

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

বুধবার, ফেব্রুয়ারি ১৭, ২০১০

বাংলাদেশ জাতীয় সংসদ

ঢাকা, ১৭ই ফেব্রুয়ারি, ২০১০/৫ই ফাল্গুন, ১৪১৬

নিম্নলিখিত বিলটি ১৭ই ফেব্রুয়ারি, ২০১০ (৫ই ফাল্গুন, ১৪১৬) তারিখে জাতীয় সংসদে
উত্থাপিত হইয়াছে :

বা. জা. স. বিল নং ১১/২০১০

Court-fees Act, 1870 এর অধিকতর সংশোধনকল্পে আনীত বিল।

যেহেতু নিম্নবর্ণিত উদ্দেশ্যসমূহ পূরণকল্পে Court-fees Act, 1870 (Act No. VII of 1870) এর অধিকতর সংশোধন সমীচীন ও প্রয়োজনীয়;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল :—

১। সংক্ষিপ্ত শিরোনাম ও প্রবর্তন।—(১) এই আইন Court-fees (Amendment) Act, 2010 নামে অভিহিত হইবে।

(২) ইহা অবিলম্বে কার্যকর হইবে।

(১০২৯)

মূল্য : টাকা ১০.০০

২। **Act No. VII of 1870** এর **SCHEDULE I** এর প্রতিস্থাপন।—Court-fees Act, 1870 (Act No. VII of 1870), অতঃপর উক্ত Act বলিয়া উল্লিখিত, এর **SCHEDULE I** এর পরিবর্তে নিম্নরূপ **SCHEDULE I** প্রতিস্থাপিত হইবে, যথা ঃ—

æSCHEDULE I

A. *Ad valorem* fees

Number		Proper fees (Taka)
1	2	3
1. <i>Plaint, written statement, pleading a set-off or counter-claim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to any Civil or Revenue Court except those mentioned in section 3.</i>	When the amount or value of the subject-matter in dispute does not exceed seventy-five taka, for every five Taka or part thereof, of such amount or value,	1.00
	and	
	When such amount or value exceeds seventy-five Taka, for every five Taka or part thereof, in excess of seventy-five Taka, up to one hundred Taka,	1.00
	and	
	When such amount or value exceeds one hundred Taka, for every ten Taka, or part thereof, in excess of one hundred Taka, up to one hundred and fifty Taka,	3.00
	and	
	When such amount or value exceeds, one hundred and fifty Taka, for every ten Taka, or part thereof, up to one thousand Taka,	2.00

1	2	3
	and	
	When such amount or value exceeds one thousand Taka, for every one hundred Taka, or part thereof, in excess of one thousand Taka, up to seven thousand five hundred taka,	12.00
	and	
	When such amount or value exceeds Seven thousand five hundred Taka, for every two hundred fifty Taka, or part thereof, in excess of seven thousand five hundred Taka, up to ten thousand Taka,	23.00
	and	
	When such amount or value exceeds ten thousand Taka, for every five hundred Taka, or part thereof, in excess of ten thousand Taka, up to twenty thousand Taka,	34.00
	and	
	When such amount or value exceeds twenty thousand Taka, for every one thousand Taka, or part thereof, in excess of twenty thousand Taka, up to fifty thousand Taka,	45.00
	and	
	When such amount or value exceeds fifty thousand Taka, for every five thousand Taka, or part thereof, in excess of fifty thousand Taka : Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be thirty five thousand Taka.	57.00

1	2	3
2. Plaint in a suit for possession under the Specific Relief Act, 1877, section 9.	When the amount or value of the subject-matter in dispute does not exceed seventy five Taka, for every five Taka, or part thereof, of such amount or value,	1.00
	and	
	When such amount or value exceeds seventy five Taka, for every five Taka, or part thereof, in excess of seventy five Taka, up to one hundred Taka,	1.00
	and	
	When such amount or value exceeds one hundred Taka, for every ten Taka, or part thereof, in excess of one hundred Taka, up to one hundred and fifty Taka,	2.00
	and	
	When such amount or value exceeds one hundred and fifty Taka, for every ten Taka, or part thereof, up to one thousand Taka,	1.00
	and	
	When such amount or value exceeds one thousand Taka, for every one hundred Taka, or part thereof, in excess of one thousand Taka, up to seven thousand five hundred Taka,	6.00
	and	
	When such amount or value exceeds seven thousand five hundred Taka, for every two hundred and fifty Taka, or part thereof, in excess of seven thousand five hundred Taka, up to ten thousand Taka,	12.00

