I. ANNOUNCEMENT RE-MARTYRS' DAY

Mr. Speaker:—
I have to announce that the House will observe two minutes silence at 11 A.M. on Monday, the 30th January 1956 in memory of those who gave their lives in the struggle for India's freedom.

The House stood up in silence for two minutes.

II. QUESTIONS AND ANSWERS

Starred Questions.

Accommodation to the District Board High School, Rapur.

206 —
* 64 Q.—Sri S. Vemayya:—
Will the Hon. the Chief Minister be pleased to state—
(a) whether there is adequate accommodation to the Board High School, Rapur, Nellore district; and
(b) if not, the action taken by the Government in the matter?

The Hon. Dr. B. Gopala Reddi:—
(a) The accommodation provided is adequate on the whole.
(b) The school buildings are in need of certain urgent repairs. The High School Committee, Rapur and the Highways Department have been instructed to attend to these repairs quickly.

Sri S. Vemayya:—
అంశం సమర్పించిన వరుసామ్యం ఉందోంది?

The Hon. Dr. B. Gopala Reddi:—
అంశం సమర్పించిన 90 నవీకరణ ఉంది.
106 QUESTIONS AND ANSWERS

30th January 1956.

Sri G. Yellamanda Reddi:—

ముఖ్యమంత్రి! అనేక సంస్థలలో ఇతర సంస్థలు సాధనాలు కలిగి ఎన్నికోనప్పటి సమయంలో నాణయం పడాడాడు? 

The Hon. Dr. B. Gopala Reddi:—

ప్రధాన్మంత్రి స్థానిక పాఠశాల స్థానిక సంస్థలు నాణయం పడాడాడు?

Sri V. Visweswara Rao:—

ముఖ్యమంత్రి! అణ్ణా, సంస్థ పాఠశాలలు నాణయం పడాడాడు. సమయం కలిగి 10,000/- పొడవు నాణయం పడాడాడు. అప్పుడు మంత్రి స్థానిక సంస్థల నాణయం పడాడాడు. 

Mr. Speaker:—

It has to be addressed to the Minister for Planning.

The Hon. Sri K. Venkata Rao:—

సమయంలో మంత్రి స్థానిక పాఠశాల సమయంలో నాణయం పడాడాడు. 

Sri Vavilala Gopalakrishnayya:—

ముఖ్యమంత్రి స్థానిక పాఠశాల స్థానిక సంస్థలు నాణయం పడాడాడు.
30th January 1956.

Mr. Speaker:—
Please put a separate question.

Sri Vavilala Gopalakrishnayya:—
Separate question ఎంత పోటీ పడితే సంసద్.. సందర్భ సమయ వాడి.

Mr. Speaker:—
Incidentally the Minister mentioned it for your information but it is not the questions before me.

Sri Vavilala Gopalakrishnayya:—

అదే పోటీ మరియు స్థాయియత సమయం వల్ల ఎందుకు విచిత్రంపడిందు.. కాని మరియు సమయం వల్ల ఎందుకు విచిత్రంపడిందు.. గుడి పేరు చెప్పాలంటికి ఎందుకు విచిత్రంపడిందు.. గుడి పేరు చెప్పాలంటికి ఎందుకు విచిత్రంపడిందు..

The Hon. Sri K. Venkata Rao:—

అదే పోటీ మరియు స్థాయియత సమయం వల్ల ఎందుకు విచిత్రంపడిందు.. గుడి పేరు చెప్పాలంటికి ఎందుకు విచిత్రంపడిందు.. గుడి పేరు చెప్పాలంటికి ఎందుకు విచిత్రంపడిందు..

Mr. Speaker:—
I think the answer has satisfied all.

Sri P. Parthasarathi:—

అదే పోటీ మరియు స్థాయియత సమయం వల్ల ఎందుకు విచిత్రంపడిందు.. గుడి పేరు చెప్పాలంటికి ఎందుకు విచిత్రంపడిందు.. గుడి పేరు చెప్పాలంటికి ఎందుకు విచిత్రంపడిందు..

The Hon. Sri K. Venkata Rao:—

అదే పోటీ మరియు స్థాయియత సమయం వల్ల ఎందుకు విచిత్రంపడిందు.. గుడి పేరు చెప్పాలంటికి ఎందుకు విచిత్రంపడిందు..

అదే పోటీ మరియు స్థాయియత సమయం వల్ల ఎందుకు విచిత్రంపడిందు.. గుడి పేరు చెప్పాలంటికి ఎందుకు విచిత్రంపడిందు.. గుడి పేరు చెప్పాలంటికి ఎందుకు విచిత్రంపడిందు..
30th January 1956.

Sri P. Sreeramulu:—

"District Board High Schools' buildings have been enlarged. Since then there is a definite need to insist on maintenance and repairs. Therefore District Boards should hand over these schools to the maintenance department for proper maintenance and repair. White washing is also necessary. District Board High Schools should follow the instructions of the district boards, and

The Hon. Dr. B. Gopala Reddi:—

...inspect High Schools and spread over works...
PoMc^ c(%^jp ^ Ww7ww%%;% q/ G^fv^g^ T^^j&.

30th January 1956.

QUESTIONS AND ANSWERS

Police camp in Chirichintala of Gudivada Taluk.

207—

* 228 Q.—Sri V. Visweswara Rao:— *

Will the Hon. the Deputy Chief Minister be pleased to state:

(a) whether it is a fact that a police camp was set up in Chirichintala village of Gudivada taluk this year and if so, why; and

(b) whether this camp is continued still and if so at whose expense and the number of constables stationed at the village?

The Hon. Sri N. Sanjeeva Reddi:—

(a) & (b):— Yes, Sir. An Armed Reserve Party consisting of one Head Constable and 10 Police Constables was stationed at Chirichintala in 1955 to maintain Law and Order in view of the tense situation between two rival parties of the village and it was subsequently withdrawn from 2-12-1955 as the situation improved. The expenditure is met by the Government.

208—

* 642 Q.—Sri C. V. Somayajulu:— *

Will the Hon. the Minister for Revenue be pleased to state:—

(a) whether Manchala (Mantralayam) Inam village in Adoni taluk in Kurnool district has been declared an estate by virtue of Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948; and

(b) if not, at what stage the controversy between the inam ryots and the Inamdar Matadhipathi stands?

The Hon. Sri K. Chandramouli:—

(a) Manchala Village has been declared to be not an inam estate by the Miscellaneous Settlement Officer, Nellore under sections 9 of the Estates Abolition Act. It cannot therefore be taken over by the Government.
(b) The appeal preferred by the ryots of the village against the decision of the Miscellaneous Settlement Officer is still pending in the Estates Abolition Tribunal.

Mr. Speaker:

Mr. Venkateswarlu, it is subsidice.

Sri Pillalamarri Venkateswarlu:

The Hon. Sri K. Chandramouli:

Sri V. Visweswara Rao:

The Hon. Sri E. Chandramouli:

German Dr. Kuehnar (Expert in skin diseases)

Will the Hon. the Minister for Planning and Industries be pleased to state whether the State Government proposed to the Central Government to invite German Dr. Kuehnar (Expert in skin diseases) to conduct a demonstration of transplantation of fresh cells of young animals "as fresh cells therapy" treatment?

The Hon. Sri K. Venkata Rao:

There is no such proposal.
QUESTIONS AND ANSWERS

30th January 1956.

Sri S. Vemayya:—

The Hon. Sri K. Venkata Rao:—

Number of schools for the Blind and the Deaf in the State.

210.—

* 65 Q.—Sri S. Vemayya:—

Will the Hon. the Chief Minister be pleased to state—

(a) the number of schools for the Blind and the Deaf in the State; and

(b) the number of students studying in them?

The Hon. Dr. B. Gopala Reddi:—

(a) The number of schools for the Blind and Deaf in the State is 3.

(b) The total number of students studying in them is 117.

Sri S. Vemayya:—

The Hon. Dr. B. Gopala Reddi:—
30th January 1956.

Sri P. Venkatasubbayya:—

Sri S. Vemayya:—

The Hon. Dr. B. Gopala Reddi:—

Sri V. Kurmayya:—

The Hon. Dr. B. Gopala Reddi:—

Sri Vavilala Gopalakrishnayya:—

The Hon. Dr. B. Gopala Reddi:—
30th January 1956.

G. Parandhamaiah:

Institutions for blind, deaf or dumb students have been set up. !

The Hon. Dr. B. Gopala Reddi:

Sri Seshadri:

The Hon. Dr. B. Gopala Reddi:

Sheltered workshops for the Blind.

211—

* 418 Q.—Sri S. Vemayya:

Will the Hon. the Chief Minister be pleased to state—

(a) whether the Union Government instructed the State Government to start sheltered workshops for the Blind; and

(b) if so, the action taken thereon?

The Hon. Dr. B. Gopala Reddi:

(a) The answer is in the affirmative.

(b) In view of the slender finances of this Government, it is not found possible to establish a sheltered workshop for the Blind in this State.

Sri S. Vemayya:

The Hon. Dr. B. Gopala Reddi:
Sri Pragada Kotaiah:—

The Hon. Dr. B. Gopala Reddi:—

Capital expenditure Recurring expenditure

Income from the Wharves of Vinateyam and Gowtami in the Amalapuram Division.

212—

* 344 Q.—Sri A. Venkataramaraju:—

Will the Hon. the Deputy Chief Minister be pleased to state—

(a) the amount of income from the wharves of Vinateyam and Gowtami in the Amalapuram Division; and

(b) whether the Government are aware that these places are not suitable for passengers as they are not built with stone?

The Hon. Sri N. Sanjeeva Reddi:—

(a) Nil as there are no River Wharfs in the Amalapuram Division for the Gowtami and Vinateyam.

(b) Does not arise.

Special Officer and temporary Assistant Commissioner for Hindu Religious and Charitable Endowments.

216—

* 574 Q.—Sri Vavilala Gopalakrishnayya:—

Will the Hon. the Minister for Revenue be pleased to state—

(a) the progress of the work done by Sri T. Niladri Rao, Special Officer and temporary Assistant Commissioner for the Hindu Religious and Charitable Endowments; and
(b) what are his functions and how far he has completed the work?

The Hon. Sri K. Chandramouli:—

(a) The progress of work done by the Special Officer upto 15-12-1955 is as follows:

Five hundred and twenty seven complaints of mis-management of trust properties were received by the Special Officer upto the above date. Enquiries were started in 341 cases, out of which 128 cases were completed and 211 were part heard. He submitted final reports in 87 cases.

(b) The functions of the Special Officer are to enquire into the alleged widespread mismanagement of properties belonging to Hindu Religious & Charitable Trusts created for public purposes and in particular whether there has been wrongful enjoyment of trust properties (including cases of branch of trust, express or constructive) and to suggest the methods by which the said properties can be recovered and properly administered.

Sri Vavilala Gopalakrishnayya:—

The Hon. Sri K. Chandramouli:—

Sri P. Kothandaramayya:—

The Hon. Sri K. Chandramouli:—
116 QUESTIONS AND ANSWERS

30th January 1956.

Sri Vavilala Gopalakrishnayya:—

Endowment trust
material

The Hon. Sri K. Chandramouli:—

Sri G. Rami Reddi:—

The Hon. Sri K. Chandramouli:—

Department
notify

Local Fund Dispensary of Sidhout town.

214—

Will the Hon. the Minister for planning and Industries be pleased to state—

(a) whether there is a proposal with the Government to take over the Local Fund Dispensary of Sidhout town from the district board; and

(b) increase the bed strength?

The Hon. Sri K. Venkata Rao:—

(a) There is no proposal at present to take over the Local Fund Dispensary at Sidhout by Government. It is proposed to provincialise all Local Fund Hospitals at Taluk Headquarters during the period of the Second Five Year Plan and the Local Fund Dispensary at Sidhout will take its chance along with other hospitals.

(b) This does not arise.
[30th January 1956]

Sri R. VKNKATASUBBAYYA:—

The Hon. Sri K. VENKATA RAO:—

Sri S. KASI REDDI:—

Mr. SPEAKER:—

you are making a speech.

Sri S. KASI REDDI:—

The Hon. Sri K. VENKATA RAO:—
Sri G. NAGESWARA RAO:—

... hospitals and grants...

The Hon. SRI K. VENKATA RAO:—

... hospitals and grants...

The Guntur Power and Light Limited Concern.

215—

* 360 Q.—SRI VAVILALA GOPALAKRISHNAYYA: Will the Hon. the Minister for Electricity and Social Welfare be pleased to state—

(a) whether the Government propose to take over the Guntur Power and Light Limited concern; and

(b) if so, when?

The Hon. Sri G. LATCHANNA:—

(a) Yes.

(b) 1—5—1956.

(a) ఎస్ ఎస్.

(b) 1.5.56 రోజు లాంతరంతో.

Sri S. RANGANATHA MUDALIAR.—

When will the Government be pleased to take over the Chittoor Electricity Corporation?

Mr. SPEAKER:—

So many other Corporations cannot come in, Mr. Mudaliar. We are only concerned with Guntur. The Hon. Minister has prepared answer only for Guntur.

Sri VAIVILALA GOPALAKRISHNAYYA:—

మూడు రోజులపాటు ఎంతపోయింది?
30th January 1956

The Hon. Sri G. LATCHANNA:—

Sri S. RANGNATHA MUDALIAR:—

The Hon. Minister may have the information.

Mr. SPEAKER:—

If he is ready with the answer, I have no objection.

The Hon. Sri G. LATCHANNA:—

Sri B. APPA RAO:—

Mr. SPEAKER:—That may be a different question.

*76 Q.— SRI S. VEMAYYA : Will the Hon. the Chief Minister be pleased to state—

(a) the number of boys and girls separately in the National Cadet Corps in the State; and

(b) the amount spent on them separately for the year ending 1954?

The Hon. Dr. B. GOPALA REDDI:—

(a) The number of boys and girls in the National Cadet Corps i.e.,

<table>
<thead>
<tr>
<th>Boys</th>
<th>Girls</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,144</td>
<td>210</td>
</tr>
</tbody>
</table>

(b) The amount spent during 1954-55 is:-

<table>
<thead>
<tr>
<th>Boys</th>
<th>Girls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rs.1,70,319-1-0</td>
<td>4,112-4-0</td>
</tr>
</tbody>
</table>
Sri S. VEMAYYA.—

The National Cadet Corps is a very important aspect of the education of young children. It not only helps in the physical development of the cadets but also inculcates a sense of discipline and patriotism. The Cadets are taught various skills and are encouraged to take part in various activities. The Cadet Corps has a special place in the hearts of the youth of the country.

The Hon. Dr. B. GOPALA REDDI.—

In the Standing Instruction of the Public Service Commission, it is stated that experience in the National Cadet Corps may be a qualification for public service. Other things being equal, experience in National Cadet Corps may be a qualification for instruction in public service.

Sri S. VEMAYYA.—

Medical aid, boots, and medical aid are very important. The Cadets are provided with medical aid and boots. The Cadets are also provided with medical aid and boots.

The Hon. Dr. B. GOPALA REDDI.—

Medical aid, boots, dress, and medical aid are very important. The Cadets are provided with medical aid and boots. The Cadets are also provided with medical aid and boots.

Sri N. SRINIVASA RAO.—

The next time the question is asked, I am ready to answer it.

The Hon. Dr. B. GOPALA REDDI.—

Colleges, High Schools, and students are very important for the development of the youth. The Cadets are encouraged to participate in various activities and to take an active part in the development of the country.

Sri M. NAGI REDDI.—

The Cadet Corps is very important, and we should support it wholeheartedly.
30th January 1956

The Hon. Dr. B. GOPALA REDDI:—

The Hon. Dr. B. GOPALA REDDI—

Irrespective of their political disposition.

Sri K. VIJAYA BHASKARA REDDI:—

The Hon. Dr. B. GOPALA REDDI:—

Sri P. SUNDARAYYA:—

National Cadet Corps members must possess the necessary divisions 10. In addition, additional qualifications are required. The service commission decides on additional qualifications. The Hon. Dr. B. GOPALA REDDI:—

Sri V. VISWESWARA RAO:—

Mr. SPEAKAR:—

The Hon. Dr. B. GOPALA REDDI:—

Sri P. SUNDARAYYA:—

National Cadet Corps members must possess the necessary divisions 10. In addition, additional qualifications are required. The service commission decides on additional qualifications. The Hon. Dr. B. GOPALA REDDI:—
122 QUESTIONS AND ANSWERS

30th January 1956

The Hon. Dr. B. GOPALA REDDI: —

Are qualification as per Andhra Public Service Commission eligible
to be considered as an advantage? If so, what are the disadvantages as
per Andhra Public Service Commission? Will there be any additional
qualification? Is there any advantage as per Andhra Public Service
Commission? Will there be any additional qualification? Is there any
disadvantage as per Andhra Public Service Commission?

Sri P. SUNDARAYYA: —

Mr. Speaker, as per Andhra Public Service Commission, there is
an additional qualification as per Andhra Public Service Commission. Will
there be any additional qualification as per Andhra Public Service
Commission? Will there be any additional qualification as per
Andhra Public Service Commission? Will there be any additional
qualification as per Andhra Public Service Commission?

The Hon. Dr. B. GOPALA REDDI: —

As per Andhra Public Service Commission, there is an additional
qualification as per Andhra Public Service Commission. Will
there be any additional qualification as per Andhra Public Service
Commission? Will there be any additional qualification as per
Andhra Public Service Commission? Will there be any additional
qualification as per Andhra Public Service Commission?

Sri D. KONDAYYA CHOUDBARI: —

As per Andhra Public Service Commission, there is an additional
qualification as per Andhra Public Service Commission. Will
there be any additional qualification as per Andhra Public Service
Commission? Will there be any additional qualification as per
Andhra Public Service Commission?
30th January 1956]

Sri P. NARASIMHAPPA RAO:—

Sri N. C. C. R. (Schools and Colleges) 38
raja rao:— Yes, a project known as Gadanki-Ammapalle Project, puttur taluk in Chittoor district was investigated and proposed to be taken up in 1953;

The Hon. Dr. B. GOPALA REDDI:—

Sri AVILALAGOPALAKRISHNAYYA:—

Sri VAVILALA GOPALAKRISHNAYYA:—

The Hon. Dr. B. GOPALA REDDI:—

SRI R. B. RAMAKRISHNARAJU: Will the Hon. the Deputy Chief Minister be pleased to state—

(a) whether a project known as Gadanki-Ammapalle Project, Puttur taluk in Chittoor district was investigated and proposed to be taken up in 1953;

(b) whether the necessary machinery was taken to the work spot for starting the work;

(c) whether the said machinery was subsequently removed and diverted to some other place and if so why; and
(d) at what stage the said proposal is and whether the project is proposed to be taken up this year?

The Hon. Sri N. SANJEEVA REDDI:—

(a) The preliminary investigation has since been completed and proposals have yet to be formulated by the local officers.
(b) The answer is in the negative.
(c) Does not arise.
(d) For the first part of the question attention is invited to the answer to clause (a) above. As regards the second part it is too early to say as the question of execution of the scheme will arise only after it is sanctioned.

Supply of Uniforms to village police in the State.

218—

* 627 Q.—Sri P. GUNNAYYA: Will the Hon. the Minister for Revenue be pleased to state whether the Government have taken any steps to supply uniforms to village police in the State?

The Hon. Sri K. CHANDRAMOULI:—

The answer is in the negative.

Sri P. GUNNAYYA:—

The Hon. Sri K. CHANDRAMOULI:—
Sri SHEIK MOULA SAHAB:—

The Hon. Sri K. CHANDRAMOULI:—

Sri T. JIYYAR DASS.—

The Hon. Sri K. CHANDRAMOULI:—

Sri PILLAMARRI VENKATESWARULU:—

The Hon. Sri K. CHANDRAMOULI:—

* 628Q.—Sri P GUNNAYYA: Will the Hon. the Minister for Revenue be pleased to state whether the Government propose to increase the salaries of the Village Police in the State?

The Hon. Sri K. CHANDRAMOULI:—
village officers and village servants in the Estate villages taken over by the Government to the level of those paid to the village officers and village servants in the ryotwari areas.

Sri M. NAGI REDDI:—

The Hon. Sri K. CHANDRAMOULI:—

Sri PILLAMARRI VENKATESWARLU—

The Hon. Sri K. CAHNDRAMOULI:—

Sri PILLALAMARRI VENKATESWARLU:—

The Hon. Sri K. CHANDRAMOULI:—
30th January 1956

Sri P. SREE RAMULU;—

The Hon. Sri K. CHANDRAMOULI;—

Sri RAJA SAGI SURYANARAYANA RAJU;—

Group system గ్రూప్ సమూహం మార్పులు చేసే మార్పు. మార్పులు సమూహ సమూహం మార్పులు చేసే మార్పు. వినియంధ మార్పులు సమూహం మార్పులు చేసే మార్పు.

The Hon. Sri K. CHANDRAMOULI;—

Group system గ్రూప్ సమూహం మార్పులు చేసే మార్పు. మార్పులు సమూహ సమూహం మార్పులు చేసే మార్పు.

Sri G. YELLAMANDA REDDI;—

Group system గ్రూప్ సమూహం మార్పులు చేసే మార్పు. మార్పులు సమూహ సమూహం మార్పులు చేసే మార్పు.

The Hon. Sri K. CHANDRAMOULI;—

Group system గ్రూప్ సమూహం మార్పులు చేసే మార్పు. మార్పులు సమూహ సమూహం మార్పులు చేసే మార్పు.

Sri T. LAKSHMINARAYANA REDDI;— Will the Hon. the Minister for Planning and Industries be pleased to state—

Under ground drainage in Mandapet Village of East Godavari District.

220—

324 Q.—Sri T. LAKSHMINARAYANA REDDI;—
30th January 1956

[a] whether there is any proposal to construct underground drainage in Mandapeta village, East Godavari district and

[b] if so, the cost of the scheme?

The Hon. Sri K. VENKATA RAO:

[a] There is proposal to sanction a pilot drainage scheme for the Mandapeta Panchayat under the Community Projects programme. The plans and estimates are under scrutiny. Subject to availability of funds the scheme will be taken up.

[b] The approximate cost of the scheme is about Rs. 1,17,000/- and is likely to increase when the plans and estimates are finalised.

Sri P. NAARSI MHAPPA RAO.—

It is desired to mention that the Government has sanctioned two drainage schemes in the district under the 1954-55 Pilot Drainage Scheme. The approximate cost of the two schemes is Rs. 1,17,000, and the Government is likely to increase the cost when the plans are finalised.

The Hon. Sri K. VENKATA RAO:—
Questions and Answers

30th January 1956]

Sri Pragada Kotaiah: Will the Hon. the Minister for Co-operation and Commercial Taxes be pleased to state:

(a) whether the Government are in receipt of representation from Merchants Associations in Bapatla taluk, Guntur district requesting the Government to appoint an enquiry committee to go into the question of affording relief to small traders from the levy of sales tax, and levying single point sales tax on certain commodities like sugar, cement, iron and rice etc., and

(b) if so, the action taken thereon?

The Hon. Sri D. Sanjivayya:—

(a) Yes.

(b) The Government have constituted a Sales Tax Enquiry committee to enquire into the various problems relating to the levy of sales tax and the administration of the Sales Tax Acts. They have also set up an Advisory Committee to advise Government on the administration of the sales tax, the Madras Entertainments Tax and other Commercial Taxes.

Sri Pragada Kotaiah:—

The matter is under enquiry, why further probe into it. It is under reference to the committee, and all this is contained in the reference.
Sri PRAGADA KOTAIAH:—

What is the status of this legislation?

The Hon. Sri D. SANJIVAYYA:—

The proposals are under consideration.

Sri N. C. SESHADRI.—

Do you agree with the proposal to extend the time for the Chamber of Commerce representations?

The Hon. D. SANJIVAYYA:—

Yes, we agree.

Sri S. K. V. KRISHNAVATARAM:—

Sales Tax Committee — extend the time for the Chamber of Commerce representations?

The Hon. D. SANJIVAYYA:—

We agree.

Sri S. NARAYANAPPA:—

Sales Tax Committee — extend the time for the Chamber of Commerce representations?

The Hon. D. SANJIVAYYA:—

We agree.

Mr. SPEAKER:—

We are entering in an entirely different subject regarding the conduct of the enquiry committee.
222—

* 325 Q.—Sri P. GOPALAKRISHNA REDDI and

Sri A. SATYANARAYANA MOORTHY:—

Will the Hon. the Minister for Planning and Industries be pleased to state—

(a) whether the Government are contemplating to establish an Industrial Estate on the pattern of the Industrial Estate in Britain; and

(b) if so, where it will be located?

The Hon. Sri K. VENKATA RAO:—

(a) : Yes, Sir.

(b) : It is proposed to locate them at Visakhapatnam and Vijayawada.

(3) వీసాఖపాతనం

(5) విజయవాడా మాట్లాడాం

Harfan hostels in Srikakulam district.

223—

* 202 Q.—SRI K. PUNNAIAH;

Will the Hon. the Minister for Electricity and Social welfare be pleased to state—

(a) the number of Harijan hostels proposed to be established in the current year in Srikakulam district; and

(b) the number actually established?

(a) Number of Harijan hostels proposed to be established in 1955—56.

The Hon. Sri G. I.ATCHANNA:—

Government — 2

Subsidised — 8

(b) Number of Harijan Hostels actually established.

Government — 2

Subsidised — 5
132 QUESTIONS AND ANSWERS

[30th January 1956]

(a) సిద్ధంతం నిర్దిష్ట కంపెన్సీ అందించకుండా (సిద్ధంతం నిర్దిష్ట కంపెన్సీ అందించకుండా) తారాపడినాటి "అ.

Private కాలం కంపెన్సీ (b).

