

**Madras Motor Vehicles (Taxation Of Passengers And Goods)
Act, 1952**

16 of 1952

[31 December 1952]

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SCHEDULE 1 :- SCHEDULE

**Madras Motor Vehicles (Taxation Of Passengers And Goods)
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[31 December 1952]

PREAMBLE

An Act to provide for the levy of a tax on passengers and goods carried in stage carriages and public carrier vehicles in the State of Madras,

Whereas it is expedient to provide for the levy of a tax on passengers and goods carried in stage carriages and public carrier vehicles in the State of Madras;

It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St, George Gazette, Extraordinary, dated the 24th October 1952, part IV-A, page 138.

1. Short title, extent and commencement :-

(1) This Act may be called the Madras Motor Vehicles (Taxation of passengers and Goods) Act, 1952.

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

*(3) This section shall come into force at once, and the rest of this Act shall come into force on such date as the Government may, by notification, appoint.

* Section 1 came into force on the 31st December 1952 and the rest of the Act on the 1st February 1953.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context--

(a) Government means the State Government;

(b) month means any calendar month;

(c) notification means a notification published in the Fort St. George Gazette;

(d) operator means any person whose name is entered in the permit as the holder thereof;

(e) prescribed means prescribed by rules made under this Act;

(f) permit means a permit granted or countersigned under the Motor Vehicles Act, 1939 (Central Act IV of 1939), authorizing the use of a vehicle as a stage carriage or as a public carrier vehicle in any part of the State;

(g) public carrier vehicle means a motor vehicle carrying or adapted to carry goods for hire or reward;

(h) stage carriage means a motor vehicle carrying or adapted to carry more than six persons excluding the driver which carries passengers for hire or reward, at separate fares paid by or for individual passengers, either for the whole journey or for stages of the journey, and includes such a carriage when used as a contract carriage within the meaning of the Motor Vehicles Act, 1939 (Central Act IV of 1939);

(i) tax means the tax referred to in section 3;

(j) taxable vehicle means a stage carriage, or a public carrier

vehicle, which is referred to in section 3.

3. Levy of tax on passengers and goods :-

From and after the commencement of this Act, there shall be levied and paid to the Government, a tax on all passengers, luggage and goods carried by stage carriages, and on all goods transported by public carrier vehicles, at the rate of nine pies in the rupee on the fares and freights, payable to the operators of such stage carriages and at the rate of six pies in the rupee on the freights payable to the operators of such public carrier vehicles:

¹[]

Provided ²[] that no tax shall be levied on any passenger, luggage or goods carried in a stage carriage, the total permitted daily mileage of which does not exceed fifty miles.

1. The first proviso was omitted by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

2. The word "further" was omitted by *ibid*.

4. Composition of tax :-

(1) The prescribed officer may, on application by the operator, permit him in the circumstances and under the conditions specified in the schedule, to compound the tax assessable on him under this Act, by paying in lieu thereof, a fee fixed in the manner specified in the Schedule.

(2) The Schedule may, from time to time, be amended by rules made by the Government and approved by the Legislative Assembly of the State.

5. Submission of returns :-

In respect of every taxable vehicle, the operator shall deliver or cause to be delivered to the officer in charge of any police station which lies on, or in the neighbourhood of, the route on which such vehicle is used and which is specified by the prescribed officer in consultation with the operator, a return in the prescribed form, either daily or at such other intervals as may be prescribed:

Provided that an operator may, after intimation to the prescribed officer, or if two or more officers are prescribed in respect of the same area, to any of them chosen by the operator, deliver his

return or cause it to be delivered to the officer to whom such intimation is given, in which case the operator shall have no right, except with the permission of such officer, to deliver the return or cause it to be delivered at any police station or to any other officer.

6. Tax to be paid every month into Government treasury :-

The tax payable during any month in accordance with the returns submitted under section 5 shall be paid into a Government treasury by the operator and the receipt evidencing such payment forwarded to the prescribed officer, on or before the fifteenth day of the month immediately succeeding.

7. Procedure where no payment is made, etc :-

In the following cases, that is to say,--

(a) where no returns have been submitted by the operator in respect of any taxable vehicle for any month or portion thereof, or
(b) where the returns submitted by the operator in respect of any taxable vehicle for any month or portion thereof, appear to the prescribed officer to be incorrect or incomplete, the prescribed officer shall, after giving the operator a reasonable opportunity, in case (a) of making his representation, if any, and in case (b) of establishing the correctness and completeness of the returns submitted by him, determine the sum payable to the Government by the operator by way of tax during such month or portion thereof;

Provided that the sum so determined shall not exceed the maximum tax which would have been payable to the Government if the vehicle had carried its full complement of passengers, luggage and goods or of goods only, as the case may be, during such month or portion thereof.

8. Fares and freights escaping assessment :-

If, for any reason, the whole or any portion of the tax leviable under this Act in respect of any month has escaped assessment, the prescribed officer may, at any time within, but not beyond, one year from the expiry of that month, assess the tax which has escaped assessment, after issuing a notice to the operator and making such inquiry as the officer may consider necessary.

