

CHAPTER 6

SEARCHING, COPYING AND OTHER FEES, CANCELLATION OF STAMPS

[*Note*- For fees under the Court-Fees Act, *vide* Parts 1 (B) and 1 (C)]

1. SEARCHING AND COPYING FEES :

1. Searching and copying fees shall be charged according to the scale in the table below except in the cases where the law requires copies to be given free of cost.

Nature of the fee or charge	Cases in which to be paid	Amount	How to be paid
(1) Searching fee.	<p>On all applications- (i) For information whether the record is deposited in the District Record Room or not.</p> <p><i>Note 1</i>- This shall be the fee required on such application in addition to the fee prescribed by the Court-Fees Act (Act VII of 1870), one searching fee only shall be charged for any number of items of information taken from the same record or register and included in the same application.</p> <p><i>Explanation:</i></p> <p>"Same register" includes any number of volumes of the same class for any one year but not different classes of registers though of the same year.</p> <p><i>Note 2</i>- Only one searching fee shall be charged in respect of an application for information required in connection with a single cause or matter, even</p>	<p>Rs. P. 0-25</p>	By a Court-fee stamp to be affixed on the application

Nature of the fee or charge	Cases in which to be paid	Amount	How to be paid
(1) Searching fee.	<p>though the search involves reference to several records or registers. A separate application shall however, be required and a separate fee.</p> <p>Charge in respect of information with every separate cause or matter.</p> <p><i>Note 3</i>- See <i>Note 5</i> to clause (iv).</p> <p>(ii) For inspection where the record is deposited in the Record Room.</p> <p><i>Note</i>- No searching fee shall be charged for inspection of the records of pending cases by pleaders.</p> <p>(iii) Expedition fee for urgent applications for inspection and information.</p> <p>(iv) For copy of all documents certified or uncertified and extracts from registers (in Addition to the prescribed fee under Article 1 (a) Schedule-II of the Court-fees Act, 1870) except such copies as the law requires to be given free of cost.</p> <p>Provided the same fee should be charged on, an application for conversion of an uncertified copy into a certified one under Rule 46 of Chapter 5.</p> <p><i>Note I</i>- (a) No Searching fee shall be charge in</p>	<p>0-25</p> <p>1.00</p> <p>0-25</p>	<p>By a Court-fee stamp to be affixed on the application.</p> <p>Ditto</p> <p>Ditto</p>

Nature of the fee or charge	Cases in which to be paid	Amount	How to be paid
(1) Searching fee.	<p>respect of applications for copies of papers in the records of Cases filed within the time specified in rule for transmission of records to the District Record Room.</p> <p>(b) No searching fee shall be charged in respect of copies of papers in the record of the trial Court when such record is with the appeal pending against the decision in the original case.</p> <p>(c) No searching fee shall be charged in respect of an application for a copy of any document from the records of a disposed of case and marked as an exhibit in a pending case.</p> <p>(d) No searching fee shall be charged in respect of applications for copies of papers in the records of cases preserved in the Court office in accordance with Rule 22 of Chapter 4.</p> <p><i>Note 2-</i> One Searching fee shall be charged for any number of copies taken from the same record or register and included in the same application. (For the meaning of "same register" see <i>Note 1</i> to clause (1).</p> <p><i>Note 3-</i> Only one application with a single Court-Fee stamp under Article 1 (a), Schedule II of the Court-fees Act,</p>		

Nature of the fee or charge	Cases in which to be paid	Amount	How to be paid
(1) Searching fee.	<p>1870, is necessary when a copy is applied for any number of documents on the same record; but when copies are required of documents in more than one record, there must be a separate application with a separate stamp for each.</p> <p><i>Note 4-</i> Records called for in connection with original or revision will be treated as part of the record of such case or appeal or revision.</p> <p><i>Note 5-</i> Application for copies and information will ordinarily be rejected unless the applications furnish details from which the documents to be copied for papers containing the information can be readily located. If applications are granted without such details being furnished the officer-in-charge of the Record room or the Presiding Officers of the Court, as the case may be, assess the searching fees at his discretion, regard being had to the time likely to be involved in the search.</p> <p>(v) For sending for a record or document from the High Court.</p>	<p>1.00 in addition to the fee prescribed under Article 1 (a) Schedule II Court fees Act.</p>	By means of Court fee stamp to be sent unpunched to the High Court with the requisition.