(b) సిద్ధంతం నిర్దిష్ట కంపెన్సీ (2)

ప్రత్యేక కాలం కంపెన్సీ (3)

Sri P. GUNNAYYA:—

ఓప్పులు చెప్పండి మీరు నమ్మకాని?

The Hon. Sri G. LATCHANNA:—

చక్కరించాలి సిద్ధంతం నిర్దిష్ట కంపెన్సీ అందించకుండా గానం నిర్ధిత కాలం నిర్ధించాలి (సిద్ధంతం నిర్ధిత కంపెన్సీ అందించకుండా గానం నిర్ధిత కాలం నిర్ధించాలి) సాధనాలు నిపండి గడులుపోయుంటాం. మనిషి సమాధానం నిపండి.

Mr. SPEAKER:—

డాడిగా సిద్ధంతం నిర్ధిత కంపెన్సీ అందించడానికి వెలుగు ప్రతి జాతీయ విషయం. 

We had quite a lengthy discussion about it if I remember right.

Sri V. KURMAYYA:—

ప్రత్యేకంగా private management సిద్ధంతం నిర్ధిత mis-manage అందించ సాధనాలు (స్పష్టంగా ధారణలు కంపెన్సీ అందించడానికి సాధనాలు) గడులుపోయుంటాం. మనిషి సమాధానం నిపండి.

The Hon. Sri D. SANJIVAYYA:—

ప్రత్యేకంగా private management సిద్ధంతం నిర్ధిత mis-manage అందించడానికి సాధనాలు (స్పష్టంగా ధారణలు కంపెన్సీ అందించడానికి సాధనాలు) గడులుపోయుంటాం. 

Sri V. KURMAYYA:—

విజ్ఞానం ప్రారంభమై సమాధానం పాటు. private management సిద్ధంతం mis-manage అందించడానికి సాధనాలు (స్పష్టంగా ధారణలు కంపెన్సీ అందించడానికి సాధనాలు) గడులుపోయుంటాం.

The Hon. Sri G. LATCHANNA:—

విజ్ఞానం ప్రారంభమై సమాధానం పాటు. private management సిద్ధంతం mis-manage అందించడానికి సాధనాలు (స్పష్టంగా ధారణలు కంపెన్సీ అందించడానికి సాధనాలు) గడులుపోయుంటాం.
Sri K. PUNNAYYA:—

Subsidy 31600a 3f3 ^^a^gRs. <90xtao433^ 33eaoa qo-s- ^r-^oa 768o-a

The Hon. Sri G. LATCHANNA:—

First aid Medicines to Education Institution Institutions.

224—

* 337 Q.—Sri S. VEMAYYA: Will the Hon. the Minister for Planning and Industries be pleased to state—

(a) whether the Government are supplying First-aid Medicines to the Educational institutions in the State, and

(b) if so, what they are?

The Hon. Sri K. VENKATA RAO:—

(a) The answer is in the negative.

(b) Does not arise.

Sri S. VEMAYYA:—

...
The Hon. K. VENKATA RAO:—

... 

(a) whether it is a fact that the Government have sanctioned Hanjan hostel in Bobbili taluk in September; and

(b) if so, why the hostel has not been opened so far?

The Hon. Sri G. LATCHANNA:—

(a) The answer is in the affirmative.

(b) The Hostel has not yet been opened for want of suitable persons coming forward to open and run it.

Sri P. GUNNAYYA:—

... 

The Hon. Sri G. LATCHANNA:—

...
3th January 1956:

The Hon. Sri LATCHANNA:—

Veterinary Assistant Surgeons in Animal Husbandry Department.

306—

* 195 Q.—Sri M. RAJARAM: Will the Hon. the Chief Minister be pleased to state:

[a] the number of Veterinary Assistant Surgeons in Animal Husbandry Department in the State;

[b] the number of Veterinary and Livestock Inspectors;

[c] the number of stockmen;

[d] the number of Harijans out of them; and

[e] scale of pay for each category?

The Hon. Dr. B. GOPALA REDDI:—

The particulars are furnished below.

[a] 245

[b] 80

[c] 10

[d] Veterinary Assistant Surgeons : NIL.
   Veterinary & Livestock Inspectors : - 2
   Stock-men : - NIL.

[e] VETERINARY ASSISTANT SURGEONS :-
   Rs. 120-5-200-10-250.

[B. V. Scs., are started at Rs. 140/-in the scale]
   VETERINARY & LIVESTOCK INSPECTORS.
   Rs. 60-3-120

Sri M. SATYANARAYANA RAJU:—

Basic pay 11 B. Scs., 6 G. O. V. Cs 6, B. V. Scs., G. O. V. C. pass 60-3-120. B. Sc., pass 60-3-120
[30th January 1956]

Higher scales to start from lower scales. The Hon. Dr. B. GOPALA REDDI:

The Hon. Sri N. SANJEEVA REDDI:

[a] No, Sir.
(b) Does not arise.

Sri G. YELLAMANDA REDDI: —

The Hon. Sri N. SANJIVA REDDI: —

Court abolish temporary court abolish limited small cause orders examine consider
QUESTIONS AND ANSWERS

30th January 1956 |

number of cases 368—C.Q.—SRI G. YELIAMANDA REDDY:—

Will the Hon. the Minister for Revenue be pleased to state:—

(a) Whether the Government ordered for auction of grazing lands in Estates taken over particularly in Venkatagiri Estate, Nellore District, taken over eight years ago; and

(b) if so, the reasons for the same?

The Hon. SRI K. CHANDRAMOULI:—

The Government have ordered that the kancha system which was in vogue prior to the taking over of some of the estates in Nellore District, should be replaced by permit system, as in Government forests, with effect from 1—7—54. However, the full particulars of the case are not available with the Government. A report is being called for from the Board of Revenue and the matter will be examined in detail after the receipt of the report.

SRI S. KASI REDDY:—

 squads, the Forest Department is yet to receive the report. Therefore, I am unable to state. In 50,600 acres thereof
The Hon. SRI K CHANDRAMOULI:—

The Hon. Dr. B GOPALA REDDI:—

SRI G. YELLAMANDA REDDI:—

Sri B. SANKARAIAH:—

The Hon. Dr. B GOPALA REDDI:—

SRI G. YELLAMANDA REDDI:—
30th January 1956]

The Hon. SRI K. CHENDRAMOULI:—

Areas 309 are confusing and double collection is a problem. A report may clear the confusion.

Inclusion of Kanigiri, Podili and Darsi Taluks under Community Projects.

309 —

* 405 Q. — SRI G. YELLAMANDA REDDI :—

Will the Hon. the Minister for Planning and Industries be pleased to state:

(a) Whether the Government propose to include Kanigiri and Podili and Darsi taluks under the Community Project Scheme, a Block Development Scheme; and

(b) If not, why?

The Hon. SRI K. VENKATA RAO:—

(a) Community Projects are no longer allotted in any State. The three taluks will be brought under National Extension Service during the Second Five Year Plan Period.

(b) Does not arise
310 —

* 333 Q.— SRI P. GUNNAYYA:—

Will the Hon. the Minister for Electricity and Social Welfare be pleased to state:

(a) the extent of land assigned under house site rules to the Harijans in the Visakhapatnam District;

(b) the number of families who got sites; and

(c) the amount of money spent towards the house site provision in the District for the year 1953-54?

The Hon. SRI. G. LATCHANNA:—

(a) No land was assigned to the Harijans for provision of house site during 1953-54.

(b) and (c) Do not arise.

311 —

* 428 Q. — SRI. S. VEMAYYA:—

Will the Hon. the Minister for Co-operation and Commercial Taxes be pleased to state:

(a) Whether the concessions accorded to Co-operative Banks and Societies under G. O. Ms. No. 276, Development dated 23—2—1954 are in force now; and

(b) What those concessions are?

The Hon. SRI D. SANJIVAYYA:—

(a) Yes, Sir They are in force now.

(b) Certain concessions are granted in respect of fees payable under the Law of Registration by Co-operative Land Mortgage...
QUESTIONS AND ANSWERS

Banks in areas other than Rayalaseema in the state. They are as follows:

(i) Remission of half registration fees for registration of documents for value not exceeding Rs. 5,000/—

(ii) Full exemption from the payment of fees for encumbrance certificates in respect of loans for amounts not exceeding Rs. 2,000/—

(iii) Remission of half fees for encumbrance certificates in the case of loans for amounts exceeding Rs 2,000/— but not exceeding Rs. 5,000/—, only a single fee being charged for each application in respect of properties situated in the same village irrespective of the results of the search as regards the number of owners.

(iv) Full exemption to Harijans from the payment of fees for the registration of documents and encumbrance certificates.

Formation of Road from Nemallagondi to Vengalayapalle.

312 —

* 272 Q. — SRI B. RATHNASABHAPATHI:

Will the Hon. the Minister for Local Administration and Prohibition be pleased to state whether there is a proposal with the Government to take up the formation of a road from Nemallagondi to Vengalayapalle in Sidhout taluk and link it with Nellore District on the Southern side at Somasila?

THE HON. SRI A. B. NAGESWARA RAO:

The answer is in the negative.

Mr. Speaker:—

If the discussion has to take place, it will be on the 1st afternoon. But my decision will be given on the 1st morning whether to admit it or not.

Books for 1954 published by the Madras Text Book Committee.

313 —

* 412 Q. — SRI, S. VENAYYA:

Will the Hon. the Chief Minister be pleased to state the circumstances that led to adopt in the Andhra State also the books for 1954?
published by the Madras Text Book Committee in pursuance of Memorandum No. 13325 G/54-5 Education dated 3 8 1954?

The Hon. Dr. B. GOPALA REDDI:—

Following were the circumstances:—

(a) It was considered necessary to see that the Registered publishers residing in the Andhra area, whose books were found in the consolidated list of approved books of the Madras Text Book Committee, did not suffer;

(b) The Text Books approved by the Text Book Committee should only be used in recognised schools and such a list was not then made available in the Andhra State; and

(c) It was considered necessary to give sufficient time to the publishers and the prescribing authorities to adapt themselves to the new policy of this State.

Repairs Workshop of the Highways Department at Rajahmundry.

314 —

* 452 Q. — SRI V. VISWESWARA RAO:—

Will the Hon. the Deputy Chief Minister be pleased to state:—

(a) Whether it is a fact that the Government have closed down the repairs workshop of the Highways Department at Rajahmundry; and

(b) If so, the reason for the same?

The Hon SRI. N. SANJEEVA REDDI:—

(a) The answer is in the negative.

(b) Does not arise

Weavers' Co-operative Societies in Cuddapah District.

315 —

* 512 Q. - SRI P. VENKATASUBBAYYA:—

Will the Hon. the Minister for Planning and Industries be pleased to state the amount spent from the Cess Fund by way of giving interest free loans to the members of the Weavers' Co-operative Societies in the Cuddapah District for 1954 - 55?
30th January 1956

THE HON. SRI K. VENKATA RAO:—

A sum of Rs. 19,075/- was advanced to the weavers in the Cuddapah District through the Weavers' Co-operative Societies for purposes of contribution of Share Capital.

Weavers' Co-operative Societies & Share capital

NOTICE: An asterisk at the commencement of a speech indicates revision by the Member.

III Adjournment Motion re: Delay in announcing the formation of Visalandhra State

Mr. SPEAKER:—

Mr. Sundarayya wants to move an adjournment motion.

SRI P. SUNDARAYYA:—

Sir, I beg to move —

"This House is greatly concerned in the delay in the Government of India announcing its decision about the formation of Visalandhra as per the unanimous decision of this Assembly and of overwhelming majority of members of the Hyderabad Legislature. In view of the delay and the growing concern among the people in Andhra, this House once again urges upon the Government of India to announce without any further delay their decision in favour of Visalandhra."

Mr. SPEAKER:—

I will ask the Leader of the House whether he would be agreeable to discussion.

The Hon. Dr. B. GOPAL REDDI:—

This piece of legislation has already passed the House. It was passed on the 28th March. It has to be discussed on the 2-3rd of this month. Therefore, it is a adjournment motion, so I move to adjourn the House.

The Hon. Dr. B. GOPAL REDDI:—

I will ask the Leader of the House whether he would be agreeable to discussion.
GOVERNMENT BILLS

| 30th January 1956 |

SRI P. SUNDARAYYA—

SRI K. CHANDRAMOULI:—

THE HON. DR. B. GOPALA REDDI:—

SRI PILLALAMARRI VENKATAESWARLU:—

Mr. Speaker:

So, let there be a motion for extending the time.

The Hon. SRI K. CHANDRAMOULI:

The Select Committee report Assembly session February 28. The 1st meeting was on the 30th. The Select Committee is to meet on the 2nd, 3rd, and 4th.

Mr. Speaker:

So, let there be a motion for extending the time.

The Hon. SRI K. CHANDRAMOULI:—

Select Committee report Assembly session February 28. The 1st meeting was on the 30th. The Select Committee is to meet on the 2nd, 3rd, and 4th.

The Hon. DR. B. GOPALA REDDI:—

Select Committee report Assembly session February 28. The 1st meeting was on the 30th. The Select Committee is to meet on the 2nd, 3rd, and 4th.

SRI PILLALAMARRI VENKATAESWARLU:—

February 25 5 p.m. Inam legislation tour took place. The Select Committee is to meet on the 2nd, 3rd, and 4th.
GOVERNMENT BILLS

30th January 1956

SRI R. NARASIMHAPPA RAO —

Mr. Speaker, I move the following amendment to Clause 7:—

Add the following to sub-clause (a) after the words ‘any other building’ —

"except to places which are intended for public purposes or for supply to street taps used by general public."

Mr. Speaker, I think the first part of your amendment is not admissible. Your amendment reads: ‘except to places which
are intended for public purposes or for supply to street taps used by general public. Have you got the Act before you? Section 131 provides for supply to house taps. There is no competition.

Sri PILLALAMARRI VENKATESWARLI: —

... and point of order. If we do works and make certain provisions under the scheme, it is not proper. If we do so, the schemes would become too big. There is no competition, therefore, I think it is proper that we should have schemes to improve public health in addition to improve Public Health in a spill over scheme. I think the position is clear now.

Mr. SPEAKER:—

I think the position is clear now.
30th January 1956

SRI PILLALAMARRI VENKATESWARLU:

"... the rental value of taps connection and defective taps, and in Act..."

Mr. SPEAKER:

"The section itself is clear. You have not given your attention to that subject. As between two house holders, if one comes with contribution, he will be prepared."

THE HON. SRI A. R. NAGESWARA RAO:

Section 131 says that to each house private connection shall be given. There are two categories of houses there. In giving this priority, they are now drawing a distinction between these two houses. Those people who come forward with contribution will be preferred to people who do not come forward with contribution. That is all it says. Public taps do not come in here.

SRI PILLALAMARRI VENKATESWARLU:

"120 rental value of taps connection... defective taps, and in Act... 120 rental value..."

MR. SPEAKER:

"Let me point out. You want your amendment which reads "except to places which are intended for public purposes or for supply to street taps used by general public." Now your fear is that there will be a competition between the private owner and the public tap."

SRI PILLALAMARRI VENKATESWARLU:— Yes, Sir.

MR. SPEAKER:

"The competition is only between two private householders and so this amendment is not relevant here in this context. I rule it out..."
Mr. SPEAKER:—

Now as for the second amendment, with a little variation, I would like to suggest:

'Provided that such a contribution shall not be less than double the capital cost of pipe line supplying water ... ... ...'

Sri PILLALAMARRI VENKATESWARLU:—

Sir, I am not moving that amendment.

Mr. SPEAKER:—

You have three amendments.

One is to add the following to Section 7 (2) (a) "except to places which are intended for public purposes or for supply to street taps used by general public."

When that question of preference comes, I think you are afraid that public taps will be prejudiced. But that Section has nothing to do with public taps. It is only to private house. So I am ruling it out.

Your next amendment is:

"provided that such contribution shall not be less than double the capital cost of such pipe supply of water that would have been ordinarily incurred by him."

You do not want it. You are not moving the amendment—Then you want to omit sub-clause (b) of clause 7 (2), the clause relating to preferential treatment in levy. So I am putting only this one amendment. So you speak on this amendment only.

SRI PILLALAMARRI VENKATESWARLU:—

Mr. SPEAKER,

Sir, I move that 'sub-clause (b) of clause 7 (2) be deleted.'

The amendment was duly seconded.

Mr. SPEAKER:—

Amendment moved:— "that sub-clause (b) of clause 7 (2) be deleted."
30th January 1956

SRI PILLALAMARRI VENKATESWARLU:—

உலகையும்! (நான்) உன்னரைக் கேட்டவும் உனக்கு சுற்றியும் தீர்மானமுள்ளது. நேரடியாக நான் உலகத்தில் விளங்குவதற்காக, நேரடியாக தீர்மானம் வெற்றியடையவும். இந்த தீர்மானத்தின் மூலமாக நான் கல்வியையும் கற்று விளங்குவதற்காக உனக்கு கேட்டு வேண்டும்.

நான் உனக்கு தெரியும் நிகழ்வுகளைக் கேட்டு வேண்டும். நான் உனக்கு தெரியும் நிகழ்வுகளைக் கேட்டு வேண்டும் என்று கேட்டு வேண்டும். இந்த தீர்மானத்தின் மூலமாக நான் கல்வியையும் கற்று விளங்குவதற்காக உனக்கு கேட்டு வேண்டும்.

நான் உனக்கு தெரியும் நிகழ்வுகளைக் கேட்டு வேண்டும். நான் உனக்கு தெரியும் நிகழ்வுகளைக் கேட்டு வேண்டும் என்று கேட்டு வேண்டும் என்று கேட்டு வேண்டும்.

THE HON. SRI K VENKATA RAO:—

தன்முகம் நேரடியாக பிரதானமாக உள்ளது.

SRI PILLALAMARRI VENKATESWARLU:—

உலகையும்! (நான்) உன்னரைக் கேட்டவும் உனக்கு சுற்றியும் தீர்மானமுள்ளது. நேரடியாக நான் உலகத்தில் விளங்குவதற்காக, நேரடியாக தீர்மானம் வெற்றியடையவும். இந்த தீர்மானத்தின் மூலமாக நான் கல்வியையும் கற்று விளங்குவதற்காக உனக்கு கேட்டு வேண்டும்.

நான் உனக்கு தெரியும் நிகழ்வுகளைக் கேட்டு வேண்டும். நான் உனக்கு தெரியும் நிகழ்வுகளைக் கேட்டு வேண்டும் என்று கேட்டு வேண்டும். இந்த தீர்மானத்தின் மூலமாக நான் கல்வியையும் கற்று விளங்குவதற்காக உனக்கு கேட்டு வேண்டும்.

நான் உனக்கு தெரியும் நிகழ்வுகளைக் கேட்டு வேண்டும். நான் உனக்கு தெரியும் நிகழ்வுகளைக் கேட்டு வேண்டும் என்று கேட்டு வேண்டும் என்று கேட்டு வேண்டும். என்று கேட்டு வேண்டும்.
SRI PILLALAMARRI VENKATESWARLU:—

The Hon. SRI K. VENKATARAO:—
THE MADRAS DISTRICT MUNICIPALITIES
(ANDHRA THIRD AMENDMENT) BILL, 1956

30th January 1956

THE HON. SRI K. VENKATA RAO:—

The Hon. SRI K. VENKATA RAO:—

SRI PILLALAMARRI VENKATESWARLU:—

SRI PILLALAMARRI VENKATESWARLU:—

SRI PILLALAMARRI VENKATESWARLU:—
Sri Pillalamarri Venkateswarlu:—

The Hon. Sri. K. Venkata Rao:—

Sri Pillalamarri Venkateswarlu:—

The Hon. Sri. A. B. Nageswara Rao:—

Order of preference 

Annexure 25 of Clause 4 & 5. Order of preference (a) 3. (1) Order of preference under Clause 120 of Section 4 shall be annual rental value of the house connection main subject to prohibition of house connection. (b) 500 annual rental value. Provision for main house connection shall be limited to 10,000 and the annual rental value shall not exceed 780. (c) public fountains shall create, house service connections and all such.
THE MAKRAS DISTRICT MUNICIPALITIES (ANDHRA THIRD AMENDMENT) BILL 1956

30th January 1956

[Sri A. B. Nageswara Rao

THE COUNCIL OF THE MAKRAS DISTRICT MUNICIPALITIES (ANDHRA PRADASH) 1956

This bill was introduced to amend the existing provisions for the supply of water to the residents of the district. The bill proposes to fund the construction of house service connections over and above the existing water supply schemes. The council plans to increase the number of public fountains and introduce additional tax inducements for the contribution system. The State Government is responsible for composite Government grants and State Government loans. Central loans are also available. The loan assistance scheme is designed to provide loans for the construction of water supply schemes, and State Government loans are available to assist in these schemes. The capital requirements are expected to remain at around Rs. 500,000. Labourers' wages are expected to increase. The Executive Engineers and Public Health Engineers are discussing the instructions for the implementation of the bill. The bill aims to improve the supply system and create additional tax inducements for the contribution system.]

Sri PILLALAMARRI VENKATESWARLU:—

de donation in respect of water rates and any condition attach

The Hon. Sri A. B. NAGESWARA RAO:—

Mr. SPEAKER:—The question is:

"that sub-clause (b) of clause 7 (2) be deleted."

The motion was lost.

Clause 7 was put and carried.

CLAUSE 9

Sri PILLALAMARRI VENKATESWARLU:—

I move the following amendment to clause 9

Add the following proviso to clause 9 (1):

"Provided the owner of buildings who gets a monthly rent of Rs. 75/- and below shall be exempted."

The amendment was duly seconded.

Mr. SPEAKER:—

Mr. Venkateswarlu, your amendment seeks that owners of houses who get a monthly rent of Rs. 75/- shall be exempted. I think it will bring about a result which you never intended. You say that people owning houses fetching a rent of Rs. 75/- a month shall be exempted from the drainage tax. I would like you to put it in a more appropriate manner. Your intention is that
any house which fetches a rent of Rs. 75 per month or less shall be exempted. Evidently your idea is that a house which fetches a monthly rent of Rs. 75 or less shall be exempted. But it does not read like that. A man has four buildings, each getting a rent of Rs. 20 per month.

Sri PILLALAMARRI VENKATESWARLU:—

Total of Rs. 75/–.

Mr. SPEAKER:—

Even if the total rent is Rs. 75 you want that all of them should be exempted. A man has three buildings. Two buildings fetch him a rent of Rs. 10 each and one big building Rs. 100/- All the four?

Sri PILLALAMARRI VENKATESWARLU:—

All put together if the total rent is below Rs 75/- he should be exempted.

Mr. SPEAKER:—

‘Provided that owners of buildings who get a monthly total rent of Rs. 75 from their buildings should be exempted.’ That is what you mean.

Sri PILLALAMARRI VENKATESWARLU:—

You are opposing the whole clause itself.

Sri PILLALAMARRI VENKATESWARLU:—

Yes, sir. owners who get a rent of Rs. 75 from their buildings be exempted. drainage tax, education tax, water facilities tax, education tax, water facilities tax.
The Hon. Sri A. B. NAGESWARA RAO:

Drainage tax on slum dwellers' tax and sewage rentals on main sewage main sewage main sewage main sewage.

Mr. SPEAKER:

We are not now considering the merits of the amendment. We are now at the form of the amendment. Provided the owners of buildings who get a monthly rent of Rs. 75/- and below be exempted.

Sri PILLALAMARRI VENKATESWARLU:

Amendment moved. Add the following proviso to sub clause (1) of clause 9;

“provided the owner of buildings who gets a monthly rent of Rs. 75/- and below shall be exempted.”
THE MADRAS DISTRICT MUNICIPALITIES (ANDHRA AMENDMENT) BILL, 1956

30th January 1956

[Sri Pillalamarri Venkateswarlu]

The Hon. Sri A. B. NAGESWARA RAO:—

Sri PILLALAMARRI VENKATESWARLU:—

The Hon. Sri A. B. NAGESWARA RAO:—
Mr. SPEAKER :—

The question is:

Add the following proviso to sub-clause (1) of clause 9.

'Provided the owner of buildings who gets a monthly rent of Rs. 75/- and below shall be exempted.'

The amendment was lost.

Now, there is a doubt expressed by Sri Ramanayya Naidu regarding the use of the word 'rent'. I find in the Oxford Dictionary...
30th January 1956

The Hon. Sri A. B. NAGESWARA RAO:—

Mr. Speaker, Sir, "rent" is also proper there. We need not be afraid of the word "rent" there. 'Rent' as I see in Oxford Dictionary means a sum paid for the use of machinery etc., for a certain time. It need not necessarily be from land or house. It may be even from the machinery. They are providing a machinery to drain off the water.

Mr. SPEAKER:—

It is in the Act itself 'monthly rent at such rate for each building as may be laid down in the bye-laws.' But the word 'rent' is also proper there. We need not be afraid of the word 'rent' there. 'Rent' as I see in Oxford Dictionary means a sum paid for the use of machinery etc., for a certain time. It need not necessarily be from land or house. It may be even from the machinery. They are providing a machinery to drain off the water.

Sri PILLALAMARRI VENKATESWARLU:—

Mr. SPEAKER:—

There is a machinery by which they are draining off the water. So I now put clause 9 to the vote of the House.

Clause 9 was put and carried.

Clause 14 was put and carried.

The Hon. Sri A. B. NAGESWARA RAO:—

"For the words, brackets and figures "the Madras District Municipalities (Andhra Third Amendment) Act, 1955," substitute the words, brackets and figures "The Madras District Municipalities (Andhra Amendment) Act 1956.""

Mr. SPEAKER:—The question is:

"For the words, brackets and figures "The Madras District Municipalities (Andhra Third Amendment) Act 1955," substitute the words, brackets and figures "The Madras District Municipalities (Andhra Amendment) Act 1956.""
The amendment was carried.
Clause 1 as amended was put and carried.

