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PART--IV-- Bills introduced in the Tripura Legislative Assembly : Report of Selection Committees presented or to be presented to the Assembly and Bills published before introduction in that Assembly.

TRIPURA LEGISLATIVE ASSEMBLY

SECRETARIAT

NEW CAPITAL COMPLEX

AGARTALA, TRIPURA, PIN - 799 010

[Fax : (0381) 241 4095/9654]

No.F.7(12-19)-LA/2020./3698

Dated, Agartala the 22nd September, 2020.

NOTIFICATION

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “**The Court Fees (Tripura Amendment) Bill, 2020 (The Tripura Bill No.19 of 2020)**” as introduced in the Assembly on the **21st September, 2020** to be published in the Tripura Gazette.”


(B.P. Karmakar)
Secretary

Tripura Legislative Assembly

THE TRIPURA BILL NO. 19 OF 2020

THE COURT FEES (TRIPURA AMENDMENT) BILL, 2020

**A
BILL**

further to amend the Court Fees Act, 1870 (Central Act No. 7 of 1870), in its application to the State of Tripura.

WHEREAS, the Court Fees Act, 1870 (here-in-after referred to as the Principal Act), as was in force in the State of Assam, was adapted in the State of Tripura, with effect from 21st January, 1972, by North-Eastern Areas (Reorganisation) (Tripura) Adaptation of Laws Order, 1973 Vide No.F.3(4)-Law/Leg/72 Dated 27th October, 1973;

AND WHEREAS, pursuant to the suggestion of the Supreme Court e-Committee, the High Court of Tripura has requested for amendment of the Principal Act, with a view to facilitate online payment of Court fees, penalties, fines etc.;

AND WHEREAS, it is felt expedient to amend the Court-fees Act, 1870, in its application to the State of Tripura, for providing convenience of paying court fees without hassles involved in obtaining physical judicial stamps and other matters connected therein and incidental thereto;

BE it enacted by the Tripura Legislative Assembly in the Seventy First Year of the Republic of India as follows:-

1. Short title and commencement:

- (1) This may be called the “The Court Fees (Tripura Amendment) Bill, 2020”;
- (2) It shall come into force on the date of its publication in the Tripura Gazette.

2. Amendment of Section 13:

In section 13 of the principal Act, the expression “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”, shall be substituted with the expression **“the Appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the Collector or by way of electronic transfer in such manner as may be prescribed, the full amount of fee paid on the memorandum of appeal”**.

3. Amendment of Section 14:

In Section 14 of the principal Act, the expression “grant him a certificate authorizing him to receive back from the Collector 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”, shall be substituted with the expression **“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.”**

4. Amendment of Section 15:

In section 15 of the principal Act, the expression “the applicant shall be entitled to a certificate from the court authorizing him to receive back from the Collector 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”, shall be substituted with the expression **“the applicant shall be entitled to a certificate from the court 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 payable on any other application to such court under the second schedule to this Act.”**

5. Amendment of Section 16:

In Section 16 of the principal Act, the expression “the plaintiff shall be entitled to a certificate from the Court authorizing him to receive back from the Collector, the full amount of the fee paid in respect of such plaint”, shall be substituted with the expression **“the plaintiff shall be entitled to a certificate from the Court authorizing him to receive back from the Collector or by way electronic transfer in such manner as may be prescribed, the full amount of the fee paid in respect of such plaint.”**

6. Amendment of Section 25:

In Section 25 of the principal Act, the expression “stamps”, shall be substituted with the expression **“stamps or electronic transfer of payment to State Government in such manner as may be prescribed.”**

7. Amendment of Section 27:

Clause (a) of Section 27 of the principal Act, shall be substituted with the following-

“(a) the manner of supply of stamps or electronic transfer of payment of court-fee and refund thereof;”

8. Amendment of Section 30:

In Section 30 of the principal Act, after the existing text, the following proviso shall be added-

“Provided that, where 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 is locked”.

9. Repeal and Savings:-

(1) The Court Fees(Tripura Amendment) Ordinance, 2020 (The Tripura Ordinance No.8 of 2020) as was promulgated by the Governor of Tripura on 24th July, 2020 and was published in the Tripura Gazette on 03rd August, 2020, is hereby repealed;

(2) Notwithstanding such repeal, any action taken, any order or Notification issued or any proceeding initiated under the Ordinance, so repealed, shall be deemed to have taken, issued or initiated under the corresponding provision of this Act.

STATEMENT OF OBJECTS AND REASONS

The Court Fees Act, 1870 (Central Act No.7 of 1870) as was in force in the State of Assam, was adapted in the State of Tripura, with effect from 21st January, 1972, by North-Eastern Areas (Reorganization) (Tripura) Adaptation of Laws Orders, 1973 Vide No.F.3(4)-Law/Leg/72 Dated 27th October, 1973, subject to some minor modifications, as mentioned in the Schedule appended to the said Order.

2. But in the said Central Act there is no provision for electronically generated impression to denote the payment of Court Fees and as such the citizens in general, the litigants and lawyers, who want to pay stamp duty online, there is no option available for them. Considering the situation of Covid-19, it had become inevitable to make a state amendment of the said central act as Ordinance, in the same line, in its application to the state of Tripura.

3. The Bill inter-alia provides for-

Inserting the option electronic payment of Court Fees and to receive it back in appropriate cases, whosever desires to pay in that manner, by amending Section 13, 14, 15, 16, 25, 27 & 30 of the Central Act, in its application to the State of Tripura.

4. As the Legislative Assembly was not in session and the above proposal had to be given effect too immediately, the Court Fees (Tripura Amendment) Ordinance, 2020 was promulgated by the Governor of Tripura on 24th July 2020 and the same was published in the Tripura Gazette on 3rd August, 2020. The Bill seeks to replace the said Ordinance.

(N.C. Debbarma)
Minister-in-charge
Revenue Department

TECHNICAL MEMORANDUM

The subject matter of the Court Fees (Tripura Amendment) Bill, 2020 is relatable to Entry 63 of List-II (State List) and Entry 44 of List-III (Concurrent List) of Seven Schedule to the Constitution of India and therefore the State legislature is competent to make a Law on these subjects.

2. The provisions of the Amendment Bill are not repugnant to the Constitution of India, nor any existing Central law. The Bill seeks to amend some of the provisions of the existing central law namely the Court Fees Act, 1870, in its application to the State of Tripura, so as to provide another option for electronic payment of court fees.

3. This is not a money Bill within the meaning of Article 199(1) of the Constitution of India and as such prior recommendation of the Governor, under Article 207(1) of the Constitution is not required, to introduce or move the Bill in the State legislature. It will not involve any additional expenditure from the State Consolidated Fund, if enacted and brought into operation and such prior recommendation of the Governor under Article 207(3) of the Constitution is not required for consideration of the Bill by the State legislature. The Bill does not attract the proviso to Article 304(b) of the Constitution and as such previous sanction of the President is not required for introduction or moving the Bill in the State legislature.

4. The Bill Seeks to replace The Court Fees(Tripura Amendment) Ordinance, 2020, which was promulgated by the Governor on 24th July, 2020.

(Biswajit Palit)
L.R & Secretary, Law
Government of Tripura

FINANCIAL MEMORANDUM

There will be no additional expenditure from the consolidated fund of the State if “The Court Fees (Tripura Amendment) Bill, 2020” is enacted and brought into operation.

(Tanusree DebBarma)
Secretary to the
Government of Tripura