

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 1228
ANSWERED ON 05/12/2024

Establishing new system of differentiated court fees

1228. Dr. Ajeet Madhavrao Gopchade:

Will the Minister of *Law and Justice* be pleased to state:

- (a) the action taken by Government in partnership with the Honorable Supreme Court, to create a system of differentiated court fees based on the merits of individual cases filed by petitioners, as opposed to the current uniform fee structure which includes exemptions for certain low-income families and which is already in practice in several countries, aiming to reduce the financial strain on Government treasury; and
- (b) whether Government has received any representation to explore a new concept of an independent economic structure for our judiciary that does not rely on Government funding, if so, details of further action taken?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS

(SHRI ARJUN RAM MEGHWAL)

- (a) Fees taken in all Courts except Supreme Court, fall under Entry 3 of the State List under Seventh Schedule of the Constitution of India. Being a State subject, only the States are competent to enact or amend the law concerning the Court fees payable in High Courts and other Courts subordinate thereto having jurisdiction in any State.

The constitution, organisation, jurisdiction and powers of the Supreme Court (including contempt of such Court), and the fees taken therein inter-alia are covered under Entry 77 of the Union List under Seven Schedule of Constitution of India. As per Article 145(1)(f) of the Constitution of India, the Supreme Court can make rules relating to fees payable in the Supreme Court, however, subject to any law made by the Parliament. The Supreme Court Rules, 2013, notified on 27.05.2014, inter-alia, provides for table of court fees payable in the Supreme Court.

(b) The Government of India is not aware of any such representation. However, Article 146 (3) of the Constitution of India which deals with the expenses of Supreme Court of India states that, 'The administrative expenses of the Supreme Court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of the Court, shall be charged upon the Consolidated Fund of India, and any fees or other moneys taken by the Court shall form part of that Fund'. Similarly, Article 229(3) of the Constitution of India states that, 'The administrative expenses of a High Court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of the Court, shall be charged upon the Consolidated Fund of the State, and any fees or other moneys taken by the Court shall form part of that Fund'.

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