The Hon. Sri A. B. NAGESWARA RAO:
Mr. Speaker, Sir, I move that the Preamble be amended as follows:
“For the words ‘sixth year’ substitute the words ‘seventh year’ ”

Mr. SPEAKER:
The question is:
“For the words ‘sixth year’ substitute the words ‘seventh year’ ”
The amendment was carried.
The Preamble as amended was put and carried.

The Hon. Sri A. B. NAGESWARA RAO:
I move: “That the Bill be passed into law.”

Mr. SPEAKER:
Motion moved.
“That the bill be passed into law.”

Sri PILLALAMARRI VENKATESWARLU:

Mr. SPEAKER:
The question is:
“That the Bill be passed into law.’”
The motion was carried and the Bill was passed into law.
Mr. SPEAKER :—

Before I read the message, the matter requires a little bit of clarification. This Bill contains a number of Acts already passed of which some are Appropriation Acts and the purpose of those Appropriation Acts has already been over. The thing sought to be done has already been done. That means the money has already been spent. Section 357 (2) of the Constitution of India says.

"Any law made in exercise of the power of the Legislature of the State by Parliament or the President or other authority referred to in sub-clause (a) of clause (1) which Parliament or the President or such other authority would not, but for the issue of a Proclamation under Article 356, have been competent to make, shall, to the extent of the incompetency, cease to have effect on the expiration of a period of one year after the Proclamation has ceased to operate except as respects things done or omitted to be done before the expiration of the said period, unless the provisions which shall so cease to have effect are sooner repealed or re-enacted with or without modification by Act of the appropriate Legislature."

The period is going to expire in another month. But for things which have already been done within this month, where is the need for re-enacting?

The Hon. Sri D. SANJIVAYYA :—

On any future date somebody may take objection to the money spent.

Mr. SPEAKER :—

It is not the objection of the individual that will count. It is the Constitution that has the right to object.

The Hon. Sri D. SANJIVAYYA :—

Under the Appropriation Acts moneys have been taken out of the Consolidated Fund and they have been spent. On any future date somebody may take objection to the fact that they have not been properly spent or things of the kind, and therefore these Acts
should be permanent Acts. In fact, even the Acts passed in our House will be permanent Acts. It is not as though the Acts expire after a particular date.

Mr. SPEAKER :—
I think it is only by way of abundant caution. For things done, we need not legislate. The spending has already been over. Nobody can question that spending. It was spent under the authority of an Act. It need not be re-enacted. So this is introduced by way of abundant caution.

The next point is, how can we club so many things together?

The Hon. Sri D. SANJIVAYYA :—
The point is this, Sir. All these Acts would be treated as though they have expired. If we do not re-enact them before 27th March 1956, I do not think it will be possible for us to take up each Act individually and re-enact it before that date.

Mr. SPEAKER :—
May I place one of my difficulties before you? Supposing this House does not want any one particular Act at the third reading stage, can there be a question separately for each Act?

The Hon. Sri D. SANJIVAYYA :—
The only request on behalf of the Government to the House is that on account of want of time, we are doing this. At any future date, each Act will be considered by the Administrative Department and amendments will be incorporated in an Amending Bill. Otherwise, we could have taken each Act separately.

Mr. SPEAKER :—
But you are depriving the right of the House of throwing any one of those Acts in the third reading stage.

The Hon. Sri K. VENKATARAO :—
That is always there, Sir.

Mr. SPEAKER :—
No, I cannot put such a question now. The whole Bill be passed into Law is the question I have to put. At the third reading stage there cannot be any piece-meal amendments in respect of clauses thereof. But let this not be a precedent for the future.
The Andhra Re-Enacting Bill, 1955

30th January 1956]

The Hon. Sri D. Sanjivayya:—

Absolutely not, Sir. This is a special case.

The Hon. Sri K. Venkatarao:—

Such a special case will not occur again and a Governor’s rule will not come and all these will not go. We want to give the assurance that on our side we will never bring in such state of affairs.

Sri Vavilala Gopalakrishnayya:—

If you want, I will relax the rule of notice. Give the amendments by this evening if you have any.

Sri Vavilala Gopalakrishnayya:—

Schedule of amendments to the original Acts and Schedule amendments to the original Acts. I have already placed the original Act in the agenda. You can come with your amendments to any of the clauses.

Mr. Speaker:—

I have already placed the original Act in the agenda. You can come with your amendments to any of the clauses.
I have not been able to understand you. If you want any amendment to any particular Section of the Act, you come with any amendments. In the Schedule you have got the body of the Act. I will be putting a separate question for every clause, if you want. Where there are amendments, I shall put a separate question in respect of any matter which is disputed.

Mr. SPEAKER:—

We have already discussed that matter. We are afresh enacting a certain legislation. We are treating the previous Act as a Bill. For convenience and speedy work, we have clubbed them together.
30th January 1956

The Hon. Sri K. Venkatara:—

Sri Vavilala Gopalakrishnaya:—

Mr. Speaker:—

Perhaps there was no need for amendments then.

Sri Vavilala Gopalakrishnaya:—

My proposition is this, Sir. They can get if it is only an Act for re-enactment. But here again there are so many clauses and amendments also. So my proposition is, when there is an amendment for the Act, it cannot be a re-enactment but it is a proposition by itself and a fresh Act.

Mr. Speaker:—

I will put questions respecting every clause. We want all those Bills. I will call them Bills. I will treat them as Bills.
The Hon. Sri K. VENKATARAO.—

It does not mean that each Bill has to be taken into consideration. Only for purposes of amendment the Hon. Speaker has given that direction and members who want may proceed on that direction.

Mr. SPEAKER:—

I have to announce to the House that the following message dated the 23rd November, 1955 has been received from the Governor of Andhra.

"In pursuance of clause 1 of Article 207 of the Constitution of India, I, C. M. Trivedi, Governor of Andhra, hereby give my recommendation to the introduction in the Andhra Legislative Assembly of the Andhra Re-enacting Bill, 1955, and in pursuance of clause 3 of the said Article, I also recommend to that Assembly the consideration of the said Bill."

The Hon. Sri D. SANJIVAYYA:—

Sir, I beg to move, "that the Andhra Re-enacting Bill, 1955 be taken into consideration."

Mr. SPEAKER:—

Motion moved.

"That the Andhra Re-enacting Bill, 1955 be taken into consideration."

There is an amendment of Sri Pillalamarri Venkateswarlu to refer the Bill to a Select committee.

Sri PILLALAMARRI VENKATESWARLU:—

Sir, I move

"That the Bill be referred to a Select committee."

The amendment was duly seconded.

Mr. SPEAKER:—

Now the main motion and the amendment are before the House for discussion.

The Hon. Sri D. SANJIVAYYA:—

15 సంవత్సారాలు, 1954 నాటికి 28 కనుము, 1955 నాటికి అప్పుడు నుండి కోసం ఉద్యోగం, ప్రతి పెక్కడు ప్రతి కోసం ఉద్యోగం. అందుకే నిర్వహణ ప్రాంప ఉండాలి.
30th January 1956

Sri D. Sanjivayya

1. The Andhra Appropriation Act 1954
2. The Andhra Appropriation Act 1955


Future date of audit objection. bonafide mistake

Andhra Christian Marriages (validation) Act of 1954 —

bonafide mistake of Rev. Priest of genuine mistake legal. Illegal by

Act 1954 —

bonafide mistake legal
The Andhra Cinemas (Regulation) Act 1955:

Section 39 introduces a new provision regarding the censorship of films. The act empowers the Inspector-General of Registration, the Registrar of Joint Stock Companies, and the Assistant Registrar of Joint Stock Companies to regulate cinema exhibitors.

The Societies Registration (Andhra Amendment) Act, 1954.


The Andhra Inam Tenants Protection Act, 1954.

Sri PILLALAMARRI VENKATESWARLU:

The Select Committee is refer [word not clear] the bill and the Department consider the ideas and examine the substance. If the Department consider the bill, it may pass in time. If not, it may/web be referred.
Sri Pillalamarri Venkateswarlu

[30th January 1956]

30th January 1956

[Sri Pillalamari Venkateswarlu]

The Hon. Sri D. SANJIVAYYA:—

Budget Session of the House for amending Bill in the sitting

Sri PILLALAMARRI VENKATESWARLU:—

in sitting amending Bill in the sitting

The Hon. Sri D. SANJIVAYYA:—

So far as I am concerned, I do not see any reason why we should not bring in an amending Bill immediately after the budget is passed, in the same session.

Sri PILLALAMARRI VENKATESWARLU:—

When once this Bill is passed, I would not be in charge of that Bill. That is my difficulty. That is why I am not able to give a firm promise.

The Hon. Sri D. SANJIVAYYA—

When once this Bill is passed, I would not be in charge of that Bill. That is my difficulty. That is why I am not able to give a firm promise.

Sri PILLALAMARRI VENKATESWARLU:—

At this stage, Temporary Chairman Sri S. Vemayya occupied the chair. 

The Hon. Sri D. SANJIVAYYA:—

Budget Session of the House for amending Bill in the sitting

Sri PILLALAMARRI VENKATESWARLU:—

in sitting amending Bill in the sitting

The Hon. Sri D. SANJIVAYYA:—

So far as I am concerned, I do not see any reason why we should not bring in an amending Bill immediately after the budget is passed, in the same session.

Sri PILLALAMARRI VENKATESWARLU:—

When once this Bill is passed, I would not be in charge of that Bill. That is my difficulty. That is why I am not able to give a firm promise.
Sri PILLALMARI VENKATESWARALU.

Act 33 of 1933 - Forests Act 1933 (b)

Budget proposals - High Court ruling on motor operators

Reform of Forests Act 1933


30th January 1956
Sn Pillalamarri VenkateswaraLu :—

Sn C. Yellamanda Reddi —

Sri G. Yellamanda Reddi —

Forests produce 'B' etc. forests produce 'B' etc. forests produce 'B' etc. forests produce 'B' etc. forests produce 'B' etc. forests produce 'B' etc. forests produce 'B' etc. forests produce 'B' etc. forests produce 'B' etc. forests produce 'B' etc. forests produce 'B' etc. forests produce 'B' etc. forests produce 'B' etc.
Sri G. YELLAMANDA REDDI:—


30th January 1956

Sri V. VISWESWARA RAO:—

The influence of survey and settlement upon the forests was discussed by Mr. G. YELLAMANDA REDDI. He pointed out that the purpose of the Re-enacting Bill was to clarify and reinforce the concept of forest produce. High Courts have issued writs and orders to clarify the scope of High Court decisions. The Re-enacting Bill aims to ensure that the forest produce remains the property of the state government, as decided by the courts. Mr. V. VISWESWARA RAO emphasized the need for a clear and enforceable definition of forest produce.

30th January 1956

3r V. VISWESWARA RAO:


Respectfully submitted,

Sri V. VISWESWARA RAO

30th January 1956

3r V. VISWESWARA RAO:


Respectfully submitted,

Sri V. VISWESWARA RAO

30th January 1956

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30th January 1956

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Respectfully submitted,

Sri V. VISWESWARA RAO

30th January 1956

3r V. VISWESWARA RAO:


Respectfully submitted,
Sri V. VISWESWARA RAO.

30th January 1956


Of January 1956

preservation of private forests Act 1955.

Of the preservation of private forests Act 1955, it is hereby declared that:

the Act has been in force in Andhra Pradesh.

The Act is hereby re-enacted and applies to the territory of Andhra Pradesh.

Customary rights are hereby declared to be preserved in the manner specified in the said Act.

The Act is further declared to be in force in the manner specified in the said Act.

Signed by Sri V. VISWESWARA RAO, the Governor of Andhra Pradesh.

Customary rights are hereby declared to be preserved in the manner specified in the said Act.

The Act is hereby re-enacted and applies to the territory of Andhra Pradesh.

The Act is further declared to be in force in the manner specified in the said Act.

Signed by Sri V. VISWESWARA RAO, the Governor of Andhra Pradesh.
30th January 1956

Sri VISWESWARA RAO —

Mr. SPEAKER:—It will be more appropriate if the Member speaks on this subject when the particular Act is put to vote. I will put every one of them to the House.

Sri P. SUNDARAYYA:—At what stage are you going to put them?

Mr. SPEAKER:—We will take Bill after Bill. We will request the other Ministers also to reply if necessary. It won't be appropriate to discuss on all the bills now.

The House will now rise for lunch and meet again at 2-30 P.M.

AFTER LUNCH
[2–30 P.M.]

Sri V. VISWESWARA RAO:—
Sri V. VISWESWARA RAO:—

30th January 1956


Sri R. V. V. KRISHNAM RAJU LAHADUR:—

Private forests protection in the State. The Andhra Pradesh Act No. 12 of 1954 covers private forests within the State. Under Section 4 of the Act, the personal property—such as trees, plantations, furniture, etc.,—of persons who enjoy the benefit of protection are protected. The Act also provides for the protection of natural objects such as rocks, waterfalls, etc., and it is clear that the words "private forest protection" in Section 4 of the Act include the protection of personal property belonging to persons who enjoy the benefit of protection. The Act also provides for the protection of natural objects such as rocks, waterfalls, etc., and it is clear that the words "private forest protection" in Section 4 of the Act include the protection of personal property belonging to persons who enjoy the benefit of protection.

30th January 1956]

Sri K. V. V. KRISHNAM RAJU LAHADUR—

Sri K. V. RAMANAIH.—

Sri K. V. RAMANAIH.—

Sri K. V. RAMANAIH.—

Sri K. V. RAMANAIH.—
Sri K. V. RAMANIAH –

10th January 1956


[Text in a different script, likely Telugu, is not transcribed here.]

30th January 1956]

Sri K V. RAMANIAH —

... right of appeal, Board of Revenue and permanent revision powers of Board of Revenue and Appellate authority shall be vested in the Board of Revenue. The Board of Revenue shall have revision powers... Board of Revenue and ordinary course... extend Tenancy Bill... extend... extend... extend... Select Committee... floor of the House... Select Committee... Select Committee... schedule... schedule... comprehensive discussion... clauses... discussion...
Sri VAVILALA GOPALAKRISHNAYYA:

...fourth schedule of the Act... We cannot discuss the general discussion... So, this is the only time when we can discuss generally.

Mr. SPEAKER.—We shall take clause by clause.

Sri VAVILALA GOPALAKRISHNAYYA:

...bills of the general discussion... So, this is the only time when we can discuss generally.

Mr. SPEAKER.—Preamble first clause... discuss briefly.

Sri VAVILALA GOPALAKRISHNAYYA:

...Preamble para discussion... So, this is the only time when we can discuss generally.

30th January 1956

Sri VAVILALAGOPALAKRISHNAYYA —

...prosecute... explanation... prosecution... explanation...

...parse... Hari Hara Mahal...

...parse... lengthy... compulsory... parse... directive...

...parse... shelter... exemption... exempt... special... exemption...

[30th January 1956.

Sri VAVILALA GOPAL KRISHNA YYA –

clarification as regards entertainment tax. Any doubt as to whether the tax and exemption apply to the same or different persons or vehicles, the Select Committee is of the opinion that the constitutional amendment as framed, embodies the High Court judgment as regards entertainment tax.

The Select Committee is of the opinion that the Ordinance is not in accordance with the provisions of the Constitution. It is the opinion of the Select Committee that the Ordinance should be referred to the Constitution Committee for further consideration.

entertainment tax as per the Ordinance. Any tax so levied is void.

Any amendment as per the Ordinance is void.
Sri VAVILAL \ GOPALAKRISHNAYYA—

Tenants and Ryots Protection Act 1942. As the Rajyam [Andhra Pradesh] has been divided into States, and some of them have been given the names of the States of old, the provisions of the Act, which applied to the whole of the former Rajyam, cannot be applied to the States which were previously in the Rajyam but are now new States. Therefore, it is necessary to extend the Act to these new States. The present tenant protection Statute is to be extended to these new States. The relation between landlord and tenant has not changed. The provisions of the Act should be extended to the new Statute. The Act should be extended to cover the ceiling of minimum and maximum holdings. The ceiling of minimum and maximum holdings should be extended to the new Statute. The Act should be extended to cover the landlord and tenant relationship. The Act should be extended to cover the ceiling of minimum and maximum holdings. The ceiling of minimum and maximum holdings should be extended to the new Statute. The Act should be extended to cover the landlord and tenant relationship.
Sri VAVILALA GOPALAKRISHNAYYA.

Inam tenants are not tenants in general, i.e. Government ziyarati ryots.

Mr. SPEAKER: If I remember right, this Bill is to protect the tenants in inam villages, and not the tenants in general, i.e. Government ziyarati ryots.

Sri VAVILALA GOPALAKRISHNAYYA.

Inam tenants are not tenants in inam villages.

Char coal essential article [under control] with Inam tenants.

Amendment is not opposed to Inam tenants.
30th January 1956

Sri P. NARASIMHAPPA RAO:—

...

[30th January 1956]

Mr. B. SANKARAIAH:

...
30th January, 1956]

SRI S. VEMAYYA:

"...".

Mr. SPEAKER:

SRI S. VEMAYYA:

"...".
Sri S. VEMAYYA:-

license ఆగ్రహాన్ని అందిస్తున్నాం. అదనం దార్శించడానికి Deputy Collector అడవిని, అ Deputy Collector (తహసిల్దర్) తహసిల్దర్ అడవిని, అ Deputy Tahsildar (దివసి దార్శించడానికి Deputy Tahsildar Revenue Inspector అడవిని, అ Revenue Inspector కు స్వరూపాన్ని report మాత్రమే కూడా ఉంటుంది. కానీ అధికారులు Collector అడవి నిర్వహిస్తుంటున్నాయి. Collector అడవి నిలబడినది. అయితే Collector అడవి నిలబడించరు. నిలబడిన Collector అడవి నిలబడించరు. 

The Hon. SRI D. SANJIVAYYA:—

30th January 1956]

Sri D. SANJIVAYYA:—

Inam Protection Act 5$^o^ 033^o&$. Forest 3&^ $^o^$^o-a3 ^$^e^ Inam Protection Act 3^o^ 3&^. Cinema Regulation 3&^ ©33^0^ 3&^. 3&^ concerned Minister 3&^. 3&^ $^o^ 3&^o-a3 ^$^e^ 33 3$^o^ 3&^. 3&^ 3$^o^ 3&^o-a3 ^$^e^ 33 3$^o^ 3&^.

MR. SPEAKER :—

I shall now put Sri Venkateswarlu's amendment to the vote of the House. The question is:

"That the Andhra Re-enacting Bill, 1956 be referred to Select Committee."

The motion was lost.

MR. SPEAKER :—The question is:

"That the Andhra Re-enacting Bill, 1956 be taken into consideration at once."

The motion was carried.

First Schedule.

MR. SPEAKER:

The House will now proceed to discuss the clauses of the Bill. It would be better if the Schedules are taken up first. The motion is:

' That the First Schedule do stand part of the Bill. ' 

The motion was carried.

Second Schedule.

SRI PILLALAMARRI VENKATESWARLU:—

Sir, it would be better if each item in this schedule is taken up separately.
Mr. SPEAKER:—

Yes, I have no objection. We shall take up item (1) first. The question is:

"That the Andhra Christian Marriage Validation Act, 1954 do stand part of the Bill."

The motion was carried.


Clause 3

Mr. SPEAKER:—The motion is:

That clause 3 do stand part of the Bill.

The motion was carried.

Clause 4.

SRI PILLALAMARRI VENKATESWARLU:—

Sir, I beg to move: In the proviso after the words "such other authority" and the words "whose rank is not below the grade of a District Collector",...
30th January 1956]

Sri PILLALAMARRI VENKATESWARLU :—

Sri S. VEMAYYA :—

Mr. SPEAKER :—

SRI S. VEMAYYA :—

SRI S. VEMAYYA :—

THE ANDHRA RE-ENACTING BILL, 1955 195

Mr. SPEAKER :—

SRI S. VEMAYYA :—

SRI S. VEMAYYA :—

Mr. SPEAKER :—

SRI S. VEMAYYA :—

SRI S. VEMAYYA :—

Mr. SPEAKER :—

SRI S. VEMAYYA :—

Mr. SPEAKER :—

SRI S. VEMAYYA :—

SRI S. VEMAYYA :—

SRI S. VEMAYYA :—
The amendment was duly seconded.

Mr. SPEAKER:

Amendments moved ...

(1) "Delete the proviso in clause 4."

(2) "In the proviso after the words "such other authority" add the words "whose rank is not below the grade of a District Collector."

Mr. Venkateswarlu, your amendment would read well if it is recast thus: 'not below the rank of a District Collector.'

SRI PILLALAMARRI VENKATESWARLU:

I have no objection to recast the wording.

The Hon, SRI D. SANJIVAYYA:

The amendment as moved would read well if it is recast thus: 'not below the rank of a District Collector.'

SRI PILLALAMARRI VENKATESWARLU:

...
THE ANDHRA RE-ENACTING BILL, 1955

30th January 1956

The Hon. D. SANJIVAYYA :—

District Collector in any part of the State shall not be made or be exercised by any person at any time:

SRI PILLALAMARRI VENKATESWARLU :—

I shall now put Sri Vemayya's amendment as it is more comprehensive. The question is:

"Delete the proviso in clause 4"

The motion was lost.

Mr. SPEAKER :—

I shall now put Sri Vemayya's amendment as it is more comprehensive. The question is:

"In the proviso after the words "such other authority" add the words 'not below the rank of a District Collector'."

The motion was lost.

Clause 4 was put and carried.

Clause 5.

Sub-section (1)

Mr. SPEAKER :—The motion is:

That clause 5 do stand part of the Bill. In sub-section (1) there are no amendments and so I shall put it to the vote of the House. The question is:

"Sub-section (1) of section 5 do stand part of the Bill."

The motion was carried.
Sub-section (2)

SRI PILLALAMARRI VENKATESWARLU:—

In sub-section (2) of section 5 for the words “as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine” substitute the following:

“who have fulfilled the conditions as laid down in the Act.”

Mr. SPEAKER:—

No, No. How can it be? When the conditions are not fulfilled who can issue a licence?

SRI PILLALAMARRI VENKATESWARLU:—

This is my point, Sir, “subject to the foregoing provisions of this section and to the control of the Government, the Licensing Authority may grant licenses under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restriction as it may determine” be read. The authority grants licences on the conditions and restrictions as laid down. The conditions and restrictions may be changed. The authority has wide powers and discretion. It can fulfill the conditions as laid down under the Act. That is quite evident from the provisions of this Act.
30th January 1956]

SRI. PILLALAMARRI VENKATESWARLU:—

The amendment was duly seconded.

Mr. SPEAKER:—Amendment moved —

"In sub-section (2) of section 5 for the words "as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine" substitute the following:

"Who have fulfilled the conditions as laid down in the Act."

The Hon. Sri D. SANJIVAYYA:—

Mr. SPEAKER: The question is:

"In sub-section (2) of section 5 for the words "as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine" substitute the following:

"who have fulfilled the conditions as laid down in the Act."

The motion was lost.

Sub-section (3)

SRI PILLALAMARRI VENKATESWARLU:— Sir, I beg to more:

Subsection (3) in section 5 may be renumbered as sub-section (3) (a) and add the following proviso at the end—
Provided that the length of the news reel supplied by the Government shall not be more than 1000 ft. and provided further that the amount to be charged shall not be more than Rs. 20/- in A class centres; Rs. 10/- in B class centres and Rs. 5/- in C class centres touring cinemas and the amount to be deposited with Government shall not be more than a month's payment.

I shall move my other amendment also. I beg to move:

Add the following as sub-section (3) (b)

"(3) (b), The Government may prevent the exhibition of any film which the Government may consider to be anti-national or which may wound the sentiments of the people in the State."

Mr. SPEAKER:—

Does this not fall within the purview of the Central Government?

SRI K. SUBBA RAO:—

Censorship pertains to the Central Government, but the length of the film falls within the powers of the State Government. Even in the present Act the State Government is competent to ban anti-national films.

SRI PILLALAMARRI VENKATESWARLU:—

I shall explain the purpose of my amendments.
30th January 1956

SRI PILLALAMARRI VENKATESWARLU—

The amendments were duly seconded.

Mr. SPEAKER : Amendments moved—

(1) Sub-section (3) in section 5 may be renumbered as subsection (3) (a) and add the following proviso at the end—

Provided that the length of the news reel supplied by the Government shall not be more than 1000 ft and provided further that the amount to be charged shall not be more than Rs 20/- in A class.
Mr. SPEAKER:—

centres, Rs. 10/- in B class centres and Rs 5/- in C class centres touring cinemas and the amount to be deposited with Government shall not be more than a month's payment.

(2) Add the following as sub-section (3) (b)

"(3) (b). The Government may prevent the exhibition of any film which the Government may consider to be anti-national or which may wound the sentiments of the people in the State."

Mr. SPEAKER:—

The question is:

Sub-section (3) in section 5 may be renumbered as sub-section (3) (a) and add the following proviso at the end.

Provided that the length of the news reel supplied by the Government shall not be more than 1000 ft. and provided further that the amount to be charged shall not be more than Rs 20/- in A class centres, Rs. 10/- in B class centres and Rs. 5/- in C class centres. touring cinemas and the amount to be deposited with Government shall not be more than a month's payment."