1	2	3
	and	
	When such amount or value exceeds ten thousand Taka, for every five hundred Taka, or part thereof, in excess of ten thousand Taka, up to twenty thousand Taka,	17.00
	and	
	When such amount or value exceeds twenty thousand Taka, for every one thousand Taka, or part thereof, in excess of twenty thousand Taka, up to fifty thousand Taka,	23.00
	and	
	When such amount or value exceeds fifty thousand Taka, for every five thousand Taka, or part thereof, in excess of fifty thousand Taka : Provided that the maximum fee leviable on a plaint shall be seven thousand five hundred Taka.	30.00
3. Application for review of judgment, if presented on or after the ninetieth day from the date of the decree.		The fee leviable on the plaint or memorandum of appeal.
	and	
4. An application presented to any Civil Court for setting aside of a sale in execution of a decree under the provisions of the Code of Civil procedure, 1908, or the State Acquisition and Tenancy Act, 1950 or Application presented to a Certificate Officer for setting aside a sale in execution of a certificate under the provision of the Public Demands Recovery Act, 1913.	For every five hundred Taka, or part thereof, on the value of the property sold.	1.00

1	2	3
5. Application for review of judgment, if presented before the ninetieth day from the date of decree.		A fee in the same scale as prescribed in Article 2 above.
6. Copy or translation of a judgment or order not being, or having the force of, a decree.	When such judgment or order is passed by any Civil Court other than the High Court Division, or by the presiding officer of any Revenue Court or Office, or by any other Judicial or Executive Authority—	
	(a) If the amount or value of the subject-matter is fifty or less than fifty Taka,	1.00
	(b) If such amount or value exceeds fifty Taka.	2.00
	When such judgment or order is passed by the High Court Division.	3.00
7. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than the High Court Division, or by any Revenue Court—	
	(a) If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty Taka,	1.00
	(b) If such amount or value exceeds fifty Taka,	2.00
	When such decree or order is made by the High Court Division.	8.00
8. Copy of any document liable to stamp-duty under the Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn.	(a) When the stamp-duty chargeable on the original does not exceed fifty poisha,	The amount of duty chargeable on the original.
	(b) In any other case.	1.00

1	2	3
9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like taken out of any Civil or Criminal or Revenue Court or office, or from the office of any Chief Officer charged with the executive administration of a Division.	For every three hundred and sixty words or fraction of three hundred and sixty words.	1.00
10. Probate of a will or letters of administration with or without will annexed.	When the amount or value of the of the property in respect of which the grant of probate or letters is made exceeds five thousand Taka, on such amount or value up to fifty thousand Taka,	Three per centum
	and	
	When such amount or value exceeds fifty thousand Taka, on the portion of such amount or value which is in excess of fifty thousand Taka, up to one lakh Taka,	Five per centum
	and	
	When such amount or value exceeds one lakh Taka, on the portion of such amount or value which is in excess of One lakh Taka, up to two lakh and fifty thousand Taka,	Six per centum

1	2	3
	and	
	When such amount or value exceeds two lakh and fifty thousand Taka, on the portion of such amount or value which is in excess of two lakh and fifty thousand Taka, up to three lakh Taka,	Seven per centum
	and	
	When such amount or value exceeds three lakh Taka, on the portion of such amount or value which is in excess of three lakh Taka, up to four lakh Taka,	Eight per centum
	and	
	When such amount or value exceeds four lakh Taka, on the portion of such amount or value which is in excess of four lakh Taka, up to five lakh Taka,	Eight per centum
	and	
	When such amount or value exceeds five lakh Taka, on the portion of such amount or value which is in excess of five lakh Taka;	Nine per centum

1	2	3
	Provided that when, after the grant of a certificate under the Succession Act, 1925, in respect of any property included in an estate, a grant of probate or letters of an administration is made in respect of the same estate, the fee payable in respect of the letters grant shall be reduced by the amount of the fee paid in respect of the former grant.	
11. Certificate under the Succession Act, 1925.	When such amount or value of any debts or securities specified in the certificate under section 374 of the Act exceeds taka twenty thousand but does not exceed taka one lakh.	One per centum
	When the amount or value of any debts or securities specified in the certificate under section 374 of the Act exceeds taka one lakh.	Two per centum
	When the aggregate amount or value of any debts or securities specified in the certificate and of any debts or securities to which the certificate has been extended under section 376 of the Act exceeds taka twenty thousand but does not exceed taka one lakh.	One per centum of such aggregate.
	When the aggregate amount or value of any debts or securities specified in the certificate and of any debts or securities to which the certificate has been extended under section 376 of the Act exceeds taka one lakh.	Two per centum of such aggregate.

