

The Punjab Court-fee Stamp Rules 1934

HARYANA

India

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Rule THE-PUNJAB-COURT-FEE-STAMP-RULES-1934 of 1934

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The Punjab Court-fee Stamp Rules 1934 Published vide Punjab Government Notification 4860-E & S., dated the 7th August, 1934 Description of Stamps to be used for Denoting Fees Chargeable under the Court-fees Act I. Kinds of stamps. - Section 6 provides that the stamps to be used under the Act shall be impressed or adhesive. II. The following rules known as "The Punjab Court-fee Stamps Rules, 1934" have been made by the Punjab Government for regulating the kind and number of stamps to be used for denoting fees chargeable under the Court-fees Act, - vide Punjab Government notification No. 4860-E & S., dated the 7th August, 1934 :- (1) When fee chargeable is less than Rs. 25. - When in any case the fee chargeable under the Act is less than Rs. 25 and the amount can be denoted by a single adhesive stamp, such fee shall be denoted by a single adhesive stamp of the required value bearing the words "Court-fee". But, if the amount cannot be denoted by a single adhesive stamp, or if a single adhesive stamp of the required value is not available, a stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower values which may be required to make up the exact amount of the fee. (2) When fee chargeable is Rs. 25 or more. - When in any case the fee chargeable under the Act amounts to or exceeds Rs. 25 and the amount can be denoted by a single impressed stamp, it shall be denoted by a single impressed stamp of the required value bearing the words "Court-fee". But, if the amount cannot be denoted by a single impressed stamp, or if a single impressed stamp of the required value is not available, an impressed stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional impressed stamps of the next lower value available which may be required to make up the exact amount of the fee, in combination with adhesive stamps to make up fractions of less than Rs. 25. (3) Fraction of an anna to be remitted. - If in any case the amount of the fee chargeable involves a fraction of an anna, such fraction shall be remitted. (4) Certificate in case stamp of the required value is not available. - Where a stamp of the required value is not available, the purchaser shall obtain a certificate from the vendor to that effect in the form below. This certificate shall be affixed to the document and filed with it :- (Form of Certificate) "Certified that a single stamp of the value of Rs. _____ required for this document is not available, but in lieu thereof, I have furnished a stamp of the next lower value, available and made up the deficiency by the use of one or more adhesive impressed stamps of the next lower values available required to make up the exact amount

of the fee. Date _____ Signature of stamp vendor". (5) Mode of affixing adhesive stamps. - An adhesive stamp which may be used under rule 2 shall be affixed to the impressed stamp of the highest value employed in denoting the fee, or to the first sheet of the document, to be inscribed in such manner as not to conceal the value of the stamp thereon. (6) Plain paper may be joined if impressed stamped paper is insufficient for writing the document. - When one or more impressed stamps used to denote a fee are found insufficient to admit of the entire document being written on the side of the paper which bears the stamp, so much plain paper may be joined thereto as may be necessary for the complete writing of the document, and writing on the impressed stamps and on the plain paper shall be attested by the signature of the person or persons executing the document. III. In exercise of the powers conferred by Sections 26 and 27(b) of the Court Fees Act, 1870, the Chief Commissioner, Delhi is pleased to make the following rules for regulating the kind and number of stamps to be used for denoting fees chargeable under the said Act. The Delhi Court-fee Stamp Rules, 1954. - [Text omitted - Editor] Process Fees Remarks and Directions

1. Table of fees to be exhibited in each Court house.

- A table of the fees chargeable on processes should be exhibited in each Court in some conspicuous place.

2. Fee on criminal processes.

- The Court-fees Act, Section 20, clause (ii), restricts the levy of a fee on criminal processes to non-cognizable cases. The fees for such processes has been fixed at a uniform rate of twelve annas.

3. Agency for service of criminal processes on which fee is levied.

- Every criminal summons for the service of which a fee is levied under the rules framed by the High Court under section 20 of the Court-fees Act (VII of 1870) shall be served by the process-serving establishment of the Court issuing the summons.