The amendment was declared lost. Sri Pillalamarri Venkateswarlu demanded a poll and the House divided thus:

Nees

1. Hon Sri N. Sanjeeva Reddi
2. Sri P. Ranga Reddi
3. Sri Vijaya Bhaskara Reddi
4. Sri Kaluru Subba Rao
5. Srimathi Ammanna Raja
6. Sri G Bapaiah
7. Hon. Sri D. Sanjivayya
8. Sri S Brahmayya
9. Sri N. P. Chengalraya Naidu
10. Sri P. Gunnayya
11. Sri Hanumantha Reddi
12. Sri S. Jagannadham
13. Sri P. Kodandaramayya
14. Sri Divi Kondiah Chowdary
15. Sri M. Koti Reddy
16. Sri K. V. Krishnavatharam
17. Sri Raja Krishnam Raja
30th January 1956]

Mr. SPEAKER:—

18 Sri T. Lakshminarayana
19 Sri M. Nageswara Rao
20 Sri M. Pothu Raju
21 Sri P. Rajagopala Naidu
22 Sri T. Prakasam
23 Sri M. Ramayya
24 Sri M. Rangayya
25 Sri Rathnam
26 Sri Reddi Kamayya
27 Sri Chowdari Satyanarayana
28 Sri P. Anthony Reddy
29 Sri Raja Sagi Suryanarayana Raju
30 Sri P. Singarayya
31 Sri Shalk Moula Saheb
32 Sri R. Thirupathi Rao
33 Sri T. Veeraragavulu
34 Sri Nagineni Venkalah
35 Sri D. Venkatramana Reddy
36 Sri P. Venkataravanappa
37 Sri G. Venkata Reddi
38 Sri P. Venkatasubbaiah
39 Sri R. Latchapatrudu
40 Sri Reddi Jagannadham
41. Sri Kasim Venkata Reddy
42. Sri M. Matcharaju
43. Sri N. Venkatrama Naidu
44. Sri C. V. Suryanarayana Raju
45. Sri Ranganatha Mudaliar
46. Sri D. Gopala Rao

Ayes

1. Sri B. Adinarayana
2. Sri G. Suryanarayana
3. Sri M. Satyanarayana Raju
4. Sri Pillalamarri Venkateswarlu
5. Sri K. V. S. Padmanabha Raju
6. Sri S. Venayya
7. Sri A Venkatrama Raju
8. Sri G. Yellamanda Reddi
9. Sri D. V. Subba Rao
10. Sri B. Sankarayya
THE ANDHRA RE-ENACTING BILL, 1955;

[30th January 1956]

Mr. SPEAKER:—

11 Sri G. Nageswara Rao
12 Sri P. Satyanarayana
13 Sri S. Kasi Reddy
14 Sri S. Seetharamaiah
15 Sri Mahammad Tahseel
16 Sri M. Nagi Reddy
17 Sri G. Ramunaidu

Ayes 17, Noes 46. The motion was lost.

Mr. SPEAKER:—

I shall now put the other amendments of Sri Venkateswarlu.

The question is:

Add the following as sub-section (3) (b):

"(3) (b) the Government may prevent the exhibition of any film which the Government may consider to be anti-national or which may wound the sentiments of the people in the State."

The motion was lost.

Clause 5 was put to vote and carried.

Clause 6.

Mr. SPEAKER:—

The motion is:

Clause 6 do stand part of the Bill.

Sri PILLALAMARRI VENKATESWARLU:—

Sir, I beg to move:

"Delete sub-section (2) of section 6."

The amendment was duly seconded.

Mr. SPEAKER:—

I do not think there is any need for a reply by Government. So I shall put the amendment to the vote of the House. The question is:

Delete sub-section (2) of section 6.
Mr. SPEAKER:—

The motion was lost.
Clause 6 was put to vote and carried.

Clause 7.

SRI PILLALAMARRI VENKATESWARLU:—

Sir, I beg to move:

For the words "such time as may be prescribed, appeal to the Government or to such officer or authority as the Government may specify in this behalf ", substitute the following:

"30 days from the day on which the order was communicated to him at the Board of Revenue whose decision is final."

Mr. SPEAKER:—

Instead of the 'Government' you want 'Board of Revenue'
I think this matter was discussed in the general discussion.

SRI PILLALAMARRI VENKATESWARLU:—

The amendment was duly seconded.

Mr SPEAKER:—

I think there are already rules providing for these things.

SRI S. VEMAYYA:—

Sir, I beg to move:

“For the word "Government" in line 3 substitute the words "Revenue Divisional Officer "

The amendment was duly seconded.
SRI S. VEMAYYA:—

The amendment was duly seconded.

Mr. SPEAKER:—

Amendment moved:—

"For the word "Government" in line 3 substitute the words "Revenue" Divisional Officer."

THE HON. SRI D. SANJIVAYYA:—

The amendment was put and lost.

Mr. SPEAKER:—

I shall now put Mr. Venkateswarlu’s amendment to the vote of the house. The question is:

"For the words "such time as may be prescribed appeal to the Government or to such officer or authority as the Government may specify in this behalf, substitute the following:—"

"30 days from the day on which the order was communicated to him at the Board of Revenue whose decision is final."

The motion was lost.

Mr. SPEAKER:—

I shall now put Mr. Vemayya’s amendment to the vote of the House.

SRI S. VEMAYYA:—

I am not pressing it, Sir.

The amendment was, by leave of the House, withdrawn.

Clause 7 was put and carried.

Clause 8

SRI PILLALAMARRI VENKATESWARLU:—

Sir, I have an amendment to Delete section 8.

Mr. SPEAKER:—

It involves a negative vote, You can oppose the clause itself.

SRI PILLALAMARRI VENKATESWARLU:—

Then I am not moving my amendments,
Sri S. VEMAYYA:—Sir, I move the following amendment to Section 8 (2).

"For the word 'Government' in lines 3 and 4 substitute the words 'Board of Revenue'."

The amendment was duly seconded.

Mr. SPEAKER:—Amendment moved:

"For the words 'Government' in lines 3 and 4 substitute the words 'Board of Revenue'."

So you want 'Board of Revenue' to be substituted for 'Government'.

The question before the House is:

"For the words 'Government' in lines 3 and 4 of Section 8 (2) substitute the words 'Board of Revenue'."

The amendment was lost.

Clause 8 was put and carried.

CLAUSE 9.

Sri PILLALAMARRI VENKATESWARLU:—Sir, I move the following amendment:

Add the following at the end of Clause 9 —

"After giving the owner an opportunity to represent in person or by any other agency."

The amendment was duly seconded.

Mr. SPEAKER:—Amendment moved:

Add the following at the end of Clause 9.

"After giving the owner an opportunity to represent in person or by any other agency."
MR. SPEAKER:—The question is:

Add the following at the end of:

"After giving the owner an opportunity to represent in person or by any other agency."

The amendment was lost.

Clause 9 was put and carried.

CLAUSE 10

Sri PILLALAMARRI VENKATESWARLU:—

I am not moving my amendment.

The amendment was, by leave of the House, withdrawn.

Sri S. VEMAYYA:—

Sir, I move the following amendment:—

"Before the words "licensing authority" insert the words "immediate superior to that of"

The amendment was duly seconded.

Mr. SPEAKER:—

Amendment moved:

"Before the words "licensing authority" insert the words "immediate superior to that of"

Mr. SPEAKER:—

The question is:

"Before the words "licensing authority" insert the words "immediate superior to that of"

The amendment was lost.

Clause 10 was put and carried.

CLAUSE 11

Mr. SPEAKER:—

Under our rules, they are bound to place all rules on the table of the House. Is it not?
30th January 1956]  

Mr. Speaker

When shall they be placed now, under the present legislation? These rules were framed long back; they were already framed.

Sri PILLALAMARRI VENKATESWARLU:— Rules they are going to frame hereafter.

Mr. SPEAKER:— You mean, rules which they shall frame hereafter.

Sri PILLALAMARRI VENKATESWARLU:—

Legally if there is no objection, I wish all those rules which were framed previously should be placed on the table of the House.

Mr. SPEAKER:—

Are we not now getting all the rules placed on the table of the House.

Sri PILLALAMARRI VENKATESWARLU:—

No, why should they?

The Hon. Sri D. SANJIVAYYA:—

In certain Acts it is said, the rules framed will be placed on the table of the House for a particular period. After that period, automatically they are approved. In certain cases, rules framed under certain Acts will have to be brought forward by a sort of motion in the House.

Mr. SPEAKER:—

In the amended rules we have framed we have provided that all rules framed under any Act shall be placed on the table of the House. But how do we get over the difficulty about the rules which are already framed. Your amendment reads thus:

‘All such rules shall be placed before the Assembly for a period of 15 days’.

Sri PILLALAMARRI VENKATESWARLU:—

అప్పుడు, ఆంధ్రప్రదేశ్ రెండు రీతుల్లో రీస్తున్న రీస్తాల పైనే నిలబడే రీస్తున్న రీస్తాల పైనే నిలబడే. అప్పుడు రీస్తున్న రీస్తాల పైనే నిలబడే రీస్తున్న రీస్తాల.
Mr. SPEAKER :—
So, shall we say, 'all such rules as will be framed hereafter.'

Sri PILLALAMARRI VENKATESWARLU :—
I have no objection; I shall accept that wording.

Mr. SPEAKER :—
Things done cannot be changed under the Constitution.
Our amended rules have not yet been adopted.
So, shall I put the amendment as it is to the House?

The Hon. Sri D. SANJIVAYYA :—
So far as the rules are concerned, I have absolutely no objection. Very often we bring them to the House by a resolution or by simply placing them on the table of the House.

Mr. SPEAKER :—
So this has been accepted by the Government. As the Hon. Minister assures you that he will place all such rules on the table of the House so your amendment need not be moved. Now, I shall put the clause as it is to the vote of the House.

The Hon. Sri D. SANJIVAYYA :—
I am not accepting the amendment moved.

Mr. SPEAKER :—
The Hon. Minister gives the assurance that he will place all rules on the table of the House.
The question is:
"Clause 11 do stand part of the Bill."
The motion was carried.
Clauses 12 and 13 were put and carried.
Clause 2 was put and carried.
Clause 1 was put and carried.
The preamble was put and carried.

The question is:
"Clause 2 do stand part of the Bill."
The motion was carried.
30th January 1956

Mr. SPEAKER :—

We come to Third Schedule.

SCHEDULE III

Mr. SPEAKER :— The question is :

"That an Act further to amend the Societies Registration Act, 1860 in its application to the State of Andhra and its clauses do stand part of the Bill."

The motion was carried.

Mr. SPEAKER :— The question is :

"That The Madras Motor Vehicles (Taxation of Passengers and Goods) (Andhra Amendment) Act, 1954 with all the clauses therein do stand part of the Bill,"

The motion was carried.

Mr. SPEAKER :— The question is :

"That an Act further to amend the Madras Entertainments Tax (Amendment) Act 1949 with all its clauses do stand part of the Bill."

The motion was carried.

Mr. SPEAKER :— The question is :

"That the Madras Tenants and Ryots Protection (Andhra Amendment) Act, 1954, An Act further to amend the Madras Tenants and Ryots Protection Act, 1949 with all its clauses do stand part of the Bill."

The motion was carried.

THE ANDHRA PRESERVATION OF PRIVATE FORESTS ACT, 1954

CLAUSE 3.

Sri V. VISWESWARA RAO :—

Sir, I move the following amendment:

Omit the words "without previous sanction of the District Collector" in sub-section (1) (a) of Section 3.

The amendment was duly seconded.

Sri V. VISWESWARA RAO :— Sir, I move the following amendment :

Omit the explanation to sub-section (1) (a) of section 3.

The amendment was duly seconded.
Sri V. VISWESWARA RAO :—
Sir, I move the following amendment:
Omit the words "without the previous permission of the District Collector" in sub-section (2) of Section 3.
The amendment was duly seconded.

Sri V. VISWESWARA RAO :—
Sir, I move the following amendment:
Omit the words 'Provided that nothing contained in this sub-section shall' in the proviso to sub-section (2) of Section 3.
The amendment was duly seconded.

Mr. SPEAKER :—
Amendments moved:
Omit the words "without previous sanction of the District Collector" in sub-section (1) (a).
Omit the explanation to sub-section (1) (a) of Section 3.
Omit the words "without the previous permission of the District Collector" in sub-section (2) of Section 3.
Omit the words "Provided that nothing contained in this sub-section shall" in the proviso to sub-section (2) of Section 3.

Sri G. YELLAMANDA REDDI —
Objects and reasons.

Mr. SPEAKER :—
There is nothing like Kudivaram and Malevaram in forests.

Sri G. YELLAMANDA REDDI :—

30th January 1956]  
[Sri G. Yellamanda Reddi

THE ANDHRA RE-ENACTING BILL, 1955

213

The Andhra Re-enacting Bill, 1955, amending the Estate Forests, Private Forests Act, 1941, includes certain amendments in the various Acts relating to Estate Forests, Private Forests, Land Lords, Forests, and Estates. The amendments include the following:

1. Amendment to mortgage clause, Section 1C of the Madras Forests Act, 1927, which provides for mortgage of forest produce.
2. Amendment to Sec. 4 of the Madras Landlord Act, 1927, which deals with the granting of mortgage by a landlord.
3. Amendment to Sec. 5 of the Madras Estates Act, 1927, which relates to the grant of mortgage by an estate owner.
4. Amendment to the Madras Forests Act, 1927, which makes provisions for the management of forest produce.

In conclusion, the amendments aim to strengthen the provisions related to the management and utilization of forest produce, ensuring that the rights and interests of various stakeholders are protected.

Sri RAJA V. V. KRISHNAMRAJU BAHADUR:—

As regards the amendments made to the Estate Forests, Private Forests Act, 1941, and the related Acts, I believe they will significantly enhance the effectiveness of forest management and the protection of forest resources. These amendments are in line with the principles of sustainable forest management and will contribute to the development of more efficient and equitable forest management systems.
Mr. SPEAKER:—

I think the matter was already before us once. It was discussed and finally the Act was adopted. We are now simply extending it. That is the purpose of the Bill.

Sri PILLALAMARRI VENKATESWARLU:—

...
30th January 1956]

[Sri Pillalamarri Venkateswarlu

The Andhra Re-Enacting Bill, 1955

Sri S. K. V. Krishnavatharam:

At this stage Mr. Deputy Speaker occupied the Chair.

Sri S. K. V. Krishnavatharam:—

(At this stage Mr. Deputy Speaker occupied the Chair)

Sri S. K. V. Krishnavatharam:—

The Andhra Re-Enacting Bill, 1955

Sri S. K. V. Krishnavatharam:—

The Andhra Re-Enacting Bill, 1955

(At this stage Mr. Deputy Speaker occupied the Chair)

Mr. SPEAKER:—

Was there any act previously? Why are you going to enact the whole Act?

The Hon. Sri. D. SANJIVAYYA:—

It was in 1954. It was anticipated that it would expire in 1956. The life of this Act extends up to 2nd December 1956.

Mr. SPEAKER:—

Then why are you enforcing all the provisions of the Act. Perhaps by extending the time you can get the whole Act.

The Hon. Sri D. SANJIVAYYA:—

It is taken for convenience. The entire Act will come on 27th.

Mr. SPEAKER:—

Originally it was enacted for a particular period. That period can be extended as you have done in the case of other Acts. Perhaps it has lapsed.
30th January 1956
The Hon. Sri D. SANJIVAYYA :-

This Act also was an Act of the President.

Mr. SPEAKER :-

Then I will put the amendments one after another to the vote of the House.

The question is :-
"Omit the words 'without previous sanction of the District Collector' in sub-section (1) (a).

The amendment was lost.

The question is :-
"Omit the explanation to sub-section (1) (a) of Section 3."

The amendment was lost.

The question is :-
"Omit the words 'without the previous permission of the District Collector' in sub-section (2) of Section 3."

The amendment was lost.

Clauses 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 were put and carried.

Clause 2 was put and carried.

Clause I.

Mr. SPEAKER :-

There is an amendment of Sri V. Visweswara Rao.

Sri V. VISWESWARA RAO :-

Sir I am not moving the amendment.

The amendment was, by leave of the House, withdrawn.

Clause 1 was put and carried.

The preamble was put and carried.
The Andhra Inam Tenants Protection Act, 1954.

Mr. SPEAKER:—

The next motion before the House is an Act to provide for the temporary protection of certain classes of tenants in the State of Andhra enacted in the Fifth Year of the Republic of India. This is an extending Act.

The motion before the House is .—

That clauses 1 to 11 do stand part of the Bill.

The motion was carried.

The preamble was put and carried.

Schedule IV was put and carried.

Clause 2 was put and carried.

Clause 3 dealing with 2nd Schedule was put and carried.

Clause 4 was put and carried.

CLAUSES OF THE BILL.

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 4 was put and carried.

CLAUSE 5.

The Hon. Sri D. SANJIVAYYA:—

Sir, I beg to move the following amendment:

For sub-clause (2) substitute the following:—“(2) Upon the expiry of the Madras Tenants and Ryots Protection Act, 1949, the Andhra Preservation of Private Forests Act, 1954 and the Andhra Inam Tenants Protection Act, 1954, on the 7th December 1957, the 2nd December 1957, and the 9th December 1957, respectively, section 8 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply as if the Acts aforesaid had then been repealed by an Andhra Act.”

Mr. SPEAKER:—

This is a formal amendment. I shall put it to the vote of the House.

The amendment was put and carried.

Clause 5, as amended, was put and carried.

Clause 6 was put and carried.
30th January 1956

CLAUSE I.

The Hon. Sri D. SANJIVAYYYA:

Sir, I beg to move the following amendment:

‘For the figures “1955” substitute the figure “1956”

Mr. SPEAKER :—

It is a formal amendment. I shall put it to the vote of the House.

The amendment was carried.

Clause 1, as amended, was put and carried.

PREAMBLE

The Hon. Sri D. SANJIVAYYA :-

Sir, I beg to move the following amendment:

“For the words ‘Sixth year’ substitute the words ‘Seventh Year’.

Mr. SPEAKER :-

This is also a formal amendment. I put it to the vote of the House.

The amendment was carried.

The preamble, as amended, was put and carried.

The Hon. Sri D. SANJIVAYYA :-

Sir, I move that the Bill be passed into Law.

Mr. SPEAKER :- Motion moved.

“That the Bill be passed into Law.”
Mr. SPEAKER:

The question is “That the Bill be passed into law”

The motion was carried and the Bill was passed into law.

III THE ANDHRA COURT FEES AND SUITS VALUATION BILL, 1955 (AS AMENDED BY THE SELECT COMMITTEE.)

Mr. SPEAKER:

I have to announce to the House that the following message dated the 28th January 1956 has been received from the Governor of Andhra.

“In pursuance of Article 207 clause (1) of the Constitution of India, I, Sri C. M. Trivedi, Governor of Andhra, hereby give my recommendation to the introduction in the Legislative Assembly of the Andhra Court Fees and Suits Valuation Bill, 1955 as amended by the Select Committee of the Andhra Legislature.”
30th January 1956

The Hon. Sri N. SANJIVA REDDI:—

Sri, I beg to move "that the Andhra Court-fees and Suits Valuation Bill, 1955 (L. A. Bill No. 29 of 1955) as reported by the Select Committee be taken into consideration."
THE ANDHRA COURT FEES AND SUITS VALUATION BILL 1955 (AS AMENDED BY THE SELECT COMMITTEE.)

Sri N. Sanjeeva Reddy

30th January 1956

The Hon'ble Mr. Justice...
Mr. SPEAKER:— The question is:

"that the Andhra Court-fees and Suits Valuation Bill, 1955 (L. A. Bill No. 29 of 1955) as reported by the Select Committee be taken into consideration."

The motion was carried.

Mr. SPEAKER:—There are no amendments. Why not we finish the Bill by this evening?
Sri D. V. SUBBARAO:— We are unprepared. We did not expect that the Bill will reach to-day.

Mr. SPEAKER:— Alright, we shall have it tomorrow and complete it in the forenoon. I am waiving notice. If any of the Hon. Members have got amendments, they may give them in the office before 11-00 a.m. tomorrow. After question hour, this Bill will be taken up. We shall try to complete it by 3 p.m. and then take up the other business.

The House then adjourned to meet at 1 p.m. on 31-1-1956,
APPENDIX

THE ANDHRA COURT-FEES AND SUITS VALUATION BILL, 1955

(L. A. Bill No. 29 of 1955)

(Report of the Select Committee with the Bill as amended.)
# CONTENTS

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>PAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Composition of the Select Committee</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Report of the Select Committee</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Bill as amended by the Select Committee</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Minutes of the sittings of the Select Committee</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Minute of Dissent</td>
<td></td>
</tr>
</tbody>
</table>

Composition of the Select Committee.

1. Sri N. Sanjeeva Reddy—Deputy Chief Minister—(Chairman).
2. Sri D. Sanjivayya—Minister for Co-operation and Commercial Taxes.
5. Sri P. Basi Reddi.
7. Sri D Kondaiah Chowdary.
8. Sri T Lakshminarayana Reddi.
10. Sri D V. Subba Rao.
11. Sri P Satyanarayana.
15. Sri M. Satyanarayana Raju.

(L. A. Bill No. 29 of 1955)

To

The Andhra Legislative Assembly,

Kurnool.

The Select Committee appointed to consider the Andhra Court-fees and Suits Valuation Bill, 1955 (L. A. Bill No. 29 of 1955), has the honour to make the following report:

The Bill was published in the Andhra Gazette Extra-ordinary, dated 28th November 1955.

2. The Committee was appointed on 6th December 1955. It met on the 30th and 31st December 1955, in the Committee Room, Assembly Buildings, Kurnool, for considering the provisions of the Bill.

3. The Committee took up for consideration of the Bill clause by clause. The following are some of the important changes made by the Select Committee:

The Committee considered it desirable to make it clear that the hearing of the suit referred to in sub-clauses (2) and (4) of clause 11 is the hearing of the suit contemplated by Order XVIII in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908).

4. After full discussion, it was decided to adopt as the basis for the levy of court-fee the full market value in the case of movable properties and three-fourths of the market value in the case of immovable properties.
5. The Committee considered that in suits for accounts, suits to
dissolution of partnership, administration suits and suits for *mesne
profits*, the mere withholding of the decree without a provision for the
summary recovery of the proper court-fee is not sufficient. Provision
has accordingly been made in clauses 32, 33, 36 and 41 for the sum-
mary recovery of the proper court-fee in those suits, whether or not a
decree is passed, payment made, etc.

6. The Committee felt that it was most inequitable to ask the
defendant in a partition suit to pay court-fee on his share of property.
The Committee agreed to delete sub-clause (3) of clause 34 accordingly.

7. The Committee considered that the proposal to levy courts
fees under the Provincial Insolvency Act, would make the creditors
lose heavily as all expenses would have to be borne by the creditors.
The Committee accordingly fixed Rupees five as proper fee for
applications and petitions under the said Act.

8. The Committee as a general principle considered that except
for copy applications, the fee in other cases should be raised to one
rupee wherever it was less than one rupee in the list of items in
Schedule II.

9. The Committee authorized the Chairman to present the
report on their behalf.

10. The Committee considered that the Bill need not be
republished.

11. Sri D V. Sūba Rao and P Satyanarayana have sent their
Dissenting Minutes which are appended to the minutes of the
meetings of the Select Committee.

12. A copy of the Bill as amended is annexed.

N. SANJEEVA REDDY,
Chairman of the Select Committee
N. B. (Portions underlined indicate amendments suggested by the Select Committee and portions omitted are shown by dots.)

A Bill to amend and consolidate the law relating to court-fees and valuation of suits in the State of Andhra.

L. A. Bill No. 29 of 1956.

(As amended by the Select Committee)

WHEREAS it is necessary and expedient to amend and consolidate the law relating to court-fees and valuation of suits in the State of Andhra,

Be it enacted in the Seventh Year of the Republic of India as follows —

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.— (1) This Act may be called the Andhra Court-fees and Suits Valuation Act, 1956.

(2) It extends to the whole of the State of Andhra.

(3) It shall come into force on such date as the State Government may, by notification in the Andhra Gazette, appoint.

2. Application of Act.— (1) The provisions of this Act shall not apply to documents presented or to be presented before an officer serving under the Central Government.

(2) The provisions of this Act relating to the levy of fee shall be subject to the provisions of any other law relating to the levy of fee in respect of proceedings under such law.

3. Definitions — In this Act, unless the context otherwise requires,—

(1) "appeal" includes a cross-objection;

(ii) "Court" means any Civil, Revenue or Criminal Court and includes a Tribunal or other authority having jurisdiction under any special or local law to decide questions affecting the rights of parties,

(iii) "prescribed" means prescribed by rules made under this Act, and
APPENDIX

30th January 1956

(iv) expressions used and not defined in this Act or in the Madras General Clauses Act, 1891 (Madras Act I of 1891), but defined in the Code of Civil Procedure, 1908 (Central Act V of 1908), shall have the meanings respectively assigned to them in the said Code.

CHAPTER II.

LIABILITY TO ANY FEE.

4 Levy of fee in Courts and public offices.— No document which is chargeable with fee under this Act shall—

(i) be filed, exhibited or recorded in, or be acted on or furnished by, any Court including the High Court, or

(ii) be filed, exhibited or recorded in any public office, or be acted on or furnished by any public officer, except on payment of the fee chargeable in respect of such document under this Act:

Provided that a document in respect of which the proper fee has not been paid may be filed or exhibited in a Criminal Court if the Court deems it necessary in the interests of justice to do so.

5 Collection of proper fee on documents — When a document on which the whole or any part of the fee payable under this Act has not been paid is produced or received in any Court or public office, the Court or the head of the office may, at any time, direct the person by whom such fee is payable to pay the fee or part thereof, as the case may be, within such time as may be fixed; and upon such payment, the document shall be dealt with as if full fee had been paid in the first instance.

6. Multifarious suits.— (1) In any suit in which separate and distinct reliefs based on the same cause of action are sought, the plaint shall be chargeable with a fee on the aggregate value of the reliefs:

Provided that if a relief sought is only ancillary to the main relief, the plaint shall be chargeable only on the value of the main relief.

