

THE COURT FEES (JHARKHAND AMENDMENT) BILL 2021

A Bill to Amend the Court Fees Act, 1870 in its application to the State of Jharkhand.

Be it enacted by the legislature of the State of Jharkhand the Seventy Two Year of the Republic of India as follows:-

1. Short title, extent and commencement:-

- i) This Act, may be called "The Court Fees (Jharkhand Amendment), 2021"
- ii) It extends to the whole of the State of Jharkhand.
- iii) It shall come into force from the date as notified in the State Gazette.

PART-A

2. Substitution of Schedule I and II appended to the Court Fees Act, 1870- The schedule I and II appended to the Court Fees Act 1870 shall be substituted by the following schedule:-

Schedule-I

Advalorem Fees

Table of rate of Advalorem Fees Leviable on Institution of suits

No.	Subject	Description	Rates
1	Plaint, written statement, pleading of an adjustment or counter claim or memorandum of appeal or a cross objection, or plaint or memorandum of appeal to set aside an award not otherwise provided in this Act, presented to any Civil or Revenue Court except those mentioned in Section-3.	When the amount or value of the subject matter in dispute-	
(i) up to Rs. 30,000/- (Rupees thirty thousand)		15% of the amount or value	
(ii) exceed Rs. 30,000/- (Rupees thirty thousand) but does not exceed Rs. 5,00,000/- (Rupees five lac).		Rs. 4,500/- (Rupees four thousand five hundred) + 10% of amount or value exceeding Rs. 30,000/- (Rupees thirty thousand).	
(iii) exceeds Rs. 5,00,000/- (five lac) but does not exceed Rs. 20,00,000/- (twenty lac).		Rs. 51,500 (fifty one thousand five hundred) + 5% of amount or value exceeding Rs. 5,00,000/- (five lac).	

		(iv) exceeds Rs. 20,00,000/- (Rupees twenty lac) but doesn't exceed Rs. 1 (one) crore.	Rs. 1,26,500 (Rupees one lac twenty six thousand five hundred) + 1% of the amount or value exceeding Rs. 20,00,000/- (Rupees twenty lac).
		(v) exceeds Rs. 1 (one) crore	Rs. 2,06,500/- (Rupees two lac six thousand five hundred) + ½% of the amount or value exceeding Rs. 1 (one) crore. Maximum Rs. 3,00,000/- (rupees three lac.)
2	Plaint in a suit for possession under Section 6 of Specific Relief Act, 1963.		According to rates as prescribed in item no.1.
3	Probate of a will or letters of administration with or without will annexed.		10% of the amount or value [minimum Rs. 500/- (Rupees five hundred) & maximum Rs. 3,00,000/- (Rupees three lac)].
4	Certificate under the Succession Certificate Act, 1889.		As prescribed in item no. 3 on amount or value indicated on certificate.

Schedule-II

Fixed Fees

No.	Subject	Description	Fee
1	(1) Application or petition	When presented to an administrative or revenue officer of State Government or Central Government or local body or in a civil or criminal or small cause court other than High Court and which is not otherwise provided-	Rs. 20/- (Rupees twenty)
	(2) When presented to the High Court-	(i) Under Article 226, 227 or under Article 226 and 227 of the Constitution-	
		(a) To file a general application.	Rs. 500/- (Rupees five hundred).
		(b) To file a Public Interest Litigation.	Rs. 1000/- (Rupees one thousand).
		(ii) On other applications	Rs. 250/- (Rupees two hundred fifty).
	(3) Application for Civil Revision under Section 115 of Civil Procedure Code or Criminal Revision under Section 397 read with Section 399/401 of Criminal Procedure Code.		Rs. 250/- (Rupees two hundred fifty).

2	Application to call for records from any other Court.		Rs. 50/- (Rupees fifty).
3	Application for leave to sue as a pauper or for leave to appeal as pauper.		Rs. 20/- (Rupees twenty).
4	Plaint or memorandum of appeal to establish or prove a right of occupancy.		Rs. 100/- (Rupees one hundred).
5	Bail Bond or other instruments of obligation given in pursuance of any order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1973 or the Code of Civil Procedure, 1908 and not otherwise provided by this Act.		Rs. 20/- (Rupees twenty).
6	Undertaking under Section 49 of the Indian Divorce Act, 1869 (4 of 1869).		Rs. 100/- (Rupees one hundred).
7	Affidavit	(i) In all other courts except the High Court.	Rs. 20/- (Rupees twenty Rupees).
		(ii) In the High Court.	Rs. 30/- (Rupees thirty).
8	Vakalatnama	(i) In all other courts except the High Court.	Rs. 30/- (Rupees thirty)
		(ii) In the High Court.	Rs. 50/- (Rupees Fifty)
9	All kinds of copies of any judgement, decree, order, proceeding, the documents filed in a proceeding etc.		Rs. 10/- (Rupees ten) per page.
10	Caveat		Rs. 100/- (Rupees one hundred)
11	Application for review of judgement.		Rs. 500/- (Rupees five hundred) only.
12	Memorandum of Appeal when the appeal is not from a decree or an order having the force of a decree and is presented.	(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.	Rs. 50/- (Rupees fifty).
		(b) To High Court or Chief Controlling Executive or Revenue Authority.	Rs. 100/- (Rupees one hundred).

13	Plaint or Memorandum 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 not a Revenue Court)	Rs. 500/- (Rupees five hundred).
		(ii) To alter or cancel any entry in a register of the names of proprietors of revenue paying estates.	Rs. 500/- (Rupees five hundred).
		(iii) To obtain a declaratory decree where no consequential relief is prayed.	Rs. 1000/- (Rupees one thousand).
		(iv) To set aside an award.	Rs. 1000/- (Rupees one thousand).
		(v) To set aside an adoption.	Rs. 1000/- (Rupees one thousand).
		(vi) For 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.	Rs. 1000/- (Rupees one thousand).
14	Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.		Rs. 200/- (Rupees two hundred).
15	(1) Every petition under the Indian Divorce Act, 1869 except under Section 44 of the same Act and every Memorandum of Appeal under Section 55 of the same Act.		Rs. 500/- (Rupees five hundred).
	(2) Plaint or Memorandum of Appeal under the Parsi Marriage and Divorce Act, 1865.		Rs. 500/- (Rupees five hundred).

FINANCIAL MEMORANDUM

The Court Fee chargeable on different cases in Civil Courts is an important source of the revenue of the State. After the formation of Jharkhand no increase has been made on the Court Fees chargeable on different cases filed in Civil Courts with in Jharkhand while the neighboring State of Bihar has increased it in the year, 2007.

If an increase is done on the chargeable Court Fees mentioned in Schedule I and II of Court Fees Act, 1870 then it will result is increase in the revenue of State.

(Hemant Soren)
Member-In-Charge

AIMS & OBJECTIVE

The proposed amendment in Scheduled in I and II of the Court Fees Act, 1870 is aimed in increase the Court Fees Chargeable on different cases filed in Civil Courts.

The proposed amendment will on one hand increase the revenue of the State.

(Hemant Soren)
Member-In-Charge