
declaratory  
decree  
where no  
consequen  
ce relief is  
prayed.

Twenty rupees.

(iv) to set  
aside an  
award.

Fifteen rupees.

(v) to set aside  
an  
adoption.

Twenty rupees.

(vi) every other suit where it is not possible to estimate at a money-value the subject-matter in dispute, and which is not otherwise provided for by this Act.

18.

Application  
under S.14  
or S. 20 of  
the Indian  
Arbitration  
Act, 1940  
(Act X of  
1940), for  
a direction  
for filing  
an award  
or for an  
order filing  
an  
agreement.

When presented to a Munsif's  
Court.

Fifteen rupees.

When presented to any other  
Court.

Fifty rupees.

19.

Agreement  
in writing  
stating a  
question  
for the  
opinion of  
the Court  
under the  
Code of  
Civil  
Procedure,  
1908 (Act  
V of 1908)

Fifteen rupees.



20. Every  
petition  
under the  
Indian  
Divorce  
Act, 1869  
(Act IV of  
1869)  
except  
petition  
under S.  
44 of the  
same Act,  
and every  
memorand  
um of  
appeal  
under S.  
55 of the  
same Act.

Twenty rupees.

21. Plaint or  
memorandum  
of appeal  
under the  
Parsi  
Marriage and  
Divorce Act.  
1865 (Act XV  
of 1865)

Twenty rupees.