(2) Where more reliefs than one based on the same cause of action are sought in the alternative in any suit, the plaint shall be chargeable with the highest of the fees leviable on the reliefs.
(3) (a) Where a suit is based on two or more distinct and different causes of action and separate reliefs are sought in respect thereof, either alternatively or cumulatively, the plaint shall be chargeable with the aggregate amount of the fees that would be chargeable on the plaintiffs under this Act if separate suits were instituted in respect of the several causes of action:

Provided that, where the causes of action in respect of reliefs claimed alternatively against the same person arise out of the same transaction, the plaint shall be chargeable only with the highest of the fees chargeable on them.

(b) Nothing in this sub-section shall be deemed to affect any power conferred upon a Court by rule 6 of Order II in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908).

(4) The provisions of this section shall apply mutatis mutandis to memoranda of appeals, applications, petitions and written statements.

Explanation.—For the purpose of this section, a suit for possession of immovable property and for mesne profits therefrom shall be deemed to be based on the same cause of action.

7. Determination of market value.—Save as otherwise provided, where the fee payable under this Act depends on the market value of any property, such value shall be determined as on the date of presentation of the plaint.

8. Set-off or counter-claim.—A written statement pleading a set-off or counter-claim shall be chargeable with fee in the same manner as a plaint.

9. Documents falling under two or more descriptions.—A document falling within two or more descriptions in this Act shall, where the fees chargeable thereunder are different, be chargeable only with the highest of such fees:

Provided that, where one of such descriptions is special and another general, the fee chargeable shall be the fee appropriate to the special description.
APPENDIX

CHAPTER III.

DETERMINATION OF FEE.

10 Statement of particulars of subject-matter of suit and plaintiff's valuation thereof.—In every suit in which the fee payable under this Act on the plaint depends on the market value of the subject-matter of the suit, the plaintiff shall file with the plaint, a statement in the prescribed form, of particulars of the subject-matter of the suit and his valuation thereof unless such particulars and the valuation are contained in the plaint.

11. Decision as to proper fee.—(1) (a) In every suit the Court shall, before ordering the plaint to be registered, decide on the allegations contained in the plaint and on the materials furnished by the plaintiff the proper fee payable thereon.

(b) The decision of the Court under clause (a) regarding the proper fee payable shall be subject to review............. .... ...from time to time as occasion requires

(2) Any defendant may plead that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient. All questions arising on such pleas shall be heard and decided before the hearing of the suit as contemplated by Order XVIII in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908). If the Court decides that the subject-matter of the suit is not properly valued or that the fee paid is not sufficient, the Court shall fix a date before which the subject-matter of the suit shall be valued in accordance with the Court's decision and the deficit fee shall be paid. If within the time allowed, the subject-matter of the suit is not valued in accordance with the Court's decision or if the deficit fee is not paid, the plaint shall be rejected and the Court shall pass such order as it deems just regarding costs of the suit.

(3) (a) A Court of Appeal, in which an appeal is filed, may, either of its own motion or on the application of any party, consider the correctness of any order passed by the lower Court regarding the fee payable on the plaint or written statement or in any other proceeding in the lower Court and determine the proper fee payable thereon.
(3) (a) Where a suit is based on two or more distinct and
different causes of action and separate reliefs are sought in respect
thereof, either alternatively or cumulatively, the plaint shall be
chargeable with the aggregate amount of the fees that would be
chargeable on the plaints under this Act if separate suits were
instituted in respect of the several causes of action:

Provided that, where the causes of action in respect of reliefs
claimed alternatively against the same person arise out of the same
transaction, the plaint shall be chargeable only with the highest of
the fees chargeable on them.

(b) Nothing in this sub-section shall be deemed to affect
any power conferred upon a Court by rule 6 of Order II in the First
Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908).

(4) The provisions of this section shall apply mutatis mutandis
to memoranda of appeals, applications, petitions and written
statements

Explanation.—For the purpose of this section, a suit for
possession of immovable property and for mesne profits therefrom
shall be deemed to be based on the same cause of action.

7. Determination of market value.—Save as otherwise provided,
where the fee payable under this Act depends on the market value of
any property, such value shall be determined as on the date of
presentation of the plaint.

8. Set-off or counter-claim.—A written statement pleading a
set-off or counter-claim shall be chargeable with fee in the same
manner as a plaint.

9 Documents falling under two or more descriptions.—A docu-
ment falling within two or more descriptions in this Act shall, where
the fees chargeable thereunder are different, be chargeable only with
the highest of such fees:

Provided that, where one of such descriptions is special and
another general, the fee chargeable shall be the fee appropriate to the
special description.
APPENDIX
30th January 1956

CHAPTER III.

DETERMINATION OF FEE.

10. Statement of particulars of subject-matter of suit and plaintiff's valuation thereof.—In every suit in which the fee payable under this Act on the plaint depends on the market value of the subject-matter of the suit, the plaintiff shall file with the plaint, a statement in the prescribed form of particulars of the subject-matter of the suit and his valuation thereof unless such particulars and the valuation are contained in the plaint.

11 Decision as to proper fee.—(1) (a) In every suit the Court shall, before ordering the plaint to be registered, decide on the allegations contained in the plaint and on the materials furnished by the plaintiff the proper fee payable thereon.

(b) The decision of the Court under clause (a) regarding the proper fee payable shall be subject to review..................from time to time as occasion requires.

(2) Any defendant may plead that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient. All questions arising on such pleas shall be heard and decided before the hearing of the suit as contemplated by Order XVIII in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908). If the Court decides that the subject-matter of the suit is not properly valued or that the fee paid is not sufficient, the Court shall fix a date before which the subject-matter of the suit shall be valued in accordance with the Court's decision and the deficit fee shall be paid. If within the time allowed, the subject-matter of the suit is not valued in accordance with the Court's decision or if the deficit fee is not paid, the plaint shall be rejected and the Court shall pass such order as it deems just regarding costs of the suit.

(3) (a) A Court of Appeal, in which an appeal is filed, may, either of its own motion or on the application of any party, consider the correctness of any order passed by the lower Court regarding the fee payable on the plaint or written statement or in any other proceeding in the lower Court and determine the proper fee payable thereon.
APPENDIX

234 30th January 1956

Explanation:— The power exercisable by a Court of Appeal under this clause shall be exercisable even if the appeal relates only to a part of the subject matter of the suit.

(b) If the Court of Appeal decides that the fee paid in the Lower Court is not sufficient, the Court shall require the party liable to pay the deficit fee within such time as may be fixed by it.

(c) If the deficit fee is not paid within the time fixed and the default is in respect of a relief which has been dismissed by the lower Court and which the appellant seeks in appeal, the appeal shall be dismissed, but if the default is in respect of a relief which has been decreed by the lower Court, the deficit fee shall be recoverable as if it were an arrear of land revenue.

(d) If the fee paid in the lower Court is in excess of the proper fee, the Court shall direct the refund of the excess to the party who is entitled to it.

(4) Any question relating to the value for the purpose of determining the jurisdiction of Courts shall be heard and decided before the hearing of the suit as contemplated by Order XVIII in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908)

12. Relinquishment of portion of claim — A plaintiff who has been required to pay additional fee may relinquish a part of his claim and apply to have the plaint so amended that the fee paid is sufficient for the claim made in the plaint as amended. The Court may allow such application on such terms as it considers just.

..................the Court may permit the plaintiff at any later stage of the suit to add to the claim the part so relinquished on payment of the additional fee.

13. Fee payable on written statements:— Where fee is payable under this Act on a written statement filed by a defendant, the provisions of section 11 shall apply to the determination and levy of the fee payable on such written statement, the defendant concerned being regarded for the said purpose as the plaintiff and the plaintiff or the
co-defendant or the third party against whom the claim is made being regarded as the defendant.

14 *Fee payable on appeals, etc.* — The provisions of sections 10 to 12 relating to the determination and levy of fee on plaints in suits shall apply *mutatis mutandis* to the determination and levy of fee in respect of a memorandum of appeal, cross-objection or other proceeding in second appeal or in an appeal under the Letters Patent.

15 *Fee payable on petitions, applications, etc.* — The provisions of sections 10 to 12 shall apply . . . . to the determination and levy of fee in respect of petitions, applications and other proceedings in Courts in the same way as they apply to the determination and levy of fee on plaints in suits

16. *Court-fee Examiners* — (1) The High Court may depute officers to be designated Court-fee Examiners to inspect the records of subordinate Courts with a view to examine the correctness of the valuation of subject-matter and sufficiency of fee in respect of proceedings in such Courts, and orders, if any, passed by the Courts in relation thereto.

(2) Questions relating to valuation of subject-matter and sufficiency of fee in respect of proceedings in a Court raised in reports submitted by such Court-fee Examiners shall be heard and decided by such Courts.

17 *Inquiry and commission* — For the purpose of deciding whether the subject-matter of a suit or other proceeding has been properly valued or whether the fee paid is sufficient, the Court may hold such inquiry as it considers necessary and may, if it thinks fit, issue a commission to any person directing him to make such local or other investigation as may be necessary and to report thereon to the Court.

18. *Notice to the State Government.* — In any inquiry relating to the fee payable on a plaint, written statement, petition, memorandum of appeal or other document, or to the valuation of the subject-matter of the claim to which the plaint, written statement, petition, memorandum of appeal or other document, relates, in so far as such valuation affects the fee payable, the Court may, if it considers it just or necessary to do so, give notice to the State Government,
and where such notice is given, the State Government shall be deemed to be a party to the suit or other proceeding as regards the determination of any question in the enquiry aforesaid and the Court's decision on such question shall, where it passes a decree or final order in such suit or proceeding, form part of such decree or final order.

CHAPTER IV.

COMPUTATION OF FEE.

19. *Fee how computed* — The fee payable under this Act shall be computed in accordance with the provisions of this Chapter, Chapter IV. Chapter VIII and Schedules I and II.

20. *Suits for money* :— In a suit for money (including a suit for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically), fee shall be computed on the amount claimed.

21. *Suits for immovable property* :— Subject to the other provisions of this Act, in a suit relating to immovable property, fee shall be computed on three-fourths of the market value of the property.

22. *Suits for maintenance and annuities* :— In the suits herein-after mentioned, fee shall be computed as follows :

(a) in a suit for maintenance, on the amount claimed to be payable for one year,

(b) in a suit for enhancement or reduction of maintenance, on the amount by which the annual maintenance sought to be enhanced or reduced;

(c) in a suit for annuities or other sums payable periodically, on five times the amount claimed to be payable for one year:

Provided that, where the annuity is payable for less than five years, the fee shall be computed on the aggregate of the sums payable.

23. *Suits for movable property* :— (1) In a suit for movable property other than documents of title, fee shall be computed—

(a) where the subject-matter has a market value, on such value; or
(b) where the subject-matter has no market value, on the amount at which the relief sought is valued in the plaint or at which such relief is valued by the Court, whichever is higher.

(2) (a) In a suit for possession of documents of title, fee shall be computed on one-fourth of the amount or of the market value of the property secured by the document where the plaintiff's title to the money or the property secured by the document is denied:

Provided that where such denial relates only to a portion of the amount or property, fee shall be computed on one-fourth of such portion of the amount or on one-fourth of the market value of such portion of the property.

(b) In a suit for possession of documents of title, where the plaintiff's title to the money or the property secured by the document is not denied, fee shall be computed on the amount at which the relief sought is valued in the plaint or at which such relief is valued by the Court, whichever is higher.

Explanation — The expression "document of title" means a document which purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, in any property.

24. Suits for declaration.— In a suit for a declaration with or without consequential relief, not falling under section 25—

(a) where the prayer is for a declaration and for possession of the property to which the declaration relates, fee shall be computed on the market value of the movable property or three-fourths of the market value of the immovable property or on rupees three hundred, whichever is higher,

(b) where the prayer is for a declaration and for consequential injunction and the relief sought is with reference to any immovable property, fee shall be computed on one-half of the market value of the property or on rupees three hundred, whichever is higher,

(c) where the prayer relates to the plaintiff's exclusive right to use, sell, print or exhibit any mark, name, book, picture, design or other thing and is based on an infringement of such exclusive right,
fee shall be computed on the amount at which the relief sought is valued in the plaint or at which such relief is valued by the Court, ... whichever is higher,

(d) in other cases, whether the subject-matter of the suit is capable of valuation or not, fee shall be computed on the amount at which the relief sought is valued in the plaint or at which such relief is valued by the Court, ... whichever is higher,

25 Adoption suits — In a suit for a declaration involving a question as to the factum or validity of an adoption, fee shall be computed on one-half of the market value of the movable and immovable property involved in, or affected by, such declaration or on rupees five hundred, whichever is higher.

26. Suits for injunction. — In a suit for injunction—

(a) where the relief sought relates to any immovable property, and where the plaintiff’s title to the property is denied, fee shall be computed on one-half of the market value of the property or on rupees two hundred, whichever is higher;

(b) where the relief sought relates to the plaintiff’s exclusive right to use, sell, print or exhibit any mark, name, book, picture, design or other thing and is based on an infringement of such exclusive right, fee shall be computed on the amount at which the relief sought is valued in the plaint or at which such relief is valued by the Court, ... whichever is higher;

(c) in any other case, whether the subject-matter of the suit has a market value or not, fee shall be computed on the amount at which the relief sought is valued in the plaint or at which such relief is valued by the Court, ... whichever is higher;

27. Suits relating to trust property. — (1) In a suit for possession or joint possession of trust property or for a declaration, with or without consequential relief, between trustees or rival claimants to the office of trustee or between a trustee and a person who has ceased to be a trustee, fee shall be computed on one-fifth of the market value of the property subject to a maximum fee of rupees two hundred or where the property has no market value, on rupees one thousand.
(2) Where the property has no market value, value for the purpose of determining the jurisdiction of Courts shall be the amount stated in the plaint.

Explanation.—For the purpose of this section, property comprised in a Hindu, Muslim or other religious or charitable endowment shall be deemed to be trust property and the manager of any such property shall be deemed to be the trustee thereof.

28 Suits for possession under the Specific Relief Act, 1877.—In a suit for possession of immovable property under section 9 of the Specific Relief Act, 1877 (Central Act I of 1877), fee shall be computed on one-half of the market value of the property or on rupees two hundred, whichever is higher.

29. Suits for possession not otherwise provided for.—In a suit for possession of immovable property not otherwise provided for, fee shall be computed on three-fourths of the market value of the property or on rupees three hundred, whichever is higher.

30 Suits relating to easements.—In a suit relating to an easement by the dominant or the servient owner, fee shall be computed on the amount at which the relief sought is valued in the plaint or at which such relief is valued by the Court, whichever is higher.

Provided that, where compensation is claimed in addition to the relief relating to such easement, fee shall be paid on the amount claimed as compensation in addition to the fee payable on the relief relating to the easement.

31. Suits relating to mortgages.—(1) In a suit to recover the money due on a mortgage, whether the sale of the mortgaged property is prayed for or not, fee shall be computed on the amount claimed.

(2) If the holder of a prior mortgage or charge impleaded as a defendant in such a suit prays in his written statement for the determination of the amount due on his mortgage or charge and for a direction in the decree for the payment of such amount to him, fee shall be payable on the written statement computed on the amount claimed:
Provided that, where the holder of the prior mortgage or charge has paid a fee in any other proceeding on the claim to which his written statement relates, credit shall be given for the fee paid by him in such other proceeding.

(3) Where, in such a suit, the mortgaged property is sold and the holder of a prior or subsequent mortgage or charge applies for payment to him, out of the sale proceeds, of the amount due on his mortgage or charge, such holder of the prior or subsequent mortgage or charge shall pay on his application a fee computed on the amount claimed by him:

Provided that, where the holder of a prior or subsequent mortgage or charge is a party to the suit in which the sale was held and has paid fee on the written statement filed by him in the suit, no fee shall be payable by him on the application for payment out of the sale proceeds

Provided further that, where the holder of a prior or subsequent mortgage or charge, not being a party to the suit in which the sale is held, has paid a fee in any other proceeding on the claim to which his application relates' credit shall be given for the fee paid by him in such other proceeding

(4) In a suit by a co-mortgagee, fee shall be computed on the amount claimed on the entire mortgage:

Provided that, where any other co-mortgagee impleaded as defendant in such suit claims on the entire mortgage a sum larger than that claimed in the plaint, the difference between the fee computed on the entire sum claimed in such defendant's written statement and the fee computed on the entire sum claimed in the plaint shall be payable on the written statement.

(5) (a) In a suit by a sub-mortgagee to recover the amount claimed on the sub-mortgage by sale of the mortgagee's interest in the mortgaged property, fee shall be computed on the amount claimed under the sub-mortgage.

(b) In a suit by a sub-mortgagee, if the prayer is for the sale of the property mortgaged to the original mortgagee and the original
mortgagor is also impleaded as a defendant, fee shall be computed on the entire amount claimed on the original mortgage which is sub-mortgaged to him.

(6) Where the holder of a prior or subsequent mortgage or charge is impleaded in a suit by a co-mortgagee to which sub-section (4) applies, or in a suit by a sub-mortgagee to which sub-section (5) applies, the provisions of sub-sections (2) and (3) shall apply mutatis mutandis to a written statement or an application filed by such holder of mortgage or charge.

(7) Where the original mortgagee who is impleaded in a suit to which the provisions of sub-section (5) (b) apply claims on the mortgage sub-mortgaged by him a larger amount than is claimed in the plaint, the provisions of sub-section (4) shall apply mutatis mutandis to the written statement of such original mortgagee.

(8) In a suit against a mortgagee for redemption of a mortgage, fee shall be computed on the amount due on the mortgage as stated in the plaint or on one-fourth of the principal amount secured under the mortgage, whichever is higher.

Provided that, where the amount due on the mortgage is found to be more than the amount on which fee has been paid by the plaintiff, no decree shall be passed until the deficit fee is paid:

Provided further that, in the case of any usufructuary or anomalous mortgagee, if the plaintiff prays for redemption as well as for accounts of surplus profits, fee shall be levied separately on the relief for accounts as in a suit for accounts.

(9) In a suit by a mortgagee to foreclose the mortgage or, in the case of a mortgage by conditional sale, to have the sale declared absolute, fee shall be computed on the amount claimed in the plaint.

32. Suits for accounts.—(1) In a suit for accounts, fee shall be computed on the amount estimated in the plaint.

(2) Where the amount payable to the plaintiff as ascertained in the suit is in excess of the amount as estimated in the plaint, no decree directing payment of the amount as so ascertained shall be passed until the difference between the fee actually paid and the ot
APPENDIX

242

30th January 1956

that would have been payable had the suit comprised the whole of the amount so ascertained, is paid.

(3) Where in any such suit it is found that any amount is payable to the defendant, no decree shall be passed in his favour until he pays the fee due on the amount.

(4) Whether or not a decree is passed under sub-section (2) or sub-section (3), the fee payable under either of the said sub-sections shall be recoverable as if it were an arrear of land revenue.

33. Suits for dissolution of partnership.—(1) In a suit for dissolution of partnership and accounts or for accounts of dissolved partnership, fee shall be computed on the value of the plaintiff’s share in the partnership as estimated by the plaintiff.

(2) If the value of the plaintiff’s share as ascertained in the suit exceeds the value as estimated in the plaint, no decree, or where there has been a preliminary decree, no final decree shall be passed in favour of the plaintiff, no payment shall be made out of the assets of the partnership and no property shall be allotted towards the plaintiff’s share, until the difference between the fee actually paid and the fee that would have been payable had the suit comprised the whole of the value so ascertained, is paid.

(3) No final decree shall be passed in favour of a defendant, no payment shall be made out of the assets of the partnership and no property shall be allotted towards his share in any such suit until the fee computed on the amount or value of his share of the assets of the partnership is paid.

(4) Whether or not a decree is passed, payment made or property allotted under sub-section (2) or sub-section (3), the fee payable under either of the said sub-sections shall be recoverable as if it were an arrear of land revenue.

34. Partition suits.—(1) In a suit for partition and separate possession of a share of joint family property or of property owned, jointly or in common, by a plaintiff who has been excluded from possession of such property, fee shall be computed on the market value of the movable property or three-fourths of the market value of the immovable property included in the plaintiff’s share.
(2) In a suit for partition and separate possession of joint family property or property owned, jointly or in common, by a plaintiff who is in joint possession of such property, fee shall be paid at the following rates:

When the plaint is presented to—

(i) a District Munsif’s Court .. Rupees fifty.

(ii) a Subordinate Judge’s Court Rupees one hundred if the value of plaintiff’s share........is less than Rs. 10,000.

Rupees two hundred if the value is not less than Rs. 10,000.

(3) Where, in a suit falling under sub-section (1) or sub-section (2), the plaintiff or the defendant seeks also cancellation of decree or other document of the nature specified in section 37, separate fee shall be payable on the relief of cancellation in the manner specified in that section.

35. **Suits for joint possession.**—In a suit for joint possession of joint family property or of property owned, jointly or in common, by a plaintiff who has been excluded from possession, fee shall be computed on the market value of the movable property or three-fourths of the market value of the immovable property included in the plaintiff’s share.

36. **Administration suits.**—(1) In a suit for the administration of an estate, fee shall be levied on the plaint at the rates specified in section 47.
(2) Where any amount or share or part of the assets of the estate is found due to the plaintiff, and the fee computed on the amount or the market value of such share or part of the assets exceeds the fee paid on the plaint, no payment shall be made and no decree directing payment of money or confirming title to such share or part of the assets shall be passed until the difference between the fee actually paid and the fee computed on the amount or value of such share or part of such assets is paid.

(3) No payment shall be made and no decree directing payment of money or confirming title to any share or part of the assets of the estate shall be passed in favour of a defendant in a suit for administration until the fee computed on the amount or value of such share or part of such assets is paid by such defendant.

(4) In computing the fee payable by a plaintiff or by a defendant under sub-section (2) or sub-section (3), credit shall be given for the fee, if any, paid by such plaintiff or by such defendant in any other proceeding in respect of the claim on the basis of which such amount or share or part of the assets of the estate becomes due to such plaintiff or to such defendant.

(5) Whether or not payment is made or decree passed under sub-section (2) or sub-section (3), the fee payable under either of the said sub-sections shall be recoverable as if it were an arrear of land revenue.

37. Suits for cancellation of decrees, etc.— (1) In a suit for cancellation of a decree for money or other property having a money value, or other document which purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest in money, movable or immovable property, fee shall be computed on the value of the subject-matter of the suit, and such value shall be deemed to be—

(a) if the whole decree or other document is sought to be cancelled, the amount or value of the property for which the decree was passed or other document was executed;
(b) if a part of the decree or other document is sought to be cancelled, such part of the amount or of the value of the property.

(2) If the decree or other document is such that the liability under it cannot be split up and the relief claimed relates only to a particular item of property belonging to the plaintiff or to the plaintiff's share in any such property, fee shall be computed on the value of such property or share or on the amount of the decree, whichever is less.

Explanation.—A suit to set aside an award shall be deemed to be a suit for cancellation of a decree within the meaning of this section.

38. **Suits to set aside attachment, etc.**—(1) In a suit to set aside an attachment by a Civil or Revenue Court of any movable or immovable property or of any interest therein or of any interest in revenue, or to set aside an order passed on an application made to set aside the attachment, fee shall be computed on the amount for which the property was attached or on one-fourth of the market value of the property attached, whichever is less.

(2) In a suit to set aside any other summary decision or order of a Civil or Revenue Court, if the subject-matter of the suit has a market value, fee shall be computed on one-fourth of such value, and in other cases, fee shall be payable at the rates specified in section 47.

Explanation.—For the purpose of this section, the Registrar of Co-operative Societies shall be deemed to be a Civil Court.

39. **Suits for specific performance.**—In a suit for specific performance, with or without possession, fee shall be payable—

(a) in the case of a contract of sale, computed on the amount of the consideration;

(b) in the case of a contract of mortgage, computed on the amount agreed to be secured by the mortgage;
(c) in the case of a contract of lease, computed on the aggregate amount of the penalty or premium, if any, and of the average of the annual rent agreed to be paid;

(d) in the case of a contract of exchange, computed on the amount of the consideration, or as the case may be, on the market value of the movable property or three-fourths of the market value of the immovable property sought to be taken in exchange;

(e) in other cases, where the consideration for the promise sought to be enforced has a market value, computed on the market value of the movable property or three-fourths of the market value of the immovable property or where such consideration has no market value, at the rates specified in section 47.

40. Suits between landlord and tenant.—(1) In the following suits between landlord and tenant, namely:—

(a) for the delivery by a tenant of the counterpart of a lease or for acceptance of patta in exchange for a muchilika;

(b) for the enhancement of rent;

(c) for the delivery by a landlord of a lease or for obtaining a patta in exchange for a muchilika;

(d) for the recovery of possession of immovable property from which a tenant has been illegally ejected by the landlord;

(e) for establishing or challenging a right of occupancy; fee shall be levied on the amount of rent for the immovable property to which the suit relates, payable for the year next before the date of presenting the plaint.

(2) In a suit for recovery of immovable property from a tenant including a tenant holding over, fee shall be computed on the premium, if any, and on the rent payable for the year next before the date of presenting the plaint.

Explanation.—Rent includes also damages for use and occupation payable by a tenant holding over.
(3) In an appeal from a suit to contest a distraint under sub-section (1) or sub-section (2) of section 95 of the Madras Estates Land Act, 1908 (Madras Act 1 of 1908), or to contest the right of sale under section 112 of that Act, fee shall be charged on the amount of the arrears for which the distraint has been made or the sale is proposed to be held.

