

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:945

ANSWERED ON:16.08.2012

COURT FEES

Gavit Shri Manikrao Hodlya

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government proposes to amend law in respect of increase in court fees ;
- (b) if so, the details thereof;
- (c) the amount of rise in such fees and the cases in which it is likely to be applicable;
- (d) whether the Government proposes to bring comprehensive uniformity in the criteria of court fee; and
- (e) if so, the details thereof?

Answer

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

(a) to (e): The Central Government is concerned with fees payable in the Supreme Court and courts in the Union Territories (UTs).

Parliament can make law in respect fees payable in the Supreme Court in term of Article 246(1) read with Entry 77 of List –I. However, no such law has been made so far. The fees payable in the Supreme Court are presently governed by the Supreme Court Rules, 1966 framed by the Supreme Court under Article 145(1) of the Constitution. The Law Commission's 236th report relating to the Supreme Court fees has been forwarded to the apex court in March, 2011 to take necessary action for revising the existing fees and amending the 1966 Rules.

In so far as UTs are concerned, the Delhi Government has recently enacted the Court Fees (Delhi Amendment) Act, 2012 further to amend the Court Fees Act, 1870 in its application to the National Capital Territory of Delhi to revise the fees payable in the Delhi High Court and subordinate courts by ten times. Puducherry has a separate Act namely, 'Pondicherry Court Fee and Suits Valuation Act, 1972'. The Legislative Assembly of Pondicherry is yet to amend the 1972 Act to revise the fees payable in its subordinate courts. The fees payable in the courts of the remaining UTs are governed by the various Acts of neighbouring States.

The 'fees taken in all courts except the Supreme Court' is a State subject (Entry 3 of the State List) and therefore, as per Article 246(3) of the Constitution, it is for the State Legislature to make laws in respect of revision of fees payable in the State High Courts and Subordinate Courts.