9. Penalty for non-payment of tax :-

Where the whole or any portion of the tax payable to the Government for any taxable vehicle in respect of any month in pursuance of sections 6, 7 and 8 has not been paid to thorn in time, the prescribed officer may, in his discretion, levy in addition to the tax so payable, a penalty not exceeding 25 per cent of the maximum tax which would have been payable to the Government if the vehicle had carried its full complement of passengers, luggage and goods or of goods only, as the case may be, during such month or portion thereof.

10. Recovery of tax, etc :-

(1) In the oases referred to in sections 6, 7, 8 and 9, the prescribed officer shall serve on the operator a notice of demand for the sums payable to the Government and the sums specified in such notice may be recovered from the operator as if they were arrears of land revenue.

(2) Where the sums specified in the notice of demand are not paid within fifteen days from the date on which the notice was served on the operator, the taxable vehicle and its accessories may be distrained and sold under the appropriate Act relating to the recovery of land-revenue, whether or not such vehicle or accessories are in the possession or control of the operator:

Provided that no distraint shall be made in pursuance of this sub-section except at the instance or with the consent of the Regional Transport Officer or such other officer as may be authorized by the Government in this behalf.

11. Restrictions on the use of taxable vehicles in certain cases :-

No taxable vehicle shall be used on any public road in the State--

(a) in case any tax or penalty payable in respect thereof remains unpaid for more than fifteen days after the notice of demand referred to in section 10 has been served on the operator, until such tax or penalty is paid, or

(b) in case the returns required by section 5 have not been submitted, if daily returns are required, for more than seven days, and if returns at less frequent intervals have been prescribed, for such number of times and during such period as may be prescribed until the returns are submitted:

Provided that the prescribed officer may, if the operator proves to his satisfaction that the failure to submit the returns referred to in

clause (b) was not deliberate, exempt the vehicle from the operation of that clause.

12. Appeal against demand :-

(1) Any operator objecting to a notice of demand served on him under section 10 may, within thirty days of the service thereof, appeal to the Transport Commissioner:

Provided that no appeal shall be entertained unless it is accompanied by satisfactory proof of the payment of the tax admitted by the appellant to be due.

(2) The Transport Commissioner or any officer authorized by him may, after giving the appellant an opportunity of being heard, pass such orders on the appeal as he thinks fit.

13. Power to Order production of accounts :-

The Transport Commissioner or any officer empowered by him may by order, require any operator to produce such accounts, registers and documents, and to furnish such information relating to the taxable vehicle or the fares and freights collected in respect of passengers travelling or luggage or goods transported therein, as may be specified in the order.

14. Offences and penalties :-

Any person who --

(a) being an operator, submits or allows to be submitted an incorrect or incomplete return under section 5, or fails to submit a return as required under that section; or

(b) being an operator, fraudulently evades or allows to be evaded, the payment of any tax due from him; or

(c) being an operator, fraudulently makes or allows to be made any wrong entry in, or fraudulently omits or allows to be omitted any entry from, any statement submitted, or any account or register maintained by him; or

(d) wilfully acts in contravention of any of the provisions of this Act or any rules made thereunder or any lawful order passed in accordance therewith, shall be punishable with fine which may extend to one thousand rupees, and if the Magistrate concerned so directs in his order, the person convicted shall pay in addition, as if it were a fine, such specified amount as the Magistrate may determine to be the amount which the person convicted has

evaded to pay.

15. Composition of offences :-

(1) The prescribed officer may accept from any person who has committed, or is reasonably suspected of having committed, any offence against this Act, consisting of the evasion of any tax leviable under this Act, a sum of money not exceeding two hundred and fifty rupees or double the amount of the tax recoverable, whichever is greater, in addition to the amount of tax so recoverable.

(2) No offence punishable under this Act shall be inquired into or tried by any Court inferior to that of a Presidency Magistrate or a Magistrate of the second class.

16. Power to make rules :-

(1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for--

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the intervals, if any, at which returns under section 5 shall be submitted;

(c) the maintenance of accounts and registers and the submission of returns and statements by operators;

(d) the manner of serving notices of demand under this Act;

(e) the duties and powers of officers appointed for the purpose of enforcing the provisions of this Act;

(f) generally regulating the procedure to be followed and the forms to be adopted in proceedings under this Act;

(g) any other matter for which there is no provision or no sufficient provision in this Act and for which provision is, in the opinion of the Government, necessary for giving effect to the purposes of this Act.

(3) The power to make rules conferred by this section shall, except on the first occasion of the exercise thereof, be subject to the condition of the rules being made after previous publication for a period of not less than one month.

(4) All rules made under this section shall be published in the Fort St. George Gazette, and shall, unless some later date is appointed, come into force on the date of such publication.

(5) All rules made under this section shall be laid for not less than

fourteen days before the Legislative Assembly of the State, as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as that Assembly may make during the session in which they are so laid.