4. Recovery of process fee from accused as a fine in certain cases.

- Courts are reminded that, under section 546-A of the Code of Criminal Procedure, in cases of conviction of an accused of the offence of wrongful confinement, wrongful restraint, or of any non-cognizable offence, the court may by its order direct that the accused should pay to the complainant any sum that he may have expended in issue of processes; and such sum may be recovered in the manner provided for recovery of fines.

5.

With regard to the service of processes issued by Revenue Courts and Revenue Officers, the Financial Commissioners, Punjab, have in exercise of the powers conferred by clause (c) of sub-section (1) of section 155 of the Punjab Land Revenue Act, 1887, made the following rules

:-Rules(1)Notwithstanding the separation of the Revenue from the Civil Courts, Revenue Courts and Revenue Officers shall send the processes issued by them, for which process fee is charged, to the civil process serving agency for service and execution.(2)The control over income derived from process fees in all Revenue Courts and Revenue Offices and the expenditure on establishment, etc., from this source, shall be retained by the High Court. The Commissioners and the subordinate Revenue Courts and Officers shall maintain the registers and accounts prescribed by the Rules and Orders of the High Court and submit the annual returns in the prescribed form.(3)The Revenue Courts and Officers of the Punjab are, for the purpose of levying process fees, divided into three grades as shown in the annexed table :-

Grade Revenue Courts

First Financial Commissioners

Second Commissioners

Third Collectors and Assistant Collectors

The process fee shall be levied in accordance with the rules framed by the High Court under section 20(i), (ii) of the Court Fees Act, 1870, as contained in Chapter 5-B of the High Court Rules and Orders, Volume IV.(Financial Commissioners' Office, Punjab, notification No. 54-R, dated the 15th January, 1946)

6. Diary of process fees, Receipts for process fees, Preparation and issue of processes.

- No process shall be prepared or issued until the proper fee for the service thereof has been paid, but as soon as the process fee (talbana) is paid by a litigant, his agent or his pleader, a receipt in the form given below shall be granted by the ahlmad or other official receiving the same, and thereafter the court fee label denoting the fee shall be affixed to the diary of process fees and immediately punched. The process shall then be prepared but it will be left to the party who applied for the process to issue it or not as he thinks fit. This will obviate the necessity for making any refund of the value of the court fee filed on account of processes which are not eventually issued.English rendering of the receipt form (the original being in Urdu).IN THE COURT OF _____ Receipt for process feeIn re _____ vs. _____ a sum of rupees _____ P _____ received on account of process fee, this day the (date)(Sd)Receiving Official

7. Particulars to be noted on processes issued.

- On every process issued from any Court the following particulars shall be recorded, namely :- (1) the name of the process-server deputed to serve or execute the same; (2) the period within which the process-server is required to certify service or execution; (3) the amount of fee paid and the date of payment; and (4) the date of return after service or execution.Such endorsements shall be signed by the Civil Nazir or Naib-Nazir, or Bailiff.

8. Accounts of process fees and costs of establishment to be maintained.

- An account of Court fee stamps realised as process fee of processes issued (civil and criminal), of the number of process-servers employed, of the cost of establishment and of contingencies shall be kept for each court where a separate establishment is entertained.

9. Review of process-serving establishment in civil reports.

- A statement giving information on the above points should be submitted with the annual civil reports.

10. Diary of process fees.

- With the record of each Civil case, and of each Criminal case in which process fees are levied, should be kept a separate sheet of paper to be termed the 'Diary of process fee' which should be devoted to the sole purpose of maintaining a record of process fees. This diary should be in the prescribed form, and should form a portion of part B. In it entries should be made in chronological order of every process ordered to be issued in the case, and the stamps should be affixed opposite each entry and cancelled immediately upon being affixed.

11. Process fee in case of substituted service.

- In cases of substituted service under Order 5, Rule 20, Civil Procedure Code, one process fee shall be charged to cover all the acts done under that rule. In case of drum beating or publication in a Newspaper the charges for the same shall be paid in addition to the process fees.

12. No process fee for several attempts to serve the same process.

- Where a process- server makes several visits before the date of hearing in order to serve the same process, no additional process fee shall be charged for those extra visits.

