

THE KERALA COURT FEES & SUITS VALUATION (AMENDMENT) BILL

A bill further to amend the Kerala Court Fees and Suits Valuation Act, 1959.

Preamble.—WHEREAS it is expedient further to amend the Kerala Court Fees and Suits Valuation Act, 1959 (10 of 1960) for the purposes hereinafter appearing;

Be it enacted in the fifty-ninth year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Court Fees and Suits Valuation (Amendment) Act,—

(2) It shall come into force at once.

2. *Amendment of Section 45 of the Act.*—In Section 45 of the Kerala Court Fees and Suits Valuation Act, 1963 (hereinafter referred to as the Principal Act) (10 of 1963), for the words and figures “section 14 of the Madras Survey and Boundaries Act, 1923, Section 13 of the Travancore Survey and Boundaries Act, 1094, or section 14 of the Cochin Survey Act, II of 1074”, the words “Section 14 of the Kerala Survey and Boundaries Act, 1961 (37 of 1961)” shall be substituted.

3. *Insertion of Section 75A.* — After Section 75 of the Principal Act, the following section shall be inserted, namely:—

“75B. *Exemption from fees.*— The following persons shall be exempted from remitting fees under this Act, namely:—

(1) Persons Below Poverty Line

Explanation.—For the purpose of this section, the annual income limit for deciding the below poverty line category of persons shall be Rs. 12,000.

(2) Prisoners

(3) Persons suffering from mental illness or other grave diseases, certified by a registered medical practitioner of any system of medicine accepted by the Government.”

4. *Amendment of Section 76.* — In Section 76 of the Principal Act, for the word “one percent”, the words “two percent” shall be substituted.

5. *Amendment of Schedule I.* — In Schedule I of the Principal Act.

(i) For the items (i) to (vi) of Article 1 under column (2) and the corresponding entries in column (3) thereof, the following items and entries shall be substituted, namely:—
(i) Does not exceed rupees ten million, for every one hundred rupees or part thereof three rupees

(ii) Exceeds rupees ten million, for every one hundred rupees, or part thereof, in excess of rupees ten million one rupee

(ii) For the entries under column (3) against Article 5, the following entries shall be substituted, namely:—“Five rupees”

(iii) For the entries under column (3) against Article 6, the following entry shall be substituted, namely:—“Hundred rupees”

(iv) For the entries under column (3) against Article 7, the following entry shall be substituted, namely:—“Hundred rupees”

6. *Amendment of Schedule II.*—In Schedule II of the Principal Act for the entries under column (3) against item (iii) of clause 1 (l), the following entries shall be substituted, namely:—

“Twenty-five rupees per petitioner”

Statement of Objects and Reasons

Liability to pay court fee as a condition precedent for having access to courts in many cases creates undue hardship. In some cases at least, it may lead to denial of justice even. Though the indigent has a right to file a suit without paying the court obtaining permission from the Government the proceeding seeking such permission itself is a protracted one apart from time consuming. So it is in public interest to reduce the court fee and fix it minimally. The majority of the amendments suggested are to reduce the court fee payable under various articles in the schedules I & II. A unique and important amendment having great social relevance in State where people belonging to below poverty line group are millions and billions is recommended to incorporate a new provision exempting three categories of litigants namely: Persons below the poverty line having annual income not more than Rs.12,000, prisoners, persons suffering from mental illness or other grave diseases certified by a registered medical practitioner.
