

Bill Summary

The Arunachal Pradesh Court Fees Bill, 2023

- The Arunachal Pradesh Court Fees Bill, 2023, was introduced in the Arunachal Pradesh Legislative Assembly on September 4, 2023. The Bill seeks to regulate the fees payable to the High Court and Subordinate Courts of Arunachal Pradesh. Currently, these fees are regulated under the Court Fees Act, 1870, which is a central act. The central government has proposed to repeal the 1870 Act and has directed the states to frame their own laws on court fees. Court fees is state subject under the Constitution.
- **Fees payable on documents filed in Courts:** The Bill specifies fees to be paid upon submission of certain documents to the High Court or Subordinate Courts, or request for certain documents from them. These include: (i) applications or petitions, (ii) appeals, and (iii) requests for copies of court orders and proceedings. The state government may amend the fees specified in the Schedules to the Bill through notification.
- Certain documents will be exempt from the levy of fees. These include: (i) written statements called for by the Court after the first hearing, (ii) applications or petitions in certain cases such as settlement of land revenue, water supply for irrigation, relinquishing land, enhancing rent, and solemnising or registering the marriage, (iii) bail bonds and petitions by prisoners, (iv) complaints by public servants, (v) appeals against the assessment of municipal tax, and (vi) compensation claims for acquisition of property for public purposes.
- **Computation of fees payable in certain suits:** The Bill specifies different methods for computation of fees for different categories of suits. For instance, the fee will be based on: (i) the amount claimed in money-related cases such as those for compensation and arrears of maintenance, (ii) market value in cases involving movable property (other than money), (iii) either market value or land revenue payable in cases involving possession of land or house in a notified township, and (iv) terms of contracts for disputes between landlords and tenants.
- **Valuation of suits:** The Court may determine or revise the valuation, where it is of the opinion that a suit has been wrongly valued. It may appoint a person to conduct an inquiry and ascertain the valuation. It may direct a party involved in the suit to pay for the costs of the inquiry. In the event of non-payment of costs, the Court may dismiss the suit.
- **Dispute resolution:** In the High Court, disputes on the amount of fee between court officers and litigators will be first referred to the taxing officer (appointed by the Chief Justice). The decision of the taxing officer will be final. In cases of general importance, the taxing officer will refer the matter to the Chief Justice or any other Justice designated by the Chief Justice for final decision. In a subordinate court, similar disputes will be decided by the Clerk of the Court. Matters of general importance will be referred to the Judge for final decision.
- **Mode of fee collection:** All fees will be collected by stamps, electronic payment, or in such manner as may be prescribed. A document will be considered invalid if it is not properly stamped.
- **Powers to make rules:** The High Court will prescribe fees for serving and executing processes issued by the: (i) High Court, (ii) civil courts, (iii) revenue courts, and (iv) criminal courts.
- The state government will prescribe through rules: (i) regulation of the supply of stamps, (ii) manner of electronic payment, (iii) renewal of damaged stamps, and (iv) maintenance of records of all stamps. For documents requiring payment of fees in the High Court, stamp-related rules must be framed, in concurrence with the Chief Justice of the High Court.

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