13. Fresh fee payable for every fresh process.

- Where however a fresh process is issued a fresh fee shall be paid, except in the following cases :- (i) when the process previously issued is not received back after execution on the date of hearing; (ii) when the previous process is received back unserved on account of a mistake on the part of the Court Ahlmad; and (iii) when the previous process has been returned by the process- server on account of insufficient time for service. (iv) [when any process including a proclamation is received back after execution and the Presiding Officer of the Court happens to be on leave or otherwise absent on that day.] [Added by Correction Slip No. 46 dated 10.5.1974.] Explanation. - No fresh process fee shall be payable when process has not been issued on the fee already paid and in deposit.

14. Fresh fee payable when a fresh process has to issue for want of correct address.

- A fresh fee will also be charged when service cannot be effected owing to want of correct or adequate address and a fresh process has to issue.

15. No fee to be charged for serving and executing processes on behalf of prosecution in certain criminal proceedings.

- Attention is drawn to the Court Fees (Punjab Amendment) Act, 1939, Punjab Act IV of 1939, which lays down that no fees shall be charged for serving and executing processes on behalf of the prosecution in any criminal proceedings taken on information presented or complaint made by a public officer acting in his official capacity. The State Government may by notification determine what persons shall be deemed to be public officers for this purpose. Note : - The Government has declared all Police officers to be public officers for this purpose. Cancellation of Court-fee Stamps Rules made by the High Court for regulating the cancellation of Court-fee Stamps Rules

1. Cases when cancellation of Court-fees is to be effected. - The cancellation of court-fee stamps shall be effected -

(a) when a document bearing a court-fee stamp is received by a court competent to receive the same; (b) when a court-fee stamp is paid in on account of process-fee; (c) when a court-fee stamp is affixed to a document issued by any court or office; (d) when the record of a case in which court-fee stamps have been filed is finally made over to the Record-keeper for safe custody.

2. Mode of cancellation of stamps on documents received by a Court or received on account of process fee. - Court-fee stamps falling under clauses (a) and (b) of the foregoing rule shall be cancelled immediately on receipt of the document or stamp, by such officer as the court may from time to time appoint, in writing, in the manner prescribed by section 30 of the Court-fees Act. As an additional precaution, the cancelling officer should affix his signature, and the date, across each label, at the time of cancellation, in durable ink.

Note - In order to ensure compliance with the rules 2, 3 and 4 and uniformity of practice in the State it has been decided that round punches shall be used by courts and offices and triangular punches by the record room staff. Both kinds of punches are obtainable from the Controller of Stationery, Calcutta. Care should be taken to see that all round punches in courts and offices in a district are of a uniform size in order to prevent fraud arising from the stamps, already punched being punched again with a larger punch.

- 3. Mode of cancellation of stamps on documents issued by a Court or office.**
- In regard to stamps on documents falling under clause (c) of rule 1 the Central Government have directed in Financial Department resolution No. 3373, dated the 24th September, 1875, that the court or office issuing copies, certificates, or other similar documents liable to stamp duty under the Court-fees Act shall, before issue, cancel the labels affixed to them by punching out a portion of the label in such manner as to remove neither the figure-head nor that part of the label on which its value is expressed, and that, as an additional precaution, the signature of the officer attesting the document, with the date, shall be written across the label, and upon the paper on either side of it.
- 4. Cancellation of stamps by Record-keeper.** - The rules for the cancellation of court-fee stamps by the Record-keeper are contained in a resolution of the Central Government in the Financial Department, resolution No. 1763, dated the 24th July, 1873, in which it is ordered that the Record-keeper of every court shall, when a case is decided and the record consigned to his custody, punch a second hole, or, in the case of stamps falling under clause (c), rule 1, a third hole, in each label, distinct from the first and note the date of doing so at the same time. Special attention is requested to the words in italics, as the direction therein contained is always not complied with. The Record-keeper's punching should not remove so much of the label as to render it impossible or difficult to ascertain its value or nature. From the resolution of the Central Government, No. 3047, dated 5th September, 1883, it will be seen that these directions apply only to adhesive labels used under the Act, and not to impressed stamps which need not be punched a second time.
- 5. Certificate required when a record is transferred from one official to another.** - Whenever the custody of a record containing court-fee stamps is transferred from one official to another before final disposal, the receiving officer shall examine the court-fee stamps in the record and either certify on the index of papers that they are complete, or immediately bring to notice any deficiency, as the case may require.