17. Bar of certain proceedings :-

(1) No prosecution or other proceeding shall be instituted in a Criminal Court without the previous sanction of the Government, against any officer or servant of the Government, for any act done or purporting to be done under this Act.

(2) No officer or servant of the Government, shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

18. Limitation for suits and prosecutions :-

No suit or other proceeding shall be instituted against the State and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within one year from the date of the act complained of.

SCHEDULE 1

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(See section 4.)

1[(1)] The composition fee referred to in section 4 shall be calculated for the entire unexpired period of the currency of the permit or for a period of three months, whichever is less, at the rate--

(a) in the case of a stage carriage, of six annas per seat per year per mile, of the total daily mileage permitted or at the option of the operator, of twelve rupees and eight annas per seat per quarter; and

(b) in the case of a public carrier vehicle, of twenty-two rupees and eight annas per month.

Explanation.--Where a stage carriage is permitted to carry standing passengers, one-third of the fee per seat referred to in clause (a) shall also be payable in respect of each of the standing passengers aforesaid as if seating accommodation had been provided for them.

¹[(2) The amount of the composition fee calculated with reference to clause (a) or clause (b) of sub-rule (1) shall be payable at the option of the operator either quarterly or in three equal monthly instalments.]

²[(3) The amount of the composition fee calculated with reference to clause (a) or clause (b) of sub-rule (1) for the quarters ending with the 31st December 1953, the 31st March 1954, the 30th June 1954, the 30th September 1954, the 31st

December 1954 and the 31st March 1955 in respect of public carrier vehicles and for the quarters ending with the 31st December 1953, the 31st March 1954 and the 30th June 1954 in respect of stage carriages, which until the 30th September 1953, were plying on routes which have become inter-State routes as a result of the formation of the Andhra State with effect from the 1st October 1953, shall be payable at the same rates at which and at the same places where it was being paid for the quarter ending with the 30th September 1953.]

³[(4) (a) The amount of the composition fee calculated with reference to clause (b) of sub-rule (1) shall, with effect from the 1st April 1955, be reduced by one-half in the case of a public carrier vehicle registered and normally kept in the State of Andhra and operating partly in the State of Madras.

(b) One-half of the amount of the composition fee calculated with reference to clause (b) of sub-rule (1) shall, with effect from the 1st April 1955, be liable to be refunded in the case of a public carrier vehicle registered and normally kept in the State of Madras and operating partly in the State of Andhra if the composition fee calculated as aforesaid is paid in full in this State in the first instance and a claim is made for refund of one-half of such fee by producing proof that the vehicle has actually plied in the State of Andhra and the fee due to that State for the corresponding period in respect of the vehicle has been paid.]

⁴[(5) In pursuance of the agreement between the Governments of Madras and Andhra that in respect of stage carriages and public carriers plying on routes lying partly in the Madras State and partly in the Andhra State, a composition fee calculated with reference to clause (a) or clause (b) of sub-rule (1) shall, with effect from the 1st October 1955, be collected in the State where the vehicles are registered and normally kept and the proceeds of the composition fee so collected shall be allocated between the two States in the manner agreed upon, it is hereby provided that sub-rule (4) shall cease to be operative on and from the 1st October 1955 and that the composition fee calculated with reference to clause (a) or clause (b) of sub-rule (1) shall, with effect from that date, be paid in the State where the vehicles are registered and normally kept, in respect of such inter-State vehicles].

2. An application for the grant or renewal of permission to pay the composition fee mentioned above, shall be made not less than fifteen days before the commencement of the period for which the tax is intended to be compounded, provided that the prescribed officer may, in any case, for reasons to be recorded by him in writing, permit the application to be made not later than fifteen days from such commencement; and the application shall be accompanied by a receipt evidencing the payment into a Government treasury of the composition fee.

1. Rule 1 was re-numbered as sub-rule (1) and after the rule as so renumbered sub-rule (2) was added by the rule issued in G.O. Ms. No. 1479, Home, dated the 4th May 1953, published at page 733 of Part I of the Fort St. George Gazette, dated the 20th May 1953.

2. Sub-rule (3) was substituted for the original sub-rule (as added by G.O. Ms. No. 3859, Home dated the 24th December 1953 and as substituted subsequently) by the rule issued in G.O. Ms. No. 462, Home, dated the 22nd February 1955 and published at page 53 of the Rules Supplement to part I of the Fort St. George Gazette, dated the 2nd March 1955.

3. Sub-rule (4) was added by the rule issued in G.O. Ms. No. 2325, Home, dated the 25th August 1955, published at page 384 of the

Rules Supplement to Part I of the Fort St. George Gazette, dated the 14th September 1955.

4. Sub-rule (5) was added by the rule issued in G.O. Ms. No. 3527, Home, dated the 13th December 1955, published at page 674 of the Rules Supplement to Part I of the Fort St. George Gazette, dated the 28th December 1955.