

THE BENGAL, AGRA AND ASSAM CIVIL COURTS (ASSAM AMENDMENT) BILL, 2021

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BILL

further to amend the Bengal, Agra and Assam Civil Courts Act, 1887, in its application to the State of Assam.

Preamble

Whereas it is expedient further to amend the Bengal, Agra and Assam Civil Courts Act, 1887, hereinafter referred to as the principal Act, in its application to the State of Assam, in the manner hereinafter appearing;

Central Act
No. XII of
1887.

It is hereby enacted in the Seventy-second Year of the Republic of India as follows :-

Short title,
extent and
commencement

1. (1) This Act may be called the Bengal, Agra and Assam Civil Courts (Assam Amendment) Act, 2021.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of
section 19

2. In the principal Act, in section 19,-
 - (i) in sub-section (1), for the words " ten lakh rupees", the words " five lakh rupees " shall be substituted.
 - (ii) in sub-section (2), for the words " twenty lakh rupees", the words " ten lakh rupees" shall be substituted.

Substitution of
section 21

3. In the principal Act, for the existing section 21, the following shall be substituted namely:-

"Appeals
from Civil
Judge (Senior
Division) and
Civil Judge
(Junior
Division)

21. (1) Save as aforesaid, an appeal from a decree or order of a Civil Judge (Senior Division) shall lie-
 - (a) to the District Judge where the value of the original suit in which or in any proceeding arising out of which the decree or order was made have not exceeded twenty lakhs rupees; and
 - (b) to the High Court in any other case.
- (2) Save as aforesaid, an appeal from a decree or an order of a Civil Judge (Junior Division) shall lie to the District Judge.
- (3) Where the function of receiving any appeals which lie to the District Judge under sub-section (1) or sub-section (2) has been assigned to an Additional Judge, the appeals may be preferred to the Additional Judge.
- (4) The High Court may, with the previous sanction of the State Government, direct, by notification in the Official Gazette,

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PREPARED BY THE
LEGISLATIVE DEPARTMENT
ON 24.6.2021

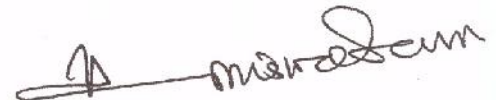
that appeals lying to the District Judge under sub-section(2) from all or any of the decree or orders of any Civil Judge (Junior Division) shall be preferred to the Court of such Civil Judge (Senior Division) as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly."

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VETTED BY THE
LEGISLATIVE DEPARTMENT
ON 24.6.201

STATEMENT OF OBJECTS AND REASONS

The Hon'ble Gauhati High Court has examined the matter relating to pecuniary jurisdiction of the Civil Courts in the State of Assam as fixed by the Bengal, Agra and Assam Civil Courts Act, 1887 and after due consideration, recommended that the pecuniary jurisdiction of the Civil Courts should be curtailed. Further the Hon'ble Gauhati High Court has also proposed to amend the said Act to the effect that the appeal from the court of Civil Judge (Sr. Division) where the value of the original suit/decreed does not exceed 20 Lakh should lie to District Judge and exceeding 20 lakhs should go to High Court, while appeal shall lie from the decree and order of Civil Judge (Jr. Division) to the District Judge.

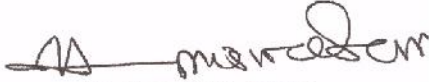
Hence, the Bill for Amendment of the Bengal, Agra and Assam Civil Courts, Act, 1887.


Minister, Law, Assam


Secretary,
Assam Legislative Assembly


FINANCIAL MEMORANDUM

The Bengal, Agra and Assam Civil Courts (Assam Amendment) Bill, 2021 will not lead to any expenditure from the consolidated fund of the State of Assam.


Minister, Law, Assam

MEMORANDUM OF DELIGATED LEGISLATION

The Bengal, Agra and Assam Civil Courts (Assam Amendment) Bill, 2021 does not involve any delegated legislation.


Minister, Law, Assam

Comparative Statement

Existing provision	Proposed amendment
<p>"19. Extent of jurisdiction of Civil Judge (Junior Division)</p> <p>(1) Save as aforesaid, and subject to the provision of sub-sec (2) the jurisdiction of a Civil Judge (Junior Division) extends to all like suits of which the value does not exceed ten lakh rupees.</p> <p>(2) The State Government may, on the recommendation of the High Court direct; by notification in the official Gazette with respect to any Civil Judge (Junior Division) named therein that his Jurisdiction shall extend to all like suits of such value not exceeding twenty lakhs rupees as may be specified in the notification;</p> <p>Provided that the State Government may, by notification in the official Gazette, delegate to the High Court its power under this section.</p>	<p>"19. Extent of Jurisdiction of Civil Judge (Junior Division)</p> <p>(1) Save as aforesaid, and subject to the provisions of sub- section(2), the jurisdiction of a Civil Judge (Junior Division) – extends to all like suits of which the value does not exceed five lakhs rupees.</p> <p>(2) The State Government may, on the recommendation of the High Court, direct, by notification in the Official Gazette, with respect to any Civil Judge (Junior Division) – named therein, that his jurisdiction shall extend to all like suits of such value not exceeding ten lakhs rupees as may be specified in the notification:</p> <p>Provided that the State Government may, by notification in the Official Gazette, delegate to the High Court its powers under this section.</p>
<p>21. Appeals from Civil Judge (Senior Division) and Civil Judge (Junior Division)</p> <p>(1) Save as aforesaid, an appeal from a decree or order of a Civil Judge (Senior Division) shall lie to the District Judge. .</p> <p>(2) Save as aforesaid, an appeal from a decree or an order of a Civil Judge (Junior Division) shall lie to the District Judge.</p> <p>(3) Where the function of receiving any appeals which lie to the District Judge under sub-sec.(1) or sub-sec.(2) has been assigned to an Additional Judge, the appeals may be preferred to the Additional Judge.</p> <p>(4) The High Court may, with the previous sanction of the State Government direct, by notification in the official Gazette that appeals lying in the Court of the District Judge under sub-S.(2) from all or any of the decree or orders of any Civil Judge (Junior Division) shall be preferred to the Court of such Civil Judge (Senior Division) as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly."</p>	<p>21. Appeal from Civil Judge (Senior Division – and Civil Judge (Junior Division)</p> <p>(1) Save as aforesaid an appeal from a decree or order of a Civil Judge (Senior Division) shall lie</p> <p>(a) to the District Judge where the value of the original suit in which or in any proceedings arising out of which the decree or order was made did not exceed Twenty Lakhs rupees; and</p> <p>(b) to the High Court in any other case.</p> <p>(2) Save as aforesaid, an appeal from a decree or order of a Civil Judge (Junior Division) shall lie to the District Judge.</p> <p>(3) Where the function of receiving any appeals which lie to the District Judge under sub- section (1) or sub- section (2) has been assigned to an Additional Judge, the appeals may be preferred to the Additional Judge.</p> <p>(4) The High Court may, with the previous sanction of the State Government direct, by notification in the Official Gazette, that appeals lying to the District Judge under sub-section (2) from all or any of the decrees or orders of any Civil Judge (Junior Division) shall be preferred to the Court of such Civil Judge (Senior Division) as may be mentioned in the notification and the appeals shall thereupon be preferred accordingly."</p>