Nature of the fee or charge	Cases in which to be paid	Amount	How to be paid
(2) Copying charges	(iv) For sending for documents and the like involving a search in the Collectorate or other revenue officers.	0.25	By means of court fee stamp to be remitted unpunched to the Collector.
	(a) Manuscript copies whether certified or uncertified - (i) 150 English or 200 vernacular words or less.	0.25	By means of an impressed stamp of 25p. on each sheet of paper corresponding with the folio to be provided by the applicant for a copy. Each sheet shall contain a folio, that is as nearly as possible, 150 words English or 200 words vernacular, four figures counting as one word. <i>Note 1-</i> Punctuation marks and the underlining of words shall not be taken into consideration in computing the number of words; but a line ruled across a page by a typist may be counted as one word. <i>Note 2-</i> As there are 25 lines in each sheet, each line shall contain as nearly as possible 6 words English or 8 words vernacular.
	(ii) Exceeding 150 but not exceeding 500 English words and exceeding 200 but not exceeding 400 vernacular words.	0.50	By means of two impressed stamp paper of 25 paise each.
	(iii) For every additional 150 English or 200 vernacular words or less.	0.25	By means of an impressed stamp paper of 25 paise.
	(b) Typed copies (in English or Vernacular) whether certified or uncertified containing- (i) 150 words or less.	0.25	By means of an impressed stamp paper of 25 paise.

Nature of the fee or charge	Cases in which to be paid	Amount	How to be paid
(2) Copying charges	(ii) Exceeding 150 words but not exceeding 300 words.	0.50	By means of the same impressed stamp paper of 25 paise with an adhesive stamp of 25 paise affixed thereto across the perforated line on the top of the sheet of the impressed stamp paper so that the figure head may be above the perforated line and that the portion below may clearly show the value. Each sheet shall contain as nearly as possible 300 words.
	(iii) Exceeding 30 words but not exceeding 450 words.	0.75	By means of two impressed stamp papers of 25 paise each with an adhesive stamp of 25 paise affixed thereto.
	(iv) Exceeding 450.		By means of an additional impressed stamp paper or papers of 25 paise with an adhesive stamp of 25 paise affixed thereto, if necessary, according to the number of words to be typed. <i>Note 1-</i> The adhesive stamp shall do supplied loose by the parties and affixed in the copying department according to necessity. <i>Note 2-</i> Impressed stamp sheets shall never be received and cancelled in lieu of adhesive stamps. <i>Note 3-</i> In the case of certified copies, the Court fee chargeable under the Court fees Act, 1870, as amended from time to time by the Assam Court Fees (Amendment Acts)

Nature of the fee or charge	Cases in which to be paid	Amount	How to be paid
	(c) Expedition fee for urgent application for copy or for conversion of an uncertified copy into a certified one.	1.00 Extra (or if the copies exceed 4 folios) 25 paise for each folio.	shall be levied by affixing the necessary stamp to the first folio of the copy. By means of Court fee stamp to be affixed to the application.

2. Complainants must pay copying fees whenever they want copies. But an accused is entitled under Section 362(2) (New) of the Code, in cases other than summons cases, to a copy of the Judgment absolutely free of cost and on plain paper. Similarly, under Section 128 (New) of the same Code, a copy of an order of maintenance, "shall be given without payment to the person in whose favour it is made, or to his guardian, if any, or to the person to whom the allowance is to be paid".

Note 1- The provisions of Section 363(5) (New) of the Code should also be referred to.

Note 2- See also Rule 2 of Chapter 2 of Part 1(c) of the Rules regarding remission of copying fees in certain cases.