1	2	3
	<p>Notes :</p> <p>(1) The amount of a debt is the amount including interest on the pay on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.</p> <p>(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act, and where such power has been conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of a security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.</p>	
12. Application to the High Court Division for the exercise of its revisional jurisdiction under section 115 of the Code of Civil Procedure, 1908.	Where the application is for revision of an order and the amount or value of the subject-matter is less than two thousand Taka.	20.00
	Where the application is for the revision of an order and the amount or value of the subject-matter is two thousand Taka or more,	40.00
	Where the application is for the revision of an appellate decree.	The fee leviable on a memorandum of appeal.

**B. TABLE OF RATES OF ADVALOREM FEES LEVIABLE
ON THE INSTITUTION OF SUITS**

Number	Proper fees
1	2
1. Where the subject-matter is money.	15% of the amount.
2. Where the subject-matter is other than money.	10% of the amount.

৩। Act No. VII of 1870 এর SCHEDULE II এর প্রতিস্থাপন।—উক্ত Act এর SCHEDULE II পরিবর্তে নিম্নরূপ SCHEDULE II প্রতিস্থাপিত হইবে, যথা ঃ—

æSCHEDULE II
FIXED FEES

Number		Proper fees (Taka)
1	2	3
1. Application or petition	(a) When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having or to dealings with the Government and when the subject-matter of such application relates exclusively to those dealings, or, when presented to any officer of land-revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement,	200.00

1	2	3
	<p>or,</p> <p>when presented to any Pourashava or Zilla Parishad under any law for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement when presented to any Civil Court other than a Principal Civil Court of original jurisdiction or to any Court of Small Causes constituted under the Small Cause Courts Act, 1887 or under the Civil Courts Act, Section 25, or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty taka,</p> <p>or,</p> <p>when presented to any Civil, Criminal or Revenue Court or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgement, decree or order passed by such Court, Board or officer or of any other document on record in such Court, Board or office.</p>	

1	2	3
	(b) When containing a complaint or charge of any offence other than an offence for which police officers may, under the Code of Criminal Procedure, 1898, arrest without warrant, and presented to any Criminal Court,	Taka 5.00 for complaint cases and taka 2.00 for all other cases.
	or, when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any Revenue Officer having jurisdiction equal or subordinate to a Collector,	5.00
	or, to any Magistrate in his executive capacity and not otherwise provided for this Act, or to deposit in Court revenue or rent; or for determination by a Court of the amount of compensation to be paid by a land lord to his tenant.	5.00
	(e) When presented to the Chief Revenue or Executive Authority or to a Commissioner, or to any Chief Officer charged with the executive administration of a Division and not otherwise provided for by this Act.	100.00

1	2	3
	(d) (i) When presented to the High Court Division under section 115 of the Code of Civil Procedure, 1908, for revision of an order—	
	(a) When the value of the suit to which the order relates does not exceed Taka 1000.	100.00
	(b) When the value of the suit exceeds Taka 1000.	200.00
	(ii) When persented to the High Court Division otherwise than under that section.	100.00
2. Application to any Civil Court that records may be called for from another Court.	When the Court grants the application and is of opinion, that the transmission of such records involves the use of the post.	25.00 Taka in addition to any fee levied on the application under clause (a), clause (b) or clause (d) of article 1 of this schedule.
3. Application for leave to sue as a pauper.		5.00
4. Application for leave to appeal as a pauper.		5.00
5. Plaint or memo-randum of appeal in a suit to establish or disprove a right of occupancy.		50.00

1	2	3
6. Bail, bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908 and not otherwise provided for by this Act.		10.00
7. Undertaking under section 49 of the Divorce Act, 1869.		10.00
8. Wakalatnama	When presented for the conduct of any one case—	
	(a) to any Civil or Criminal Court other than the High Court Division, or to any Revenue Court, or to any Collector or Magistrate, or other Executive Officer, except such as are mentioned in clauses (b) and (c) of this number,	20.00
	(b) to a Commissioner, a Collector of Customs and Excise or to any officer charged with the executive administration of a Division not being the Chief Revenue of Executive Authority,	200.00

1	2	3
	(c) (i) to the High Court Division, (ii) to the Chief Revenue or Executive Authority.	25.00 200.00
9. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree and is presented.	(a) (i) to any Revenue Court or Executive Officer other than the High Court Division or the Chief Revenue or Executive Authority, (ii) to any Civil Court other than the High Court Division, (b) to the Chief Revenue or Executive Authority, (c) to the High Court Division.	100.00 20.00 50.00 100.00
10. Caveat		300.00
11. Petition in a suit under the Native Converts Marriage Dissolution Act, 1866		50.00
12. Complaint or memorandum of appeal in each of the following suits—		
(i) to alter or set aside a summary decision or order of any of the Civil Courts or of any Revenue Court.		300.00