41. Suits or mesne profits.— (1) In a suit for mesne profits or for immovable property and mesne profits therefrom, fee shall, in respect of mesne profits, be computed on the amount claimed as mesne profits. If the profits ascertained to be due to the plaintiff are in excess of the profits as claimed, no decree shall be passed until the difference between the fee actually paid and the fee that would have been payable had the suit comprised the whole of the profits so ascertained is paid.

(2) Where a decree directs an enquiry as to the mesne profits which have accrued on the property, whether prior or subsequent to the institution of the suit, no final decree shall be passed until the difference between the fee actually paid and the fee that would have been payable had the suit comprised the whole of the profits accrued due till the date of such decree is paid.

(3) Where, for a period subsequent to the date of the decree or final decree, such decree or final decree directs payment of mesne profits at a specified rate, such decree or final decree shall not be executed until the fee computed on the amount claimed in execution is paid.

(4) Whether or not a decree is passed under sub-section (1) or sub-section (2) or executed under sub-section (3), the fee payable under any of the said sub-sections, shall be recoverable as if it were an arrear of land revenue.

42. Suits under the Madras Survey and Boundaries Act, 1923.— In a suit under section 14 of the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923), fee shall be computed on one-half of the market value of the property affected by the
determination of the boundary or on rupees three hundred, whichever is higher.

43. Suits to alter or cancel entry in a register.— In a suit to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates, the fee payable shall be fifteen rupees.

44. Suits relating to public matters.— In a suit for relief under section 14 of the Religious Endowments Act, 1863 (Central Act XX of 1863), or under section 91 or section 92 of the Code of Civil Procedure, 1908 (Central Act V of 1908), the fee payable shall be fifty rupees.

45. Interpleader suits.— (1) In an interpleader suit, fee shall be payable on the plaint at the rates specified in section 47.

   (2) Where issues are framed regarding contentious of the claimants, fee shall be computed on the amount of the debt or the money or the market value of the movable property or three-fourths of the market value of the immovable property, which forms the subject-matter of the suit. In levying such fee, credit shall be given for the fee paid on the plaint; and the balance of the fee shall be paid in equal shares by the claimants who claim the debt or the sum of money or the property adversely to each other.

   (3) Value for the purpose of determining the jurisdiction of courts shall be the amount of the debt, or the sum of money or the market value of the movable property or three-fourths of the market value of the immovable property to which the suit relates.

46. Third party proceedings.— In third party proceedings, fee shall be levied on one-half of the value of the contribution or indemnity claimed against a third party or against a co-defendant if a claim is made against him:

Provided that, if the suit against the defendant who has filed the third party notice is dismissed, wholly or in part, he shall be entitled to a refund of the whole or a proportionate part of the fee paid by him.
**Explanation** — The provisions of this section shall also apply to counter-claims made in third party proceedings.

47. *Suits not otherwise provided for.* — In suits not otherwise provided for, fee shall be payable at the following rates:

When the amount or value of the subject-matter in dispute—

(i) is less than Rs. 3,000 .. .. Rupees fifty.

(ii) is not less than Rs. 3,000, but does not exceed Rs. 5,000. .. Rupees one hundred.

(iii) exceeds Rs. 5,000 but does not exceed Rs. 10,000 .. .. Rupees two hundred.

(iv) exceeds Rs. 10,000 .. .. Rupees three hundred.

48. *Fee on memorandum of appeal against order relating to compensation.* — The fee payable under this Act on a memorandum of appeal against an order relating to compensation under any Act for the time being in force for the acquisition of property for public purposes shall be computed on the difference between the amount awarded and the amount claimed by the appellant.

49. *Appeals.* — The fee payable in an appeal shall be the same as the fee that would be payable in the Court of first instance on the subject-matter of the appeal:

Provided that, in levying fee on a memorandum of appeal against a final decree by a person whose appeal against the preliminary decree passed by the Court of first instance or by the Court of appeal is pending, credit shall be given for the fee paid by such person in the appeal against the preliminary decree.

*Explanation* (1). — Whether the appeal is against the refusal of a relief or against the grant of the relief, the fee payable in the appeal shall be the same as the fee that would be payable on the relief in the Court of first instance.

*Explanation.* — (2). — Costs shall not be deemed to form part of the subject-matter of the appeal except where such costs form themselves the subject-matter of the appeal or relief is claimed as regards costs on grounds additional to, or independent of, the relief claimed regarding the main subject-matter in the suit.
Explanation (3)—In claims which include the award of interest subsequent to the institution of the suit, the interest accrued during the pendency of the suit till the date of decree shall be deemed to be part of the subject-matter of the appeal except where such interest is relinquished.

Explanation (4)—Where the relief prayed for in the appeal is different from the relief prayed for or refused in the Court of first instance, the fee payable in the appeal shall be the fee that would be payable in the Court of first instance on the relief prayed for in the appeal.

Explanation (5).—Where the market value of the subject-matter of the appeal has to be ascertained for the purpose of computing or determining the fee payable, such market value shall be ascertained as on the date of presentation of the plaint.

CHAPTER V.
VALUATION OF SUITS.

50. Suits not otherwise provided for.—(1) If no specific provision is made in this Act or in any other law regarding the value of any suit for the purpose of determining the jurisdiction of courts, value for that purpose and value for the purpose of computing the fee payable under this Act shall be the same.

(2) In a suit where fee is payable under this Act at a fixed rate, the value for the purpose of determining the jurisdiction of courts shall be the market value of the movable property or three-fourths of the market value of the immovable property or where it is not possible to estimate it at a money value the amount stated in the plaint.

51. Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes.—(1) Notwithstanding anything contained in section 99 of the Code of Civil procedure, 1908 (Central Act V of 1908), an objection that, by reason of the over-valuation or under-valuation of a suit or appeal, a Court of first instance or lower appellate Court, which had no jurisdiction with respect to the suit or appeal, exercised jurisdiction with respect thereto shall not be entertained by an appellate Court, unless—
(a) such objection was taken in the Court of first instance or before the hearing at which issues were first framed or in the lower appellate Court in the memorandum of appeal to that Court, or

(b) the appellate Court is satisfied, for reasons to be recorded by it in writing, that the suit or appeal was over-valued or under-valued and that the over-valuation or under-valuation thereof has prejudicially affected the disposal of the suit or appeal on its merits.

(2) Where such objection was taken in the manner mentioned in clause (a) of sub-section (1), but the appellate Court is not satisfied as to both the matters mentioned in clause (b) of that sub-section, it shall, if it has before it the materials necessary for the determination of the other grounds of appeal to itself, dispose of the appeal as if there had been no defect of jurisdiction in the court of first instance or lower appellate Court.

(3) Where such objection was taken in that manner and the appellate Court is satisfied as to both those matters, it shall, if those materials are not before it, proceed to deal with the appeal or remand the suit or appeal for disposal in accordance with the directions of the appellate Court.

(4) The provisions of this section with respect to an appellate Court shall, so far as may be, apply to a Court exercising revisional jurisdiction under any law for the time being in force.

CHAPTER VI

PROBATES, LETTERS OF ADMINISTRATION

AND

CERTIFICATES OF ADMINISTRATION.

52. Application for probate or letters of administration — (1) Every application for the grant of probate or letters of administration shall be accompanied by a valuation of the estate in duplicate in the Form set forth in Part I of Schedule III.

(2) On receipt of such application, the Court shall send a copy thereof and of the valuation to the Collector of the district in which the estate is situated, or if the estate is situated in more than one
APPENDIX

252 30th January 1956

district, to the Collector of the district in which the ... portion of the ... estate, the aggregate value of which is the highest is situated.

53 Levy of fee — (1) The fee chargeable for the grant of probate or letters of administration shall be calculated at the rate or rates specified in Article 6 or Schedule 1—

(a) Where the application is made within one year of the date of death of the deceased, on the market value of the estate on such date; or

(b) Where the application is made after the expiry of one year from such date, on the market value of the estate on the date of application:

Provided that no fee shall be leviable under this Chapter on any property held in trust not beneficially or with general power to confer a beneficial interest.

Explanation:—Any member of a joint Hindu family governed by the Mitakshara Law who applies for probate or letters of administration in respect of the estate of a deceased member of the joint family shall pay a fee on the value of the share in the joint property which the deceased would have received if a partition of the property had been made immediately before his death.

(2) For the purpose of the computation of fee—

(a) the value of the items mentioned in Annexure B to Part I of Schedule III shall be deducted from the value of the estate:

Provided that, when an application is made for probate or letters of administration in respect of only part of an estate, no debt no expenses connected with any funeral rites or ceremonies and no mortgage encumbrance on any part of the estate other than that in respect of which the application is made shall be deducted:

Provided further that when, after the grant of a certificate under Part X of the Indian Succession Act, 1925 (Central Act XXXIX of 1925), regarding any property included in an estate, a grant of probate or letters of administration is made in respect of the same state, the fee payable for the latter grant shall be reduced by the amount of the fee paid for the former grant;
(b) the power of appointment which the deceased had over any property or which was created under a will shall be taken into account, the value being taken to be the value of the property forming the subject-matter of the power.

54. **Grant of probate:**—(1) The grant of probate or letters of administration shall not be delayed by reason of the reference to the Collector under sub-section (2) of section 52; but the Court shall not grant probate or letters of administration unless it is satisfied that the fee chargeable under this Act has been paid on the basis of the net value of the estate as furnished in the valuation accompanying the application or in the amended valuation filed under sub-section (3) of section 56

(2) Notwithstanding anything contained in sub-section (1) the Court may, without the payment of the proper fee, grant probate or letters of administration to the Administrator-General in his official capacity on his giving an undertaking to the satisfaction of the Court that the said fee will be paid within such time as may be fixed by the Court.

55. **Relief in case of several grants:**—(1) Whenever a grant of probate or letters of administration has been made in respect of the whole of the property belonging to an estate and the full fee payable under this Act in respect of the application for such grant has been paid thereon, no fee shall be payable when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

(2) Whenever such grant has been made in respect of any property forming part of an estate, the amount of fee actually paid under this Act for such grant shall be deducted when a like grant is made in respect of the property belonging to the same estate identical with or including the property to which the former grant relates.

56. **Inquiry by the Collector:**—(1) The Collector to whom a copy of the application and of the valuation has been sent under sub-section (2) of section 52, shall examine the same and may make or cause to be made by any officer subordinate to him such inquiry, if any, as he thinks fit as to the correctness of the valuation or where a part only of the property is situated in his district, of the valuation of that part, and may require the Collector of any other district in which any part of the property is situated to furnish him with the correct valuation thereof.

(2) Any Collector required under sub-section (1) to furnish the correct valuation of any property shall comply with the requisi-
tion after making or causing to be made by any officer subordinate to him such inquiry, if any, as he thinks fit.

(3) If the Collector is of opinion that the applicant has underestimated the value of the property of the deceased, he may, if he thinks fit, require the attendance of the applicant, either in person or by his agent, and take evidence and inquire into the matter in such manner as he may think fit, and if he is still of opinion that the value of the property has been under-estimated, may require the applicant to amend the valuation, and, if the applicant for probate or letters of administration is pending in Court, to file a copy of the amended valuation in such Court.

(4) If, in any such case, the probate or letters of administration has or have been granted and the applicant amends the valuation to the satisfaction of the Collector and the Collector finds that the fee payable according to the true value of the estate has not been paid in full, he shall proceed under sub-section (4) of section 58; and if the fee paid is in excess of that payable according to the true value of the estate, the excess fee shall be refunded to the applicant.

(5) (a) If the applicant does not amend the valuation to the satisfaction of the Collector, the Collector shall move the Court to which the application for probate or letters of administration was made for holding an inquiry into the true value of the property.

(b) The Collector shall not move the Court under clause (a) after the expiry of six months from the date on which the inventory required by section 317 of the Indian Succession Act, 1925 (Central Act XXXIX of 1925), is exhibited.

57. Application to Court and powers of Court.—(1) The Court shall, when moved by the Collector under sub-section (5) of section 56, hold or cause to be held by any Court or officer subordinate to it an inquiry as to the true value at which the estate of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.

(2) For the purposes of any such inquiry the Court, or any Court or officer subordinate to it authorised by the Court to hold the inquiry, may examine the applicant on oath either in person or by commission, and may take such further evidence as may be produced to prove the true value of the estate, and where the inquiry has been entrusted to a Subordinate Court or officer, such Court or officer shall return to the Court the evidence taken and report the result of the inquiry and such report and the evidence so taken shall be evidence in the proceedings.
(3) The Court on the completion of the inquiry or on receipt of the report referred to in sub section (2) as the case may be, shall record a finding as to the true value at which the estate should have been estimated and such finding shall be final.

(4) The Court may make such order as to the costs of the inquiry as it thinks fit.

58. Provision for cases where insufficient fee has been paid.—(1) Where insufficient fee has been paid on any probate or letters of administration on account of any mistake or of want of knowledge at the time that some particular part of the estate belonged to the deceased, if any executor or administrator, acting under such probate or letters, applies to the Collector in the form set forth in Part II of Schedule III and pays within six months of the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, the difference between the fee which ought to have been paid in the first instance on such probate or letters and the fee actually paid, the Collector shall, if satisfied that insufficient fee was paid in the first instance on account of a mistake and without any intention to defraud or to delay the payment of the proper fee, cause the probate or letters to be duly stamped.

(2) If, in a case falling under such section (1), the executor or administrator does not, within the six months referred to in that sub-section, pay the deficit fee, he shall forfeit a sum equal to five times the deficit fee.

(3) If, on application being made under sub section (1), the Collector if satisfied that the application was not made within six months of the discovery of the mistake or of further effects not included in the original valuation or that the payment of insufficient fee in the first instance was not due to a bona fide mistake, he shall cause the probate or letters to be duly stamped on payment of the deficit fee together with a penalty not exceeding five times such fee.

(4) If, after the grant of probate or letters of administration of an estate, it is found by the Collector that a fee less than that payable according to the true
value of the estate has been paid, he shall cause the probate or letters to be properly stamped on payment of the deficit fee, and if he is satisfied that the original undervaluation was not bona fide, he shall levy in addition a penalty not exceeding five times the deficit fee.

(5) The Board of Revenue may remit the whole or any part of the amount forfeited under sub-section 2, or of any penalty under sub-section (3) or sub-section (4)

59. Administrator to give proper security before letters are stamped.—Where insufficient fee has been paid in the first instance on letters of administration, the Collector shall not cause the same to be duly stamped in the manner aforesaid unless the administrator has given such security to the Court granting the letters of administration as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had than been ascertained.

60. Relief when fee has been paid in excess (1) If, at any time after the grant of the probate or letters of administration of an estate, it is discovered that fee has been paid in excess of what was payable according to the true value of the estate the executor or administrator; as the case may be, may apply for a refund to the Collector to whom a copy of the valuation of the estate was sent under sub-section (2) of section 52. The application shall be accompanied by an amended valuation in the Form set forth in Part II of Schedule III together with the probate or letters of administration upon which a refund is sought.

(2) If the Collector is satisfied that the amended valuation is correct, he shall—

(i) endorse a certificate on the stamped probate or letters of administration to the effect that so much of the fee represented by the stamp or stamps used has been refunded; and,

(ii) refund the difference between the fee originally paid and that which should have been paid.
Provided that no refund shall be granted under this section unless the application for refund is made within three years of the date of the grant of the probate or letters of administration or within such further period as the Collector may allow:

Provided further that if, by reason of any legal proceedings, the debts due from the deceased have not been ascertained and paid or his effects have not been recovered and made available and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said period of three years, the Collector may allow such further time for making the claim as may appear to him to be reasonable under the circumstances,

(3) If the Collector refuses to grant a refund, the executor or administrator, as the case may be, may apply to the Board of Revenue for an order of refund. An application for such refund shall be accompanied by an amended valuation in the Form set forth in Part II of Schedule III.

61. Recovery of penalties, etc.—Any fee found to be payable by an applicant for probate or letters of administration, or by an executor or administrator, or any costs under subsection (4) of section 57 or any penalty or forfeiture payable by any such executor or administrator may on the certificate of the Board of Revenue, be recovered from the executor or administrator as if it were an arrear of land revenue.

62. Powers of Board of Revenue.—The powers and duties of the Collector under this Chapter shall be subject to the control of the Board of Revenue.

CHAPTER VII.

REFUNDS AND REMISSIONS.

63. Refund in cases of rejection of plaint. etc. for delay.—(1) Where a plaint or memorandum of appeal is rejected on the ground of delay in its representation or where the fee paid on a plaint or memorandum of appeal is insufficient and the deficit fee is not paid within the time allowed by the Court, or the delay in payment of the deficit fee is not condoned and the plaint or memorandum of appeal is consequently
rejected, the Court may, in its discretion, direct the refund to the plaintiff or the appellant, of the fee, either in whole or in part, paid on the plaint or memorandum of appeal which was rejected.

(2) Where a memorandum of appeal is rejected on the ground that it was not presented within the time allowed by the law of limitation, one half of the fee shall be refunded.

64. *Refund in cases of remand.—* (1) Where a plaint or memorandum of appeal rejected by the lower Court is ordered to be received, or where a suit is remanded in appeal for a fresh decision by the lower Court, the Court making the order or remanding the appeal may direct the refund to the appellant of the full amount of fee paid on the memorandum of appeal; and, if the remand is on second appeal, also on the memorandum of appeal in the first appellate Court, and, if the remand is in Letters Patent Appeal, also on the memorandum of second appeal and memorandum of appeal in the first appellate Court.

(2) Where an appeal is remanded in Second Appeal or Letters Patent Appeal for a fresh decision by the lower appellate Court, the High Court remanding the appeal may direct the refund to the appellant of the full amount of fee paid on the memorandum of Second Appeal if the remand is in Second Appeal, and of the full amount of fee paid on the memorandum of Second Appeal and the Memorandum of Letters Patent Appeal if the remand is in Letters Patent Appeal:

Provided that no refund shall be ordered if the remand was due to the fault of the party who would otherwise be entitled to a refund:

Provided further that, if the order of remand does not cover the whole of the subject matter of the suit, the refund shall not extend to more than so much fee as would have been originally payable on that part of the subject matter in respect whereof the suit has been remanded.

65. *Refund in cases of review—* Where an application for a review of judgment is admitted on the ground of some mistake or error apparent on the face of the record and on............rehearing, the Court reverses or
modifies its former decision on that ground, it shall direct refund to the applicant of so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under Article II (g) and (u) of Schedule II.

66. Refund of fee paid by mistake, or inadvertence.—The fee paid by mistake or inadvertence shall be ordered to be refunded.

67. Exemption of certain documents.—Nothing contained in this Act shall render the following documents chargeable with any fee:

(i) memorandum of appearance filed by advocates or pleaders when appearing for persons proceeded against in criminal cases;

(ii) application or petition to Collector or other officer making a settlement of land revenue, or to the Board of Revenue relating to matters connected with the assessment of land, or with the ascertainment of rights thereto or interest therein, if presented previous to the final confirmation of such settlement;

(iii) application for supply of water belonging to Government for irrigation;

(iv) application for leave to extend cultivation or to relinquish land when presented to an officer of land revenue by a person holding, under a direct engagement with Government, land of which revenue is settled but not permanently;

(v) application for service of notice of relinquishment of land or of enhancement of rent;

(vi) written authority to an agent to distrain;

(vii) first application other than a petition containing a criminal charge or information, for the summons of a witness or other person to give evidence or to produce a document or for the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court;

(viii) bail bonds in criminal cases other than bail bonds in village courts, recognizances to prosecute or give evidence and recognizances for personal appearance or otherwise;
(ix) petition, application, charge or information respecting any offence when presented, made or laid to or before a police officer, or to or before the heads of villages or the village police;

(x) petition by a prisoner or other person in duress or under restraint of any Court or its officer,

(xi) complaint of a public servant as defined in the Indian Penal Code (Central Act XLV of 1860) or an officer of the State Railway relating to matters arising out of, or in connexion with, the discharge of his official duty;

(xii) application for the payment of money due by the Government to the applicant, other than an application for refund of lapsed deposit made six months after the date on which the amount lapsed to the Government.

(xiii) petition of appeal against any municipal tax.

(xiv) application for compensation under any law for the time being in force relating to the acquisition of property for public purposes;

(vx) petition or appeal by a Government servant or a servant of the Court of Wards when presented to any superior officer or Government against orders of dismissal, reduction or suspension; copies of such orders filed with such appeals, and applications for obtaining; such copies.

68. Power to reduce or remit fees. — The State Government may, by notification in the Andhra Gazette, reduce or remit, in the whole or in any part of the territory of this State, all or any of the fees chargeable under this Act, and may, in like manner, cancel or vary such notification.

CHAPTER VIII.

MISCELLANEOUS.

69. Collection of fees by stamps. — All fees chargeable under this Act shall be collected in stamps.
70. **Stamps to be impressed or adhesive.**—The stamps used to denote any fee chargeable under this Act shall be impressed or adhesive or partly impressed and partly adhesive, as the State Government may, by notification in the *Andhra Gazette*, from time to time, direct.

71. **Amended document.**—Where any document which ought to bear a stamp under this Act is amended merely for correcting a mistake and making it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

72. **Cancellation of stamp.**—(1) No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

(2) The officer appointed from time to time by the Court or the head of the office shall, on receiving any such document effect forthwith such cancellation by punching out the figure head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be destroyed.

73. **Deduction to be made.** Where allowance is made in this Act for damaged or spoiled stamps, or where fee already paid is directed to be refunded to any person by an order of Court, the Collector may, on the application of the person concerned pay to him the amount of fee or where damaged or spoiled stamps are produced, he may, after satisfying himself about their genuineness, give in lieu thereof the same amount or value in stamps of the same or any other description, or if the applicant so desires, the same amount or value in money provided that in all cases where money is paid in cash, a deduction shall be made of one anna for each rupee or fraction thereof. No such deduction shall, however, be made where refund is claimed in respect of any fee paid in pursuance of an order of Court which has been varied or reversed in appeal.

74. **Penalty.** Any person appointed to sell stamps, who disobeys any rule made under this Act, and any person, not so appointed, who sells or offers for sale any stamps, shall be punishable with imprisonment
for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

75. **Power of High Court to make rules.**—(1) The High Court may make rules to provide for or regulate all or any of the following matters, namely:—

(a) the fees chargeable for serving and executing processes issued by the High Court in its appellate jurisdiction and by the Civil and Criminal Courts subordinate thereto;

(b) the remuneration of persons employed by the courts mentioned in clause 'a) in the service or execution of processes.

(c) the fixing by District and Sessions Judges and District Magistrates of the number of process-servers necessary to be employed for the service and execution of processes issued from their respective Courts and the Courts subordinate thereto;

(d) the display in each Court of a table in English and in the local language or languages showing the fees payable for the service and execution of processes.

(2) All rules made under sub-section (1) shall be subject to confirmation by the State Government with or without modification and on such confirmation they shall be published in the *Andhra Gazette* and shall thereupon have effect as if enacted in this Act,

76 **Power of Board of Revenue to make rules.**—(1) The Board of Revenue may, with the previous sanction of the State Government, make rules consistent with this Act to provide for or regulate all or any of the following matters, namely:—

(a) the fees chargeable for serving and executing processes issued by the Board of Revenue and by the Revenue courts;

(b) the remuneration of persons employed for the service and execution of such processes;

(c) the fixing by Collectors of the number of persons necessary to be employed for the service and execution of such processes;
(d) the guidance of Collectors in the exercise of their powers under Chapter VI;

(e) the supply of stamps to be used under this Act;

(f) the number of stamps to be used for denoting any fee chargeable under this Act;

(g) the keeping of accounts of all stamps used under this Act;

(h) the circumstances in which stamps may be held to be damaged or spoiled;

(i) the circumstances in which, the manner in which, and the authorities by which, allowance for used, damaged or spoiled stamps may be made;

(j) the regulation of the sale of stamps to be used under this Act, the persons by whom alone such stamps may be sold and the duties and remuneration of such persons.

Provided that, in the case of stamps used in the High Court, such rules shall be made with the concurrence of the Chief Justice.

(2) All rules made under this section shall be published in the Andhra Gazette and on such publication, shall have effect as if enacted in this Act.

77. Power of Government to make rules:—(1) The State Government may, by notification in the Andhra Gazette, make rules to carry out generally the purposes of this Act.

(2) All notifications and rules made under this section shall, as soon as may be, after they are made, be placed on the table of the Legislative Assembly for fifteen days, and shall be subject to such modification, whether by way of repeal or amendment, as the Legislative Assembly may make during the session in which they are so laid.

78. Continuance in force of existing rules.—Until rules are framed under sections 75, 76 and 77 and until notifications are issued under section 68, the rules and notifications now in force in respect of matters referred to in those sections, shall, in so far as they are not inconsistent with this Act, continue in force.
79. *Repeal and saving.*—(1) The Court-fees Act, 1870 (Central Act VII of 1870), in its application to the State of Andhra and in relation to the fees and stamps other than fees and stamps relating to documents presented or to be presented before an officer serving under the Central Government and the Suits Valuation Act, 1887 (Central Act VII of 1887), in its application to the State of Andhra are hereby repealed.

(2) All suits and proceedings instituted before the commencement of this Act and all proceedings by way of appeal, revision or otherwise arising therefrom, whether instituted before or after such commencement, shall, notwithstanding the repeal of the Court fees Act, 1870 (Central Act VII of 1870), and the Suits Valuation Act, 1887 (Central Act VII of 1887), be governed by the provisions of the said Acts and the rules made thereunder.

**SCHEDULE I.**

(See section 19.)