3. (1) The charge for obtaining copies of records in Courts of Sessions referred to in Rule 47(1) of Chapter 4 and of copies of Judgments in criminal cases required by the Society for the Protection of Children in India, and of copies of records required for Government Pleaders or Public Prosecutors referred to in clause (2) of this Rule, shall be at the rate of 1,600 words per rupee for English typed and manuscript copies and vernacular typed copies and @ of 2,200 words per rupee for vernacular manuscript copies and shall be paid to the typists or copyists concerned. The number of words copies should be counted from the typed copies instead of from handwritten originals.

(2) The charges for obtaining copies of records in Sessions cases which are required by Magistrates, the Jail Advisory Board or Government shall be adjusted under "Civil and Sessions Courts", while those for copies of records in cases in which an

appeal has been preferred, and the copies required for Government Pleaders or Public Prosecutors shall be adjusted under "Civil and Sessions Courts or Criminal Courts", accordingly as the papers to be copied are at the time in the office of the Sessions Court or of the Magistrate's Court.

Note 1- Copies of records required for the use of the Sessions Judge and the defence Pleader or Advocate appointed by the Government in Sessions Cases shall be prepared with Carbon papers while preparing them for the use of the Government Pleader or Public Prosecutor and no separate charge shall be paid for the preparation of those copies.

Note 2- Copies required by private parties (other than when the defence Pleader is employed at the expense of Government) shall not be supplied except on usual application for copies and filing of folios, etc.

Note 3- The following instructions as to the method of checking the number of words in brief and copies prepared under this rule read with Rule 47(1) of Chapter 4 shall be followed.

DUTY OF COPYISTS

After putting serial page number in the brief the copyists will note the number of words in each page of the brief and also enter them in column 4 of the slip against each page number. The copyist will strike the grand total of column 4 and total of column 1 and enter the number of words and figures and sign the slip. He will also fill up the bill book and sign it.

DUTY OF COMPARING ASSISTANT

The Comparing Assistant will see that the number of words on each page of the brief has been correctly entered in the slip. He will count the number of lines on each page and fill up columns 2 and 3 of the slip. If there is any apparent discrepancy or improbability he will count the actual number of words on the page. He will check the grant total of column 4 by addition. He must count the actual number of words on at least 1 in 5 pages, minimum one page. He will report to the Magistrate in-charge at once if he finds any serious discrepancy. On completion of the check he will sign the slip and will certify in the bill book that he has found the number of words correct by checking in the manner directed.

DUTY OF THE MAGISTRATE IN-CHARGE

The Magistrate will examine the brief itself along with the slip and compare a few pages at random. He need not check the

totals of columns 2 and 4 by addition in every case but must always satisfy himself that the number of pages is correct and that the average number of words per line is probable before passing and signing the slip. He will compare the figures in the bill book and will sign the brief register after satisfying himself that there is an order of the trying Magistrate to prepare the brief.

SLIP

Page No.	Lines	Average number of words per line	Total number of words in the page	Initial of Comparing Assistant after checking column 4 by actual counting of words of one page in five (Minimum one page).
1	2	3	4	5
Grand Total				

Total in words _____

Signature of Copyist _____

Date _____

Passed by more Comparing Assistant Magistrate-in-charge.

Date.

4. No fees are to be demanded or paid for searching for or copying or typing papers required by public officers for public purposes. In such cases the copies are to be made on plain paper by the salaried establishment.

Note 1- In its Resolution No.1248-64, dated the 31st August 1899, the Government of India directed that "the existing practice of supplying, free of charge, to the Head of the office concerned, copies of judgments convicting Government officers of Criminal offences" should be continued, and that, "in future, copies or judgments of acquittal and orders of discharge" should also be "supplied free of charge on the application of the Head of the Departments".

Note 2- Local bodies and managers under Court of Wards are not to be treated as public officers for the purpose of this rule.

5. In the case of maps and plans, no general rule can be laid down. In each case reasonable charge shall be fixed by the officer-in-charge of the copying department with reference to the skill required, the difficulty or intricacy of the work to be done, the time that it may occupy and to the cost of tracing cloth.