(ii) to alter or cancel any entry in a register of the names of proprietors of revenue paying estates.		1000.00
(iii) to obtain a declaratory decree where no consequential relief is prayed.		200.00
(iv) to set aside an award.		1000.00
(v) to set aside an adoption.		1000.00
(vi) for partition and separate possessions of a share of joint family property or of joint property, or to enforce a right to a share in any property on the ground that it is joint family property or joint property if the plaintiff is in possession of the property of which he claims to be a co-partner or co-owner.		200.00
(vii) to obtain a decree for dissolution of marriage or restitution of conjugal rights.		200.00
(viii) every other suit where it is not possible to estimate at a money value the subject matter in dispute and which is not otherwise provided for by this Act.		200.00
13. Every application or petition under any section of the Arbitration Act, 2001 (Act No. 1 of 2001).		1000.00
14. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.		1000.00

1	2	3
15. Every petition under the Divorce Act, 1869 except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act.		100.00
16. Complaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1936.		60.00.”।

উদ্দেশ্য ও কারণ সম্বলিত বিবৃতি

বিভিন্ন প্রকার দেওয়ানী ও ফৌজদারী মামলা, আপীল ও দরখাস্ত এর কোর্ট ফি এর হার নির্ধারণ করে ১৮৭০ সালে Court-fees Act, 1870 (Act No. VII of 1870) প্রণয়ন করা হয়। ২০০২ সালে উক্ত Act এর অধীন প্রযোজ্য বিভিন্ন প্রকার কোর্ট ফি এর হার সর্বশেষ বৃদ্ধি করা হয়। সরকার কর্তৃক গৃহীত বিভিন্ন আদালত সংস্কার কর্মসূচী বাস্তবায়নকল্পে সরকারের রাজস্ব আয় বৃদ্ধি নিমিত্ত উক্ত Act এর অধীন বিভিন্ন প্রকার কোর্ট ফি এর হার বৃদ্ধি সংক্রান্ত একটি প্রস্তাব আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয় হতে অর্থ বিভাগে প্রেরণ করা হলে, অর্থ বিভাগ উক্ত প্রস্তাবের উপর সম্মতি জ্ঞাপন করে।

অর্থ বিভাগ কর্তৃক প্রদত্ত সম্মতির আলোকে বিদ্যমান কোর্ট ফি এর হার পুনঃনির্ধারণের বিষয়ে আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়ের উদ্যোগে বাংলাদেশ বার কাউন্সিলের চেয়ারম্যান বিজ্ঞ অ্যাটর্নি জেনারেল, ভাইস-চেয়ারম্যান ও সদস্য, সুপ্রীমকোর্ট আইনজীবী সমিতির সভাপতি ও সাধারণ সম্পাদকসহ অন্যান্য বিজ্ঞ আইনজীবীদের সাথে মত বিনিময় করা হয়। এছাড়া বাংলাদেশ বার কাউন্সিল উক্ত বিষয়ে সমগ্র দেশের আইনজীবী সমিতির নেতৃবৃন্দের সাথেও মত বিনিময় করে। অতঃপর প্রাপ্ত মতামত বিবেচনায় নিয়ে বিদ্যমান কোর্ট ফি এর হার পুনঃনির্ধারণের লক্ষ্যে

Court-fees Act, 1870 সংশোধনের নিমিত্ত Court-fees (Amendment) Act, 2010 শীর্ষক একটি বিলের খসড়া প্রস্তুত করা হয়েছে। বিবেচ্য বিলটিতে Court-fees Act, 1870 এর Schedule I এবং Schedule II এর প্রতিস্থাপনের প্রস্তাব করা হয়েছে।

গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধানের ৮১ অনুচ্ছেদের বিধান অনুসারে বিবেচ্য বিলটি একটি অর্থবিল বিধায় ৮২ অনুচ্ছেদের বিধান অনুসারে বিলটি মহান জাতীয় সংসদে উত্থাপনের পূর্বে মহামান্য রাষ্ট্রপতির সুপারিশ গ্রহণ করা হয়েছে।

উক্ত উদ্দেশ্যসমূহ পূরণকল্পে Court-fees (Amendment) Act, 2010 শীর্ষক বিলটি মহান জাতীয় সংসদে উত্থাপন করা হলো।

ব্যারিস্টার শফিক আহমেদ

ভারপ্রাপ্ত মন্ত্রী।

আশফাক হামিদ

সচিব।