**AD VALOREM FEES.**

<table>
<thead>
<tr>
<th>Article</th>
<th>Particulars</th>
<th>Proper fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (a)</td>
<td>Plaint or written statement pleading a set-off or counter-claim in any suit of the nature cognizable by Courts of Small Causes, when the amount or value of the subject-matter does not exceed five hundred rupees if the suit is actually filed and tried as a small cause suit—</td>
<td></td>
</tr>
</tbody>
</table>

When the amount or value of the subject-matter in dispute—

(i) does not exceed one hundred rupees, for every five rupees or part thereof, Six annas,

(ii) exceed one hundred rupees, but does not exceed five hundred rupees, for every ten rupees or part thereof, in excess of one hundred rupees— Twelve annas

(b) Plaint or written statement pleading a set-off or counter-claim in any suit of the nature cognizable by Courts of Small Causes, when the amount or value of the subject-matter exceeds five hundred rupees but does not exceed one thousand rupees—
### SCHEDULE 1—cont

<table>
<thead>
<tr>
<th>Article.</th>
<th>Particulars.</th>
<th>Proper fee.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) (b)—cont.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

When the amount or value of the subject-matter in dispute—

(i) does not exceed one hundred rupees, for every five rupees or part thereof.

(ii) exceeds one hundred rupees, but does not exceed one thousand rupees, for every ten rupees or part thereof, in excess of one hundred rupees.

(c) Plaint or written statement pleading a set-off or counter-claim or memorandum of appeal presented to any Court—

When the amount or value of the subject-matter in dispute—

(i) does not exceed one hundred rupees, for every five rupees or part thereof.

(ii) exceeds one hundred rupees, but does not exceed one thousand rupees, for every ten rupees or part thereof, in excess of one hundred rupees.

(iii) exceeds one thousand rupees, but does not exceed ten thousand rupees, for every one hundred rupee or part thereof, in excess of one thousand rupees.

(iv) exceeds ten thousand rupees but does not exceed twenty thousand rupees, for every five hundred rupees or part thereof, in excess of ten thousand rupees.

(v) exceeds twenty thousand rupees, but does not exceed thirty thousand rupees, for every one thousand rupees or part thereof, in excess of twenty thousand rupees.

(vi) exceeds thirty thousand rupees, but does not exceed fifty thousand rupees, for every two thousand rupees or part thereof, in excess of thirty thousand rupees.

Nine annas.

One rupee two annas.

Nine annas.

One rupee two annas.

Seven rupees eight annas.

Thirty rupees

Forty rupees.

Sixty rupees.
<table>
<thead>
<tr>
<th>Article</th>
<th>Particulars</th>
<th>Proper fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (c)—cont.</td>
<td>(vii) exceeds fifty thousand rupees, but does not exceed one lakh rupees, for every four thousand rupees or part thereof, in excess of fifty thousand rupees.</td>
<td>Eighty rupee.</td>
</tr>
<tr>
<td></td>
<td>(viii) exceeds one lakh rupees, for every ten thousand rupees or part thereof, in excess of one lakh rupees.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>2 (a)</td>
<td>Application under section 26 of the Provincial Insolvency Act, 1920, or under section 95 of the Code of Civil Procedure, 1908.</td>
<td>Five rupees.</td>
</tr>
<tr>
<td></td>
<td>Appeal against order on an application falling under clause (a).</td>
<td>Five rupees.</td>
</tr>
<tr>
<td>3 (a)</td>
<td>Petition under Section 53 or 54 of the Provincial Insolvency Act, 1920.</td>
<td>Five rupees.</td>
</tr>
<tr>
<td></td>
<td>Appeal against order on a petition falling under clause (a), whether by the Official Receiver or by the unsuccessful party.</td>
<td>Five rupees.</td>
</tr>
<tr>
<td>4</td>
<td>Memorandum of appeal against order in proceeding under the Indian Succession Act, 1925.</td>
<td>An amount of one-half the scale of fee specified in article 1 on the amount or value of the subject-matter.</td>
</tr>
<tr>
<td>5.</td>
<td>Application for review of Judgement.</td>
<td>One-half of the fee payable on the plaint or memorandum of appeal comprising the relief sought in the application for review.</td>
</tr>
</tbody>
</table>
SCHEDULE 1—cont.

Article. | Particulars. | Proper fee.
---|---|---
6 Probate of a will or letters of administration with or without will annexed—

When the amount or value of the estate in respect of which the grant of probate or letters is made exceeds one thousand rupees, but does not exceed five thousand rupees,

When such amount or value exceeds five thousand rupees, but does not exceed fifty thousand rupees,

When such amount or value exceeds fifty thousand rupees, but does not exceed one lakh rupees,

When such amount or value exceeds one lakh rupees.

7 Certificate under the Indian Succession Act, 1925—

Where the amount or value of the debt or security or the aggregate amount or value of the debts and securities specified in the certificate—

(i) does not exceed five thousand rupees

(ii) exceeds five thousand rupees, but does not exceed twenty-five thousand rupees,

(iii) exceeds twenty-five thousand rupees, but does not exceed fifty thousand rupees.

(iv) exceeds fifty thousand rupees, but does not exceed one lakh rupees.

(v) exceeds one lakh rupees.

Two per centum on such amount or value.

Three per centum on such amount or value.

Four per centum on such amount or value.

Five per centum on such amount or value.

Six per centum on such amount or value.

Explanation 1.—Where a certificate is extended under section 376 of the Indian Succession Act, 1925, fee shall be computed on the amount for which a certificate is sought to be extended and the amount for which a certificate or certificates has or have already been issued at one and a half times the rates specified above, credit being given for the fee already paid.
SCHEDULE 1—cont.

Explanation II.—The amount of a debt includes interest on the day on which the inclusion of the debt in the certificate is applied for so far as such amount can be ascertained.

Explanation III—(a) Where any power with respect to a security specified in a certificate for the receiving of interest or dividends on, or for the negotiation or transfer of, the security, or for both purposes, is conferred,

(b) Where no such power is conferred,

in either of the cases mentioned above, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, as so for such value can be ascertained.

SCHEDULE II,

(See section 19.)

<table>
<thead>
<tr>
<th>Article.</th>
<th>Particulars.</th>
<th>Proper fee.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>Petition in a suit under the Converts' Marriage Dissolution Act, 1866</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>(ii)</td>
<td>Petition, plaint or memorandum of appeal when presented to a Court under the Dissolution of Muslim Marriages Act, 1939.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>(iii)</td>
<td>Petition under the Indian Divorce Act, excluding petition under section 44 of the Act, and every memorandum of appeal under section 55 of that Act.</td>
<td>Thirty rupees</td>
</tr>
<tr>
<td>(iv)</td>
<td>Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1936, or a counter-claim made under section 37 of that Act.</td>
<td>Thirty rupees</td>
</tr>
<tr>
<td>(v)</td>
<td>Plaint or memorandum of appeal in a suit under the Indian Colonial Divorce Jurisdiction Act, 1926.</td>
<td>Fifty rupees</td>
</tr>
<tr>
<td>(vi)</td>
<td>Petition or memorandum of appeal under the Special Marriage Act, 1954.</td>
<td>Thirty rupees</td>
</tr>
<tr>
<td>(vii)</td>
<td>Petition or memorandum of appeal under the Hindu Marriage Act, 1955.</td>
<td>Ten rupees.</td>
</tr>
</tbody>
</table>

Explanation —If, in a suit falling under any of these clauses, there is a specific claim for damages, separate fee at the rates specified in Article 1 of Schedule I shall be charged on the amount of damages claimed.

2 Undertaking under section 49 of the Indian Divorce Act, 1869. One rupee.

3 Memorandum of appeal from an order inclusive of an order determining any question under section 47 or section 144 of the Code of Civil
<table>
<thead>
<tr>
<th>Article.</th>
<th>Particulars.</th>
<th>Proper fee.</th>
</tr>
</thead>
</table>
| 3—cont.  | Procedure, 1908, and not otherwise provided for when presented—  
(i) to any Court other than the High Court or to any Executive Officer other than the Board of Revenue or Chief Executive Authority.  
(ii) to the Board of Revenue or Chief Executive Authority.  
(iii) to the High Court—  
(A) From an order other than an order under the Madras Agriculturists' Relief Act, 1938—  
(1) Where the order was passed by a Subordinate Court or other authority—  
(a) If the order relates to a suit or proceeding, the value of which exceeds one thousand rupees  
(b) In any other case  
(2) Where the appeal is under clause 15 of the Letters Patent—  
(a) From an order passed in exercise of appellate jurisdiction  
(b) In any other case  
(3) Where the appeal is under section 45-B of the Banking Companies Act, 1949.  
(B) From an order under the Madras Agriculturists' Relief Act, 1938.  
(iv) to the Government in pursuance of a statutory right to appeal for which no court-fee is leviable under any enactment—  
(Memorandum of appeal under section 39 of the Arbitration Act, 1940, where the appeal is from an order of a District Munsifs' Court or an order of a superior Court in a case where—  
(a) the value for jurisdiction does not exceed Rs. 2,000  
(b) such value exceeds Rs. 2,000, but does not exceed Rs. 5,000.  
(c) such value exceeds Rs. 5,000, but does not exceed Rs. 20,000.  
(d) such value exceeds Rs. 20,000. | Three rupees.  
Five rupees  
Ten rupees—  
Five rupees  
Ten rupees.  
One hundred rupees  
One hundred rupees  
Two rupees.  
Five rupees.  
Fifteen rupees.  
Twenty-five rupees.  
One hundred rupees.  
Two hundred rupees. |
<table>
<thead>
<tr>
<th>Article</th>
<th>Particulars</th>
<th>Proper fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Copy or translation of a judgement or order not being a decree or having the force of a decree— When such judgement or order is passed by any Civil Court other than the High Court or by the Presiding Officer of any Revenue Court or Office or by any other Court or Judicial or executive authority,</td>
<td>One rupee</td>
</tr>
<tr>
<td></td>
<td>When such judgement or order is passed by the High Court</td>
<td>Two rupees</td>
</tr>
<tr>
<td>6</td>
<td>Copy or translation of a Judgement or order of a Criminal Court</td>
<td>One rupee</td>
</tr>
<tr>
<td>7</td>
<td>Copy of a decree or order having the force of a decree— When such decree or order is made by any Court other than the High 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 rupees;</td>
<td>Two rupees, Five rupees</td>
</tr>
<tr>
<td></td>
<td>(b) If such amount or value exceeds fifty rupees. When such decree or order is made by the High Court.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Copy of any document liable to stamp duty under the Indian Stamp Act, 1899, when substituted 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 eight annas:</td>
<td>The amount of the duty chargeable on the original, One rupee</td>
</tr>
<tr>
<td></td>
<td>(b) In any other case ... ... ...</td>
<td>One rupee</td>
</tr>
<tr>
<td>9</td>
<td>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 Court or office of any public Officer— For every three hundred and sixty words or fraction of three hundred and sixty words:</td>
<td>One rupee</td>
</tr>
<tr>
<td>Article</td>
<td>Particulars</td>
<td>Proper fee</td>
</tr>
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</tr>
<tr>
<td>10 (a)</td>
<td>Application or petition 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.</td>
<td>One rupee</td>
</tr>
<tr>
<td>(b)</td>
<td>Application or petition presented to any officer of land revenue relating to the grant of land on darkhast.</td>
<td>One rupee</td>
</tr>
<tr>
<td>(c)</td>
<td>Application to a collector for lease of land for agricultural or non-agricultural purposes.</td>
<td>One rupee</td>
</tr>
<tr>
<td>(d)</td>
<td>Application or petition presented to any Executive Officer under any Act 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.</td>
<td>One rupee</td>
</tr>
<tr>
<td>(e)</td>
<td>Application or petition presented to any board or Executive Officer for a copy or translation of any order passed by such board or Officer or of any other document on record in such office.</td>
<td>One rupee</td>
</tr>
<tr>
<td>(f)</td>
<td>Application to a forest Officer by a forest contractor for extension of the period of lease—</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) if the value of the subject-matter of the lease is Rs. 5,000 or less;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ii) if such value exceeds Rs 5,000, for every Rs. 1,000 or part thereof, in excess of Rs. 5,000.</td>
<td></td>
</tr>
<tr>
<td>(g)</td>
<td>Application for attestation of private documents intended to be used outside India.</td>
<td></td>
</tr>
<tr>
<td>(h)</td>
<td>Application for lapsed deposit presented after six months after the date on which the amount lapsed to the Government.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) when the amount or deposit does not exceed Rs. 1,000;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ii) when it exceeds Rs. 1,000 ...</td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>Application or petition presented to the Government and not otherwise provided for—</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) which involves the exercise or nonexercise of power conferred by law or rule having the force of law;</td>
<td>Two rupees</td>
</tr>
</tbody>
</table>
SCHEDULE II—con.

<table>
<thead>
<tr>
<th>Article.</th>
<th>Particulars.</th>
<th>Proper fee.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(10)</td>
<td>(i) in other cases</td>
<td>One rupee</td>
</tr>
<tr>
<td></td>
<td>Application or petition presented to the Board of Revenue or Chief Executive Authority and not otherwise provided for—</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) which involves the exercise or non-exercising of power conferred by law or rule having the force of law;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ii) in other cases</td>
<td>Two rupees</td>
</tr>
<tr>
<td>(j)</td>
<td>Application or petition not falling under clause (i) or (j) and presented to a public officer or in a public office and not otherwise provided for.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>One rupee</td>
</tr>
<tr>
<td>11</td>
<td>Application or petition presented to any Court for a copy or translation of any judgement, decree or any proceeding of, or order passed by, such Court or of any other document on record in such Court.</td>
<td>Four annas</td>
</tr>
<tr>
<td></td>
<td>Application or petition presented to any Civil Court other than a Principal Civil Court of Original Jurisdiction or to any Court of small Causes constituted under the Provincial Small Cause Courts Act, 1887, 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 Rs. 50.</td>
<td>Four annas</td>
</tr>
<tr>
<td></td>
<td>Application to any Court that records may be called 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.</td>
<td>One rupee in addition to the fee leviable on the application</td>
</tr>
<tr>
<td></td>
<td>Application for permission to deposit revenue or rent either in the office of the Collector or in the Court.</td>
<td>One rupee</td>
</tr>
<tr>
<td></td>
<td>Application or petition presented to a Court for determination of the amount of Compensation to be paid by a landlord to his tenant.</td>
<td>One rupee</td>
</tr>
</tbody>
</table>
SCHEDULE II—cont.

<table>
<thead>
<tr>
<th>Article.</th>
<th>Particulars.</th>
<th>Proper fee.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11—cont.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(f) A written complaint or charge of any offence other than an offence for which a Police officer may, under the Code of Criminal Procedure, 1898, arrest without warrant and presented to any Criminal Court and an oral complaint of any such offence reduced to writing under the Code of Criminal Procedure, 1898.

(g) Application or petition presented to any Court, or to any Magistrate in his executive capacity and not otherwise provided for in this Act.

(h) Application for arrest or attachment before judgment or for temporary injunction—

(i) when presented to a Civil Court or Revenue Court other than the High Court in relation to any suit or proceeding—

(1) if the value of the subject-matter is less than Rs. 50;

(2) if the value is Rs. 50 and above;

(ii) when presented to the High Court.

(i) Application or petition under section 47 and Order XXI, rules 58 and 90 of the Code of Civil Procedure, 1908—

(i) when filed in a Revenue Court or a District Munsif's Court;

(ii) when filed in a Subordinate Judge's Court or a District Court;

(iii) when filed in the High Court.

(j) Application or petition under sections 34, 72-73 and 74 of the Indian Trusts Act, 1882.

(k) (i) Application for probate or letters of administration to have effect throughout India.

(ii) Application for probate or letters of administration not falling under clause (i)—

(1) if the value of the estate does not exceed Rs. 1,000;

(2) if the value exceeds Rs. 1,000;

Provided that if a caveat is entered and the application is registered as a suit, one half the scale of fee specified in Article I of Schedule I on the market value of the estate less the fee already paid on the application shall be levied.
SCHEDULE II—cont.

Article.  

Particulars.  

Proper fee.  

(1) Original petitions not otherwise provided for when filed in—  

(i) a District Munsifs Court—  

(1) under the Madras Village Courts Act, 1888  

(2) in other cases  

(ii) a Subordinate Judge’s Court or a District Court  

(iii) the High Court  

(2) Application to set aside an award under the Arbitration Act, 1940—  

(i) when presented to a District Munsifs Court—  

(1) if the value of the subject-matter of the award does not exceed Rs 2,000;  

(2) if such value exceeds Rs 2,000.  

(ii) when presented to a Subordinate Judge’s Court, a District Court or the High Court—  

(1) if such value does not exceed Rs. 10,000.  

(2) if such value exceeds Rs. 10,000, but does not exceed Rs. 25,000.  

(3) if such value exceeds Rs. 25,000.  

(3) Application under section 14 or section 20 of the Arbitration Act, 1940, for a direction for filing an award or for an order for filing an agreement and application for enforcing foreign awards—  

(i) when presented to a District Munsifs Court.  

(ii) when presented to a Subordinate Judge’s Court, a District Court or the High Court—  

(1) if the value of the subject matter of the award does not exceed Rs. 5,000;  

(2) if such value exceeds Rs. 5,000, but does not exceed Rs. 10,000.  

(3) if such value exceeds Rs. 10,000.  

(4) Petition to the High Court for the admission of an Advocate, Attorney or Vakil.  

(5) Application presented to the High Court under section 24 of the Press (Objectionable Matter, Act, 1951.
SCHEDULE II—cont.

<table>
<thead>
<tr>
<th>Article</th>
<th>Particulars</th>
<th>Proper fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>11—cont.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Revision petition presented to the High Court under section 115 of the Code of Civil Procedure, 1908, or under section 25 of the Provincial Small Cause Courts Act, 1887, or under the provisions of any other Act, arising out of a suit or proceeding—

(i) if the value of the suit or proceeding to which the order sought to be revised relates does not exceed Rs. 1,000,

(ii) if such value exceeds Rs. 1,000

Petition under section 153, 166 and 221 of the Indian Companies Act, 1913, in connection with the winding up of a company.

Petition to the High Court under Article 226 of the Constitution for a writ other than the writ of Habeas Corpus or a petition under Article 227 of the Constitution.

Application under section 45 of the Specific Relief Act, 1887.

Application or petition presented to the High Court and not otherwise specifically provided for.

Election petition questioning the election of a person in respect of—

(i) the office of member of a panchayat;

(ii) the office of president of a panchayat;

(iii) the office of member of a municipal council or a district board;

(iv) the office of chairman of a municipality or president of a district board

Application under section 145 of the Code of Criminal Procedure, 1898.

Application for leave to use as a pauper—

(i) when presented to a District Court or a Subordinate Judge's Court;

(ii) when presented to the High Court

Bail bond or other instrument of obligation when filed in village courts

(i) when given in pursuance of an order made by a court or magistrate under any section or the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908, and not otherwise provided for in this Act.
SCHEDULE II—cont.

**Article.** | **Particulars:** | **Proper fee.**
---|---|---
(1) | Every copy of power-of attorney when filed in any suit or proceeding: | One rupee.
(2) | Mukhtarnama, Vakalatnama or any paper signed by an advocate signifying or intimating that he is retained for a party,— | Two rupees.
(3) | when presented— | Three rupees.
(i) | to any Court other than the High Court or to any Collector or Magistrate or other executive officer; | Five rupees.
(ii) | to the Board of Revenue or a Chief Executive Authority, | Five rupees.
(iii) | to the High Court | Fifteen rupees.
(iv) | to the Government | One hundred rupees.
(17) | Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908— | Ten rupees.
(i) | when presented to a District Munsif's Court, | Fifteen rupees.
(ii) | in any other case | One hundred rupees.
(18) | Caveat | Ten rupees.

SCHEDULE III

**PART 1.**

(See Sections 52 and 53).

**Form of Valuation** (to be used with such modifications, if any, as may be necessary) of Estate.

**IN THE COURT OF**

**RE: PROBATE OF THE WILL OF** | (OR ADMINISTRATION OF THE ESTATE OF ) | **DECEASED.**

1. I (A. B.) , solemnly affirm/make oath and say that I am the executor (or one of the executors or one of the next of kin) of deceased, and that I have truly set forth in Annexure A to this Form of Valuation all the estate of which the above-named deceased died possessed or to which he was entitled at the time of his death, and which has come, or is likely to come to my hands.

2. I further say that I have also truly set forth in Annexure B to this Form of Valuation all the items which I am by law allowed to deduct.
30th January 1956

SCHEDULE III

PART I.

(See sections 52 and 53).

Form of Valuation (to be used with such modifications, if any, as may be necessary) of Estate.

IN THE COURT OF

Re. Probate of the Will of (or Administration of the Estate of ), Deceased.

1. I (A. B.), solemnly affirm/make oath and say that I am the executor (or one of the executors or one of the next-of-kin) of deceased, and that I have truly set forth in Annexure A to this Form of Valuation all the estate of which the above named deceased died possessed or to which he was entitled at the time of his death, and which has come, or is likely to come, to my hands.

2. I further say that I have also truly set forth in Annexure B to this Form of Valuation all the items which I am by law allowed to deduct.

3. I further declare that the said estate exclusive only of the last-mentioned items—

was on the date of the death of the said deceased

under the value of

4. I (A. B.) further declare that what is stated in this Form of Valuation is true to the best of my information and belief.

(Signed) ——— A.B.

*This form to be used where the application is made after one year from the date of the death.
ANNEXURE A.

Valuation of the movable and immovable property of deceased.

Cash in hand and at the bank, household goods, wearing apparel, books, plate, jewels and the like.

(State estimated value according to best of Executor's or Administrator's belief).

Property in Government securities transferable at the Public Debt Office.

(State description and value on the date of the death of the deceased or on the date of the application, as the case may be.)

Immovable property, consisting of ...

(State description and market value on the date of the death of the deceased or on the date of the application, as the case may be).

Leasehold property ...

(If the deceased held any leases for years determinable, state the period of the lease and the estimated amount of rent inserting separately arrears due on the date of the death or on the date of the application as the case may be).

Property in public companies ...

(State the particulars and the value calculated at the price on the date of the death or on the date of the application, as the case may be).

Policies of insurance upon life, money out on mortgages and other securities, such as bonds, bills, notes and other securities for money.

(State the amount of the whole on the date of the death or on the date of the application as the case may be).

Debts ...

(other than bad debts).

Stock in trade

(State the estimated value, if any).

Other property not comprised under the foregoing heads ...

(State the estimated value, if any).

Total..

———

———
APPENDIX

SCHEDULE III—cont.

PART I—cont.

ANNEXURE A—cont.

Rs A. P.

Deduct items shown in Annexure B in the manner provided in sub-section (2) of section 53

Net Value of the Estate...

ANNEXURE B.

SCHEDULE OF DEBTS, ETC.

Amount of debts due and owing from the deceased, legally payable out of the estate

Amount of expenses connected with funeral rites and ceremonies

Amount of mortgage and incumbrances

Property held in trust not beneficially or with general power to confer a beneficial interest

Other property not subject to duty

Total

PART II.

AMENDED FORM OF VALUATION OF ESTATE
(See sections 58 and 60)

IN THE COURT OF

RE: PROBATE OF THE WILL OF (OR ADMINISTRATION OF THE ESTATE OF ), DECEASED.

1. I (A. B.) am the executor (or one of the executors or one of the next-of-kin, as the case may be) of

2. Probate was (or letters of administration were) granted to me on

3. It has now been discovered that the net value of the estate on which court-fee was paid was not correctly ascertained.
30th January 1956

SCHEDULE III—cont.

PART II—cont.

4. I have now truly set forth in Annexure A to the amended Form of the Valuation all the estate of the deceased at the date of the application which has come or is likely to come to my hands.

5. I further have now truly set forth in Annexure B all the items which I am by law allowed to deduct.

6. I further declare that the said estate, exclusive only of the last-mentioned items, at the date of under the this application is value of

7. I (A. B.) further declare that what is stated in this amended Form of Valuation is true to the best of my information and belief.

(Signed) A.B.

ANNEXURE A.

AMENDED VALUATION OF THE ESTATE OF DECEASED.

<table>
<thead>
<tr>
<th>Valuation on which court-fee was paid</th>
<th>Increase</th>
<th>Decrease</th>
<th>Valuation as now amended</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Deduct items shown in Annexure B in the manner provided in sub-section (2) of section 53.

Amended net value of estate...

ANNEXURE B.

AMENDED SCHEDULE OF DEBTS, ETC.

<table>
<thead>
<tr>
<th>Valuation on which court-fee was paid</th>
<th>Increase</th>
<th>Decrease</th>
<th>Valuation as now amended</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
Assembly Buildings Kurnool, 12th January 1956.

G. V. CHOWDARY,
Secretary to the State Legislature.

(L. A Bill No. 29 of 1955.)

(As approved by the Chairman.)

FIRST SITTING

The Select Committee on the Andhra Court-fees and Suits Valuation Bill, 1955, met in the Committee Room, Assembly Buildings, Kurnool at 11 a.m., on Friday, the 30th December 1955. The following members were present:

1. Sri N. Sanjiva Reddy—Deputy Chief Minister—(Chairman).
2. Sri D. Sanjivayya—(Minister for Co-operation and Commercial Taxes).
5. Sri G. Venkatareddy Naidu.
7. Sri T. Lakshminarayana Reddy.
9. Sri B. Satyanarayana.
10. Sri S. Ranganatha Mudaliar.
11. Sri B. V. Subba Reddy

Secretariat.

Sri D. Suryanarayanaswamy, Draftsman to Government, Law Department.

Sri N. Ramesan, Deputy Secretary to Government, Home Department.

Sri V. A. Venkatachalapathy, Assistant Secretary to Government, Law Department.

Legislature.

Sri M. Surya Rao, Deputy Secretary to the State Legislature.

Sri A. Bhagavantha Rao drew the attention of the Committee to the fact that the Law Commission at Delhi is at present engaged in recodifying the Law and so it would not be proper for the Select Committee to effect any change now. The Chairman
replied that the present Bill is only an enactment embodying the several decisions of Courts with respect to Court-fees Act and Suits Valuation Act. If the question of change in Law arose in the course of discussion of the several clauses of the Bill, the Committee could then deal with it suitably. In the present Bill, an attempt has been made to increase the court-fees on a general level with the price level.