6. (1) One-half of the copying fees of maps, after deducting from the total the cost of tracing cloth, are to be paid to the copyists out of contingencies. For the copying of these maps ink only is to be supplied to the copyists from the office, but the other materials, such as paints, pencils brushes, etc., which may be required are to be supplied by the copyists themselves, and no charge for these articles is to be levied from private parties.

Note- The applicant may supply the tracing cloth or he may have it purchased by the mappist on payment of the price.

(2) The charge shall be realised means of adhesive stamps to be affixed to the map or plan, the upper half being kept by the copyists as voucher.

(3) In the case of urgent copies of maps and plans the expedition fee will also be fixed by the officer-in-charge of the copying department to be paid by means of a court-fee stamps affixed to the application for copy. No part of the expedition fee shall be paid to be the copyists.

7. Authenticated copies of the maps or plans even in they contain words are chargeable with a duty under Article 24 of Schedule IA of the Indian Stamps Act, (II of 1899) as amended, such duty being leviable in addition to and irrespective of the cost of preparation of the maps or plans. The stamp duty payable under the above Article for copies of maps or plans certified to be true copies shall be denoted by means of a 5 paise adhesive court-fee stamp.

8. (1) In the case of documents, such as jamabandis, measurement papers, order-sheets, accounts and others, which are not written continuously like a deposition, or which are not written right across the page, every endeavour shall be made to write as many as 150 English words or 200 vernacular words on each folio.

(2) If it is found impossible to do this on each folio without distorting the form of the original document, as many additional sheets of plain cartridge paper as may be necessary (to be provided by the applicant for the copy) shall be posted below, or at the side of the first sheet.

(3) In consideration of the additional time and trouble involved in copying documents of the nature described above, an additional charge may be levied from the applicants according to the following scale :-

In all cases requiring more than three folios, one additional folio may be taken for every four folios, that is to say, one additional folio may be taken in cases requiring four to seven folios; two additional folios in cases requiring eight to eleven folios, three additional folios in cases requiring twelve to fifteen folios, and so on. No additional charge shall be levied in cases which require from one to three folios.

2. FEES FOR TRANSLATION BY HIGH COURT TRANSLATOR

9. The following fees shall be charged when a lower Court or a party to any case or appeal or his Pleader or Advocate requires a document to be translated by a salaried Translator of the High Court :-

Six paise for every 3 words for documents written in a language other than Assamese or Bengali and for every 5 words for other documents (three figures being counted as one word) subject to a minimum charge of.....	Rs. P.5.00
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If the translation be required within a specified time and the work cannot be done during office hours without detriment to the current work of the High Court, and it has to be done out of office hours, and additional fee calculated at six paise for every 6 words for documents written in a language other than Assamese or Bengali and for every 9 words for other documents shall be charged for payment to the Translator, subject to a minimum of.....

.....5.00

3. FEES FOR AFFIDAVITS :

10. (1) Subject to the exceptions set out in sub-rule (2) the charge for administering the oath to the deponent in the case of any affidavit made for the immediate purpose or being filed or used in any Court before the officer of any Court shall be as prescribed under the Court-Fee Act (VII of 1870) as amended in all the Criminal Courts subject to the appellate jurisdiction of

the High Court. This charge shall be paid by means of Court-fee stamp and will be credited to Government.

(2) No charge should be made in respect of the following affidavits-

- (i) affidavits, if any, made by process serving agents deposing as to the manner of service of a process;
- (ii) affidavits in proof of service or as to avoidance of service made by persons, if any, who accompany such or process serving agents;
- (iii) Affidavits made by public officers in virtue of their office.

(3) Fees realised in respect of affidavits under this rule should be shown in column 3 and 6 of the Daily Register of Court-fees (Form No. (R)10).

Note- Affidavits not covered by clause (1) of this rule e.g. will be charged for prescribed under Article IV of the Indian Stamp Act (II of 1899) (as amended).