6. Record-keeper to see that stamps in the record are complete. - Record-keepers will be held personally responsible that the stamps appertaining to the records under their charge are complete, and that they have been duly cancelled in accordance with these instructions. Should a record be sent into the record-room in which the stamps are incomplete or not duly cancelled, the Record-keeper shall report the circumstances at once to the head of the office, and shall defer entering the case in its appropriate register until orders have been passed in the matter.

7. Certificate as to the completeness of stamps when a record is taken out of record-room. - When a record containing court-fee stamps is taken out of the record-room for any purpose, each official through whose hands it passes must note on the index of papers or on the list of records where such a list is with the record, that he has examined the court-fee stamps in the record, and that they are complete, or, if they are not complete, at once report the fact for orders.

Notes:- (1) To facilitate the examination required by the above rules a column has been inserted in the index of papers attached to each record which shows at a glance what papers in the record bear court-fee stamps, and the number and value of the stamps attached to each of such papers.(2)Precautions against the fraudulent use of stamps. - Further precautions against the fraudulent use of court-fee labels a second time were, under the orders of Government, prescribed by the Superintendent of Stamps in his Circular No. I, dated 24th April, 1877 of which the effective portions are extracted below. It is to be noted that at that time adhesive labels alone were used to denote fees of court:-The most important point to be guarded against is the re-use of stamps which have once been used; such stamps may have been punched, or they may have been left unpunched, and passed into the record-office and there removed. In the case of a removed stamp that has been punched once, it is clear that its use a second time can only be effected by the dishonesty of the subordinate official who, in the first instance receives the document presented by suitors. In the case of a removed stamp that has not been punched, it is possible that it may have been so little injured in the removal as to be used a second time without detection, unless the stamps be closely examined, and it may pass undetected, whether from dishonesty or from want of vigilance on the part of that official. In order effectually to prevent frauds of this nature, it is absolutely necessary that the subordinate official whose duty it is to see that the full fee has been affixed in each case and to punch the stamps and to record orders, should be made to stand or sit within full view of the officer and in that position to perform his task, certifying on each petition that the full fee has been affixed, and all stamps have been punched. It is of the utmost importance that this subordinate should be allowed no time or opportunity for tampering with the stamps. When files of decided cases are sent to the record-room the Record- keeper should be required, without any loss of time to examine the stamps and punch a second hole in each stamp, affixing the date on which he does so.*Copy of a resolution of the Central Government in the Department of Finance and Commerce, No. 3047, dated Simla the

5th September, 1883. Resolution. - It was directed in Financial resolution No. 1763, dated 24th July, 1873 that the Record-keeper of every court shall, when a case is decided and the record consigned to his custody, punch a second hole in each label distinct from the first which is prescribed by Section 30 of the Court- fees Act, and note the date of doing so at the same time. These directions apply only to adhesive labels used under the Court-fees Act. Impressed stamps used for denoting court-fees not be cancelled or punched otherwise than as required by section 30 of the Court-fees Act.

8. Instructions to be observed when two or more impressed stamps are used.

- The following executive instructions to be observed when a document is written upon two or more impressed stamps which are used to make up the fee chargeable under the Court-fees Act, 1870, have been issued by the Financial Commissioner :-

When two or more impressed stamps are used to make up the amount of the fee chargeable under the Court fees Act, a portion of the subject-matter shall ordinarily be written on each stamped sheet. Where this is impracticable or seriously inconvenient, the documents shall be written on one or more sheets bearing impressed stamps of the highest value, and the remaining stamps shall be punched and cancelled by the court and filed with the record, a certificate being recorded by the court on the face of the first sheet of the document to the effect that the full court-fee has been paid in stamps. The writing on each stamped sheet shall be attested by the signature of the person or persons executing the documents.