Sri A. Bhagavantha Rao wanted to know the basis for the several changes proposed in the Bill.

The Chairman said that the changes are based on the recommendations of the Satyamurti Committee and of the High Court. He assured that the basis for the several changes, would be mentioned during the course of discussion of the Bill clause by clause. Sri G. Venkatareddi Naidu cautioned the Committee that in recasting the Bill, the salient point should be borne in mind, viz, justice must be made cheap and speedy. The Chairman replied that it should not be made so cheap as to encourage litigation.

The Committee then took up the consideration of the Bill clause by clause.

CHAPTER I.
PRELIMINARY.
Clause 1 (3)

Sri Ayyapu Reddi wanted that the notification in the Andhra Gazette should be made in consultation with the High Court. It was explained that there was no need to embody that provision in the Bill as the High Court is always consulted before it is notified in the Gazette.

Clause 1 was adopted.

Clauses 2 and 3 were adopted without discussion.

CHAPTER II.
LIABILITY TO PAY FEE.
Clause 4.

Clause 4 was adopted.

Clause 5.

Sri S. Ranganatha Mudaliar suggested that the words 'Inadvertently received' may be substituted for the word
30th January 1956

'Received.' It was explained that it is deliberately omitted as the word 'received' covers inadvertently or otherwise. The word 'received' is an improvement on the Madras Act.

Clause 5 was adopted.

**Clause 6**

It was explained how the clause is an improvement of section 17 of the old Act and that 'cause of action' has been substituted for 'subjects.' The basis for the change is the High Court's decision in 67 M. L. J., 151. Sri Ayyapu Reddy wanted that the words 'mesne profits' should be clarified by adding the word 'thereon' after the words 'mesne profits.' Opinion was agreed to add the word 'therefrom' after the words 'mesne profits' in the explanation to sub-clause (4).

Clause 6 was adopted.

Clause 7 and 8 were approved without discussion.

**Clause 9.**

It was explained that this is a new provision; it did not exist in the old Act and it is based on section 6 of the Stamp Act. It was copied from the Madras Act.

Sri S. Ranganatha Mudaliar wanted to know the significance of the words 'special and general description.' It was explained taking an adoption deed, as an illustration, containing general conditions and special conditions, and a mortgage bond being a mortgage bond as well as a bond.

**CHAPTER III.**

**Determination of fee.**

**Clause 10**

Sri P. Basi Reddi vehemently pleaded for deleting the words 'unless such particulars and the valuation are contained in the plaint' on the ground that a lot of delay might take place in the plaint being filed and numbered. He added that Civil Procedure Code did not provide for it. It was said that the retention of the word was an advantage to the litigant public, for when once in the plaint itself the particulars are furnished, they need not be furnished once again in the prescribed form and that the existing procedure is being reiterated here.

Clause 10 was approved.

Clause 11 (1) (a) was approved without discussion.
284 APPENDIX

30th January 1956

Clause 11 (I) (b)

On the Suggestion of Sri G. Venkata Reddi Naidu, the words 'and further review' were deleted as there could be only one review. It was also pointed out that even without those words, the meaning of the clause was brought out.

Clause 11 (2)

Sri Basi Reddy said that the words 'hearing of the suit' may mean the first hearing, second or the final hearing. So he suggested the substitution of the words 'before evidence is recorded on merits'. He also quoted the Bombay High Court's decision, wherein it has been held that framing of issues constituted also a hearing of the suit. Thereupon a discussion took place as to what constitutes a 'hearing' and a 'trial'. It was pointed out that the word 'trial' does not find a place in the Civil Procedure Code but only 'hearing'. Sri S. Ranganatha Mudaliar said that the word 'hearing' was generally understood to mean only final hearing and he opposed the suggestion for a change. The other members also were not in favour of any change, as they felt that the word 'hearing' was sufficiently clear. Thereupon Sri P. Basi Reddy suggested as a via media the words 'final hearing' may be substituted. The Chairman pointed out that the word 'hearing' was all-right and needed no change. It was suggested that to meet the suggestion of Sri Basi Reddy the words 'hearing of suits as contemplated by Order XVIII in the First Schedule to the Code of Civil Procedure (Central Act V of 1908)' might be substituted. The Select Committee adopted the suggestion.

Clause 11 (3) (a) was adopted.

Clause 11 (3) (b)

Sri Ayyapu Reddy pleaded vehemently that sufficient time should be given to the party for payment of deficit court-fee and therefore he moved the following proviso:

"Provided that, if the appellant pays the deficit fee within a month from the date of dismissal of the appeal shall be restored to file and numbered".

Sri P. Basi Reddy was of the opinion that it is always better to leave it to the discretion of the Judges and not to restrict the time to be granted for payment of deficit court-fee. Sri S. Ranganatha Mudaliar said that in no country a law has been passed limiting the discretion of the court. If the Judge was bad towards a
30th January 1956

party, it was because the party was bad. In his experience, a majority of Judges gave plenty of time for payment of deficit court-fee. The other members of the Committee were not for limiting the discretion of courts.

Clause 11 (3) (b) was adopted.

Clause 11 (3) (c)

Sri Ayyapu Reddy wanted a clarification of the latter-half of the clause. It was pointed out that where two reliefs are sought for and only one relief was decreed in respect of which there was a deficit court-fee paid, it was only in respect of such cases the sub-clause applies.

Clause 11 (4)

As a consequential amendment to clause 11 (2), it was agreed to add the following words at the end of the sub-clause:—

"as contemplated by Order XVIII in the First Schedule to the Code of Civil Procedure (Central Act V of 1908)."

Clause 12

On the suggestion of Sri Ayyapu Reddi the word 'shall' was omitted and the word 'may' substituted and the last two lines have been recast to bring out the meaning clearly.

Clauses 13 and 14 were adopted.

Clause 15

On the suggestion of Sri P. Basi Reddy the words 'mutatis mutandis' were deleted as it was felt redundant.

(After Lunch. 4 p. m.)

Clauses 16, 17, 18, 19 and 20 were adopted.

Clause 21

The Committee discussed at length the principle of levy of court-fees on the market-value of properties. The Chairman pointed out the disparity in the market value of lands, both wet and dry, in coastal regions as well as in ceded districts and so he was of opinion that assessment alone should not be taken into consideration. He invited the views of members of the Select Committee individually.

Sri G. Venkatareddy Naidu said that in the case of garden lands, the value of the property is to be taken into consideration and in the case of other lands, the assessment alone should prevail.
Sri P. Basi Reddy suggested that half-market value may be put for all classes of lands.

Sri S. Ranganatha Mudaliar said that the value of lands has increased considerably and had no relation to assessment. So he suggested full market-value should be taken as the criterion.

Sri Ayyapu Reddi pleaded for cheap and speedy justice. He pointed out that at the present rate of court-fees, a person who wants to take possession of immovable property had to pay 11\(\frac{1}{4}\) per cent in the first court, 11\(\frac{1}{4}\) per cent in the second court and yet another 11\(\frac{1}{4}\) per cent in the third court, thereby losing one-third of the property litigated. So he pleaded for 50 times or 60 times the assessment.

Sri T. Lakshminarayana Reddy pleaded for adopting the Madras Act where it is put as 30 times the assessment.

Sri D. V. Subba Rao said that court-fee should be fixed to cover the expenses of administration but not to make a profit out of litigation.

Sri A. Bhagavantha Rao pleaded for half market value.

Sri Gottumukkala Jagannadha Raju pleaded for full market-value for immovable property within municipal areas. For agricultural lands, he wanted half the market-value to be taken, and for other lands full market-value.

Sri M. Satayanarayana Raju wanted full market-value to be taken for buildings and building-sites and half the market-value for the rest. As regards garden lands, he favoured full market-value to be taken into consideration.

Sri P. Satyanarayana said that houses should be valued at full market-value, whereas lands should be valued at half the market-value.

At this stage, Sri Gottumukkala Jagannadha Raju suggested as a via media that two-thirds of the market value of all immovable properties excluding garden lands, factories, houses, etc., might be taken as the criterion for purposes of valuation for payment of court-fee. Thereupon the Chairman suggested that he would fix it at 75 per cent of the market value. The Committee unanimously agreed to the Chairman's suggestion.

Clauses 21 and 22 were adopted.
30th January 1956

**Clause 23**

Sri G. Venkata Reddy Naidu drew the attention of Government to the fact that in a suit for possession of a document, it was not proper to levy such a higher court-fee. It was pointed out that such cases are very rare. Sri P. Basi Reddy cautioned the Government against under-valuation and excessive valuation. The clause was adopted.

**Clause 24**

As a consequential amendment, the words 'the market value' were changed into 'three-fourths of the market value in sub-clause (a)'.

Sri S. Ranganatha Mudaliar pointed out that as incorporeal rights are involved, the court's discretion should be there and he pleaded for the deletion of the words 'or on rupees five hundred' in sub-clause (c) or on rupees three hundred in sub-clause (d). The suggestion was accepted and the word 'highest' was altered into 'higher'.

The clause was adopted.

Clause 25 was adopted.

**Clause 26**

In sub-clause (a) 'three hundred' was altered into 'two hundred'.

In sub-clauses (b) and (c) as a consequential amendment, the words 'or on rupees five hundred' and 'or on rupees four hundred' respectively were deleted and the word 'highest' was altered into 'higher'.

The clause was adopted.

Clause 27 was adopted.

**Clause 28**

The words 'three hundred' were altered into 'two hundred'.

**Clause 29**

The words 'market value' were changed into 'three-fourths of the market value'.

**Clause 30**

As a consequential amendment, the words 'or on rupees three hundred' were deleted and the word 'highest' was altered into 'higher'.

Clause 31 was adopted.
APPENDIX

30th January 1956

Clause 32

Sri Ayyapu Reddy pointed out that in sub-clause (2) there was no provision for recovery of court-fee where parties effected a compromise before the passing of a final decree to avoid payment of court-fees. It was decided to redraft the sub-clause suitably.

Clause 33

A new sub-clause was adopted providing for the recovery of court-fees in partnership suits as if they were arrears of land revenue.

Clause 33 was adopted.

Clause 34

It was decided to suitably amend the clause as per the decision arrived at on the question of market value. As the jurisdiction of the District Munsif's Court has been enlarged, sub-clause (2) was redrafted in the following manner:

"When the plaint is presented to—
(i) a District Munsif's Court... Rupees fifty.
(ii) a Subordinate Judge's Court Rupees one hundred if the value of
or a District Court. the plaintiff's share is less than
Rupees two hundred if the value is
not less than Rs. 10,000."

Sri Appapu Reddy said that it was most inequitable to ask the defendant in a partition suit to pay court-fee on his share of the property. The suggestion was agreed to and sub-clause (3) was deleted and sub-clause (4) was renumbered as sub-clause (3).

The clause was adopted.

Clause 35

As a consequential amendment, the words 'the market value' were altered into 'three-fourths of the market value.'

Clauses 36 and 37 were adopted.

Clause 38

Sri Ayyapu Reddi said that it was unfair to ask the applicant in a claim petition (which has been dismissed) to pay court-fee on the value of the property which he is seeking to get released. After discussion the existing clause was adopted.

CLAUSE 39, SUB-CLAUSES (D) AND (E)

The sub-clause (d) and (e) were suitably amended as per the decision arrived at on the question of market value.

Clause 40 was adopted.
30th January 1956

Clause 41

It was agreed to amend the clause so as to provide for collection of deficit court-fee as arrears of land revenue.

Clauses 42 to 49 were adopted.

Chapter V was adopted.

The Select Committee then adjourned for the day to meet again the next day.

SECOND SITTING

The Select Committee met at 9 a.m. on Saturday, the 31st December 1955. All the members present on the previous day, were present. The Committee continued discussion of the Bill clause by clause.

CHAPTER VI

Clause 52

Sri P. Basi Reddy said that the intention of the Government has not been brought out fully by the words 'the most valuable portion of the immovable property'. The intention of the Government was to take into account value of the land, irrespective of its extent. He explained the position by citing certain instances. After some discussion, the following amendment was adopted:—

"... ...the Collector of the District in which the portion of the estate, the aggregate value of which is the highest, is situated."

Clauses 53 to 55 were adopted

Clause 56

Sri T. Lakshminarayana Reddy wanted to insert the words 'not below the rank of Deputy Tahsildar' after the words 'revenue officer'.

The Chairman replied that it was better to leave the clause as it stood. The clause was adopted.

Clause 57 to 62 were adopted.

CHAPTER VII

Clause 6

Sri P. Basi Reddy suggested that under sub-clause (2) where a memorandum of appeal was not submitted in second appeal, at least half the court-fee paid should be refunded; for the appeal
APPENDIX

[30th January 1956

is presented with the full court-fee payable. The procedure there is purely summary and therefore it was only proper and just that at least half the court-fee should be refunded. Sri Ayyapu Reddy also supported the suggestion.

The Chairman opposed the suggestion on the ground that it would entail a lot of loss of revenue to Government and that it will lead to filing of frivolous second appeals. Sri G. Venkata Reddy Naidu, as a compromise suggested that the question of refund of court-fee might be left to courts. The Chairman opposed the idea and said that the existing practice may be continued. The clause was adopted as it stood.

Clause 64 was adopted.

Clause 65

The word 'the' before the word 'rehearing' was deleted.

Clause 66 was adopted.

Clause 67

Sri Ayyapu Reddy vehemently opposed the proposal to levy court-fee on memorandum of appearance by advocates in criminal cases on the ground that it would be offending the fundamental rights under the constitution, that an accused was always presumed to be innocent and that in most cases the accused would be behind the bars and therefore could not engage a vakil. All the other members were for levy of court-fee on memorandum of appearance. It was pointed out that by deletion of sub-clause (1), the position would be status quo ante as under the Criminal Rules of Practice, a pleader appearing for an accused need not affix any court-fee stamp to an appearance memorandum. The sub-clause was allowed to stand.

Clause 68 was adopted.

CHAPTER VIII.

Miscellaneous.

Clauses 69 to 79 were adopted.

Schedule I.

Articles 2 and 3.

Sri G. Venkata Reddy Naidu and Sri Ayyapu Reddy pointed out that the proposal of the Government if adopted would make the creditors lose heavily as all the expenses would have to be borne by the creditors themselves. He suggested that Rs. 5 may be substituted in all the items under articles 2 and 3. The suggestion was accepted.

All the other articles in Schedule I were adopted.
On the suggestion of Sri Ayyapu Reddi, the fee was changed from thirty rupees to ten rupees.

The fee under (i) was raised to three rupees.
The fee under item (ii) was raised to rupees five. In other respects, the article was adopted.

The fee under items (i) and (ii) was altered thus:

<table>
<thead>
<tr>
<th>Rs.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rs. 2,000 and below</td>
<td>...</td>
</tr>
<tr>
<td>Rs. 2,000 to Rs. 5,000</td>
<td>...</td>
</tr>
<tr>
<td>Rs. 5,000 to Rs. 20,000</td>
<td>...</td>
</tr>
<tr>
<td>Rs. 20,000 and above</td>
<td>...</td>
</tr>
</tbody>
</table>

Items (a) and (b) were deleted and the fee charged was made uniformly as Re. 1.

The fee was raised to Re. 1. from eight annas.

The Committee as a general principle accepted that except for copy applications, the fee in other cases should be raised to Re. 1 wherever it was less than Re. 1 at present.

In other respects articles 9 and 10 were adopted.

The fee in items (a) and (b) was retained as four annas.

In the following items, the fee was raised as follows:

<table>
<thead>
<tr>
<th>Rs.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Item (c)</td>
<td>...</td>
</tr>
<tr>
<td>Item (d)</td>
<td>...</td>
</tr>
<tr>
<td>Item (f)</td>
<td>...</td>
</tr>
<tr>
<td>Item (g)</td>
<td>...</td>
</tr>
<tr>
<td>Item (h) (i) (2)</td>
<td>...</td>
</tr>
<tr>
<td>Item (i) (ii)</td>
<td>...</td>
</tr>
<tr>
<td>Item (k) (ii) (1)</td>
<td>...</td>
</tr>
<tr>
<td>Item (l) (i) (2)</td>
<td>...</td>
</tr>
<tr>
<td>Item (l) (ii)</td>
<td>...</td>
</tr>
</tbody>
</table>
APPENDIX

30th January 1956

Under item (m) the fee was altered thus:—

<table>
<thead>
<tr>
<th>Value of the property</th>
<th>Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>below Rs. 2,000</td>
<td>10</td>
</tr>
<tr>
<td>Above Rs. 2,000 to</td>
<td>20</td>
</tr>
<tr>
<td>below Rs. 5,000</td>
<td></td>
</tr>
<tr>
<td>Above Rs. 5,000 to</td>
<td>100</td>
</tr>
<tr>
<td>Rs. 10,000</td>
<td></td>
</tr>
<tr>
<td>Above Rs. 10,000 but</td>
<td>200</td>
</tr>
<tr>
<td>below Rs. 25,000</td>
<td></td>
</tr>
<tr>
<td>Above Rs. 25,000</td>
<td>300</td>
</tr>
</tbody>
</table>

Under item (r), the fee was raised from Rs. 100 to Rs. 200.
Under item (v) (iii) the fee was raised from Rs. 50 to Rs. 100.

Article 12
The fee was raised from twelve annas to one rupee.
Article 13 was adopted.

Article 14
The fee under items (i) and (ii) was raised to Re. 1.

Article 15
The fee was raised to Re. 1.

Article 16
The fee under item (i) was raised to Rs. 2.
The fee under item (ii) was raised to Rs. 3.
The fee under items (iii) and (iv) was raised to Rs. 5.

Articles 17 and 18 were adopted.

Sri P. Basi Reddy brought to the notice of the Committee that in the Madras City Civil Court and in the Presidency Small Cause Court, Madras, the practice is that where parties compromise before the hearing of the suit, half the court-fee paid on the plaint, is refunded to the plaintiff. If that practice was adopted in Andhra, it would be an inducement for the parties to settle disputes out of court. The Chairman replied that the suggestion of adopted would entail a heavy loss to Government, though the proposal was a good and healthy one. He said Government would think over the proposal and if necessary bring it in the form of a Government amendment before the Assembly when it meets.

Sri Ayyapu Reddi reminded the Chairman of his proposal under clause II (3) (d). It was pointed out that it would conflict with the provisions of the Civil Procedure Code. It was also pointed out that the suggestion would be examined and if need be, it would be brought in the form of a Government amendment in the Assembly.
APPENDIX

30th January 1956

Sri D. Kondayya said that he should be allowed to move an amendment with regard to payment of court-fee in adoption suits in the Assembly.

Sri A. Bhagavantha Rao said that he did not agree with the principle of levying court-fee on market value of the immovable properties. He said that he favoured the Madras Act in this respect.

The Chairman was authorised by the members to present the Report on their behalf. The Committee also felt that the Bill need not be republished.

The Committee then dispersed.

Minute of Dissent is annexed.

G. V. CHOWDARY,
Secretary to the State Legislature.

ASSEMBLY BUILDINGS' KURNOOL.
12th January 1956.

MINUTE OF DISSENT. D. V. SUBBA RAO, M.L.A.
P. SATYANARAYANA, M.L.A.

1. While we admit that conditions have changed appreciably since the Court Fees Act of 1870 and the Suits Valuation Act of 1887 were passed and some alterations in that branch of the Law are necessary, we are of opinion that no Government is justified in making the dispensation of Justice a profit-making concern. All jurists and Statesmen opine that justice should be as cheaply and speedily dispensed as possible. Even the Premier Political Organisation of the country which is guiding the destinies of the Indian Republic for the present, namely, the Indian National Congress, also has declared as its object the creation of a Socialistic Pattern of Society in the Indian Republic in which case the scope for litigation itself would be reduced from what it is now and in inevitable cases between contending parties justice would be dispensed cheaply and speedily. Even the latest Taxation Enquiry Commission's Report (1953-54) published by the Government of India, which proposed heavy increase of taxation ignoring the principal of gradational taxation, holds in page 108 of its report regarding Court Fees that "the collection of Court Fees by Government should be only on the basis of covering the expenses of administration of justice". Therefore, bearing the
30th January 1956

aforesaid point in view, we are of the opinion that it is not justifiable to enhance the Court Fees payable by a person who prays justice at the hands of the judicial arm of the State. It is no doubt desirable that false and frivolous litigations and a tendency to rush to Courts on imaginary grievances or with a mischievous motive of dragging a poor opponent into the mire of litigation, ought to be checked and condemned, and that the State should not be the loser due to the ingenious drafting and manipulations of lawyer and litigant; but on that score, justice should not be made a commodity to be obtained at a prohibitive cost. The bulk of the litigant section of the public are from the rural area and out of them the bulk are from the rural agriculturists, who belong to the poor and the middle class section of the population. So far as their economic status is concerned, any enhancement in Court Fees will severely hit them. Further, there are certain hard and distasteful facts, which one cannot afford to ignore, such as the travelling expenses and so many other incidental expenditure which come under the category of "private". All these put together swell into a formidable amount of expenditure to the party. Already many are of opinion including Judges, Jurists and Lawyers that now justice is being "sold, delayed and denied". Therefore, any further enhancement in the payment of Court-fee will have the effect of making justice more dear and putting it beyond the reach of the poor and the middle class. We are also inclined to suggest that the formation of Visalandhra in the embryo, the present Bill for the revision of Court-fee may lie over so that the Law relating to the whole province may be made uniform. Having regard to the general principles we indicated above, we offer our objections and dissent upon some of the clauses in the proposed Bill.

Clause 6 (3-A)—*Multifarious suits* :—When the relief claimed is only one, simply because alternatively they (the reliefs are prayed for), it is unjust to levy Court-fee cumulatively on all the reliefs alternatively prayed for.

2. Clause 11 (1) (b) (2):—The proposal with regard to the question of Court-fee that it should be decided before the hearing of the suit is very undesirable and is beset with several disadvantages that may prolong the litigation only on that question between the parties for several years without enabling the Court or parties to give or obtain, respectively, decisions on other important issues.
30th January 1956

in the suit. Further, the question of court-fee will also depend for its answer on the entire evidence sometimes. For instance, in a suit by a purchaser of an undivided interest for partition and separate possession of his share, if the issue of Court-fee is to be decided alone and in the first instance, without going into the other issues, it will not be possible to decide finally on the question of Court-fee whether the plaintiff and his vendor were in possession either actually or constructively. If the entire evidence is let in on all issues, the Court will be in a better position to decide whether the Court-fee is payable as a fixed Court-fee or on the basis of the Court-fee, when the plaintiff is out of possession. With regard to sub-clause 11 (b) it is undesirable to make the decision of the Court under clause (a) regarding the proper fee payable open to review from time to time by the same court. That is putting a premium upon uncertainty and eliminating finality. The question of Court-fee will then become the Penelop's web weaving and unweaving. Further, it may induce some of the officers to pump up the the market value and get rid of the suit.

3. Clause 21. Suits for immovable property:—We disagree with the majority of the members the Committee to enhance Court-fee on agricultural lands to one payable on the three-fourth market value. The agriculturist has a gloomy prospect of not only being called upon to pay agricultural income tax in some cases but also compulsory water-cess and betterment levy. Therefore, this measure of taxation will nullify the effect of the notification of the Government, raising the pecuniary jurisdiction of the District Munsif's Court from Rs. 3,000 to 5,000 for the simple reason in these days with Tenancy legislation in the offing, the prices of the lands are in the increase. Even a simple suit comprising relief regarding 1 or 2 acres of wet land will have to be filed in the Sub-Court, with the result the Sub-Court have to be multiplied which again means a new and heavy expense to the State. Further, market value is a very elusive, uncertain and fluctuating thing as the prices of land may boom up or slump down at different times for various causes according to local conditions. To fix the market value as a criterion for payment of Court-fee, is only introducing an element of great and grave uncertainty, there being no acceptable standards to evaluate the lands. Therefore, the computation of Court-fee making the assessment a criterion, seems to be the only salutory method. With
regard to lands the income of which is appreciable, Court-fee may be computed upon the increased number of times of the assessment. That makes the position of the plaintiff clear, he knows how much to pay.

4. Clause 22 (2-A)—In suits for possession of documents of title, Court-fee to be computed on the market value of the property or on the basis of any fraction of it is also not justifiable since in most of the cases the pauper defendant who has got into clandestine or unlawful possession of title deeds may easily take to deny plaintiff's title to the property. In such cases the plaintiff's valuation of the plaint should be the only basis for computing the Court-fee and not the Court's discretion, nor the defendant's denial.

5. Clause 38. Suits to set aside attachment—The Bill proposes computation of Court-fee on the amounts for which the property was attached or on \( \frac{1}{4} \) of the market value of the property attached. After all, in such cases the plaintiff does not ask for possession; only prays for lifting the cloud on his title, the factum of possession being with him only.

6. When the Government proposes an overhaul legislation regarding Court-fee it is pre-eminently necessary and just that in cases such as ex-parte decrees and decrees on confession where no trouble is taken either by the plaintiff or by anyone, there should be a refund of Court-fee in some measure or other just as in cases when a suit is remanded for fresh trial and just as pleader's fee is computed.

7. It is to be observed with regret that the proposed suggestions in the Bill have not directed the revision of Court-fee relating to water rights. From our experience, they are the most taxing suits to all concerned, namely the Court, Counsel and the client and very valuable rights sometimes affecting whole villages come in for decision. We propose an enhancement of Court-fee payable in regard to such suits on the same basis as suits relating to possession of immovable property.

KURNOOL, G. V. CHOWDARY
Dated the, 12th January 1956. Secretary to the State Legislature.