4. Fees of foot print Expert attached to the Criminal Investigation Department, Assam and the Government Examiner of Questioned Department

11. A fee of Rs. 30.00 shall be charged whenever the Foot-print expert's opinion is given and the same rate of fee per diem shall be charged, whenever his services are requisitioned to give evidence in a Court by other Government or Administrations or by any private party. The usual travelling and other allowances which the expert entitled to and his pay for the period he remains absent from his headquarter shall be borne by the party concerned. If it is necessary to make photographs or enlargements, a fee of Rs. 10.00 shall be charged for each copy.

12. (1) Where the Government Examiner of questioned Department or his assistant is summoned to give evidence or his opinion is sought fee of Rs. 220.00 which will be an inclusive fee normally covering the opinion the cost of photographs and the giving of evidence shall be paid in addition to the travelling expenses of the Officer at the rate laid down for first grade officers by the Governments concerned for journeys on tour. Travelling allowances will also be payable for the peon accompanying the officer at the rates fixed by the Government.

(2) In cases where the cost of photograph is exceptionally heavy the fee will be Rs. 180 plus the actual cost of photographs. When

an opinion is given but no photographs are taken the fee will be Rs. 220 only. In cases in which no opinion is given but photographs are taken, only the actual cost of the photographs will be charged subject to a minimum of Rs. 35. No reduction in the fee will be allowed if evidence is not required or is taken on commission.

(3) The fee is payable in advance and shall be credited in full to the Government by the Court concerned which will also be required to certify in the manner prescribed for the purpose that the amount has been deposited while applying for the services of the Government Examiner of Questioned documents or his assistant. In special circumstances, which should be stated in the application in certificate may not accompany the application but it should be forwarded as soon as possible.

Note- For details of procedure and other information reference should be made to the Government of India Ministry of Home Affairs letter No. 41/3/50 Police II, dated the 6th July, 1953 forwarded with the Government of Asam, General and Judicial Department letter No. JJD 115/53/14, dated the 17th July, 1953. If found necessary, reference may also be made to the Government Examiner of Questioned Documents, similar, for further instructions and guidance and also for current terms and rates.

5. CANCELLATION OF COURT-FEE STAMPS

13. Each Judicial officer shall, under Section 30 of the Court-Fees Act, 1870, formally appoint an officer for the purpose of cancelling stamps. That officer who shall ordinarily be the Bench Assistant shall personally attend to and be personally responsible for the strict fulfilment of the duty of receiving documents to be filed, examining the correctness of the stamps attached thereto and immediately cancelling such stamps as required by section 30 of the Court-Fees Act. The presiding officer shall see that no other officer does that work.

Note 1- The presiding officer shall see that punching is done immediately on presentation of the petitions in Court at a place open to his view from his seat on the Bench.

Note 2- The date stamp shall be applied in such a manner as to cover or touch some part of the adhesive stamps, but not in such a way as to obliterate the entries thereon or to render the detection of forgeries more difficult.

Note 3- If the document is insufficiently stamped the date stamp shall not be applied to the stamps on it, nor shall the stamps be cancelled by punching out the figure head. The document shall be returned to the parties concerned for re-submission properly stamped.

14. Attention is called to the instructions in Rule 18 below. In

all cases it shall be carefully seen that the figure heads of the Court-fee stamps are punched out, that the pieces are destroyed and the stamps registered, before the documents, to which the stamps are attached, are filed or acted upon.

Note 1- For the second punching of Court-fee stamps on receipt of the records in the record room see Rule 23 (3) of Chapter 4 of this part.

Note 2- Every judicial officer shall inspect and test the work of his officers from time to time so as to ensure attention to their duty and to limit opportunities for fraud. A very efficient check could be kept on any attempt to defraud Government by removing used Court-fee stamps from records and using them again later, if each presiding officer would examine daily some of the records he handles and if he also examines periodically bundles of records of cases dealt with by him, taken out at random from the shelves in which they are placed.

15. All stamps on records of cases which are not required to be sent to the District Record Room (*vide* Rules 15 and 22 of Chapter of this Part), must, as soon as they are decided be punched a second time with a triangular punch by the Assistant-in-charge of those records, who shall, at the same item, note the date of his doing so. The Second hole in each label shall be distinct from the first and the repunching shall not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

16. The proper officer of the Court issuing copies, certificates or other similar documents shall, before issue, cancel the labels and punch the Court fee stamps affixed to them together with Court-fee stamp required for such copy by law (*See* Articles 6,7,8 and 9 of Schedule 1 of the Court-fees Act (VII of 1870), as amended in the manner directed by paragraph II of Rule 18 below. If the application is disallowed or if before the copy is made the applicant intimates that he does not require it such Court-fee stamp may be returned to him, a note of this having been done being made in the Register and signed by the proper officer and the applicant.

Note- Stamps affixed to affidavit should be dealt with in the same manner as the stamps on copies certificates, or other similar documents liable to stamp duty.

17. Each Judicial Officer shall make an occasional inspection of documents that have been filed in the records of pending and disposed of cases in order to ascertain that the stamps have been properly punched and defaced and have not been subsequently removed from the documents on which they have been used. It shall also be observed whether proper Court-fee have been realised in respect of documents and processes liable to stamp duty. The inspection shall be made at least once a quarter and the result

recorded. The check herein prescribed applies equally to all papers which require adhesive labels and they shall be subjected to similar scrutiny.

Note- The inspection referred to in this rule shall be made also at the time when the disposed of records are transmitted to the District Record Room every month.

18. The following instructions shall be carefully noted-

- (i) *Cancellation of stamps*- Local officers should direct their particular attention to the provisions of Section 30 of the Court-Fee Act (VII of 1870), regarding the cancellation of stamps used under that Act. The personal responsibility of the officer who gives any order to see that the stamp affixed under Act VII of 1870 is punched before he takes action is clear from Section 30 of the Act, and must be enforced. The punch to be used by the receiving court or office must be round. The pieces punched out shall be immediately destroyed, so as to prevent their being fraudulently used.
- (ii) *Second punching by Record Keeper*-
 - (a) The Record-keeper of every Court or office shall, when a case is decided and the record consigned to his custody punch a second hole with a triangular punch in each label, distinct from the first, and at the same time note upon the fly-leaf the date of his doing so. The second punching should not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.
 - (b) These directions apply only to adhesive labels used under the Court-fees Act. Impressed stamps used for denoting Court-fees need not be cancelled or punched otherwise than as required by Section 30 of the Court-fees Act.
- (iii) *Cancellation of stamps in copies*- The Court or office issuing copies, certificates or other similar documents liable to stamp duty shall, before issue, cancel the labels affixed to them by punching in such a manner as to remove neither the figure head nor that part of the label out with a square punch a portion of the label upon which its value is expressed. As an additional precaution, the signature of the officer attesting the document with the date should

be written across label and upon the paper on either side of it, as is frequently done by persons signing stamped receipts. The stamp shall be punched at the time of attesting the document. An impression apparently exists that the hole, which is punched by the issuing Court or office in the stamp label affixed to copies, certificates, etc. under the preceding order, does away with the necessity for cancellation by punching out the figure head under Section 30 of the Act by the Court or office in which the copy or certificate etc. may be produced or filed, but this view is incorrect, and it will be readily understood that the orders in question cannot override the express provisions of the Act.

6. INSPECTION OF RECORDS BY REGISTRATION OFFICERS

19. (1) Government having directed the Inspector-General and Inspector of Registration to examine the record rooms of the various courts in the mufassil in order to ascertain that the rules for cancellation, custody and sale of stamps have been uniformly and properly carried out every assistance should be afforded by Judicial officers to such officers in the discharge of their duty.

(2) It being ordered by the Government that, on the discovery of any irregularity in respect of punching or otherwise defacing Court fee-stamps, the inspecting Registration officer shall at once bring the matter to the notice of the presiding officer of the Court, such latter officer should inquire into the matter at once, in order that the person responsible may be traced.

(3) It is not intended that the inspecting officer should exercise any sort of interference with the arrangements which he may find in force in the offices under inspection and therefore his proceedings, as a rule, should be limited to recording a note of his observations together with any suggestions he may think fit to offer. He should not involve Courts of officers in correspondence with him.