

The Punjab Passengers and Goods Taxation Act, 1952

Punjab Act No. 16 of 1952

h1518

[1st September, 1952]

Received the assent of the Governor of the Punjab on the 30th August, 1952, and first published in Punjab Government Gazette (Extraordinary) of 1st September, 1952.

LEGISLATIVE HISTORY 6

- Amended by Punjab Act No. 21 of 1952
- Amended by Punjab Act No. 6 of 1953
- Amended by Punjab Act No. 13 of 1954
- Amended by Punjab Act No. 17 of 1955
- Amended by Punjab Act No. 4 of 1956
- Extended to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act 7 of 1957
- Amended by Punjab Act No. 16 of 1957
- Amended by Punjab Act No. 45 of 1957
- Amended by Punjab Act No. 19 of 1958
- Amended by Punjab Act No. 7 of 1963
- Amended by Punjab Act No. 9 of 1963
- Amended by Punjab Act No. 33 of 1963
- Amended by Punjab Act No. 11 of 1965
- Amended by Punjab Act No. 7 of 1967
- Amended by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968
- Amended by Haryana Act No. 12 of 1969
- Amended by Haryana Act No. 9 of 1970
- Amended by Haryana Act No. 11 of 1971
- Amended by Haryana Act No. 24 of 1971
- Amended by Haryana Act No. 5 of 1973
- Amended by Haryana Act No. 4 of 1982
- Amended by Haryana Act No. 2 of 1988
- Amended by Haryana Act No. 6 of 2002
- Amended by Haryana Act No. 10 of 2004
- Amended by Haryana Act No. 11 of 2006

An Act to provide for levying a tax on passengers and goods carried by road in certain motor vehicles.

It is hereby enacted as follows :-

1. Short title, extent and commencement. - (1) This Act may be called the Punjab Passengers and Goods Taxation Act, 1952.

(2) It shall extend to the whole of the State of Haryana.

(3) It shall come into force on the first day of August, 1952 [in the principal territories and on the 24th May, 1957, in the transferred territories.]

Object & Reasons

Statement of Objects and Reasons - Haryana Act 10 of 2004. - Transport Department has set up 'Tax Collection Points' at borders of the State or at other places in the State for providing facility of payment of tax under the Punjab Passengers and Goods Taxation Act, 1952, particularly for vehicles coming from outside the State. A definition is being inserted in Section 2 of the Act as clause (ia) for this purpose and correspondingly a clause (aa) is being inserted in Section 22 relating to rule making power for prescribing places where Tax Collection Points will be set up in the State or at the borders of the State.

The upper limit of amount of penalty provided in Section 14A of the Punjab Passengers and Goods Taxation Act, 1952, for violation of the provisions of the Act or the rules made thereunder is two thousand rupees. It is not sufficient to cover all cases of overload in a vehicle in excess of the load certified and registered by the registering authority under the Motor Vehicles Act, 1988, as permissible for that vehicle. The upper limit is being increased to five thousand rupees. An officer appointed to assist the Commissioner under the Act will be empowered to impose this penalty.

Haryana Government Gazette (Extra.), dated February 5, 2004, Page 261.

Statement of Objects and Reasons - Haryana Act 6 of 2002. - If there are some arrears of goods tax and passenger tax against the owners of goods carriers and passenger vehicles, sometimes it is difficult to recover this tax in lump-sum and it has to be recovered in instalments. At present there is no provision for allowing the payment in instalments. For this purpose, the provision in the P.G.T. Act for making payment in instalments is to be made in the Act. Similarly there is no provision for charging of interest in the P.G.T. Act on delayed payments made by the owners. A provision for this is also to be made in the Act.

This requires amendment in Section 4 and insertion of 14B in the Punjab Passengers and Goods Taxation Act, 1952. Hence, this Bill.

Haryana Government Gazette (Extra.), dated 5 March, 2002, Page 383.

Statement of Objects and Reasons. - Some definitions were changed in the new Motor Vehicle Act, 1988 which were required to be defined in the Punjab Passengers and Goods Taxation Act, 1952. Moreover, there was no power with the Government to amend the Act retrospectively which was required to amend the rates of overloading. Hence this Bill.

Haryana Government Gazette (Extra.), dated 28th October, 2002, Page 2086.

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

- (a) "business" means the business of carrying passengers and goods by motor vehicles;
- (b) "Commissioner" means the Excise and Taxation Commissioner, [Haryana];
- (c) "fare" includes sums payable for a season ticket or in respect of the hire of a contract carriage;

(d) "goods" include livestock, and anything carried by a motor- vehicle except living persons, but does not include the personal luggage of passengers travelling in the vehicles when such luggage is not charged for and the equipment ordinarily used with the vehicle;

[(e) "owner" means the owner of a motor vehicle used for carrying passengers or goods in or through the territory of the State of Haryana and includes -

(i) the holder of a permit in respect of such vehicle,

(ii) any person for the time being incharge of such vehicle,

(iii) any person responsible for the management of the place of business of such owner,

(iv) Government, or a corporation constituted under the Road Transport Corporation Act, 1950;]

[(f) "passenger" means any person travelling in a motor vehicle other than a private and public carrier but shall not include the driver or the conductor or an employee of the owner of the vehicle travelling in the *bona fide* discharge of his duties in connection with the vehicle]

(g) "prescribed" means prescribed by rules framed under this Act;

(h) "State" means the State of [Haryana];

[(hh) "Tax Collection Point" means a facility set up at the border of the State or at other places in the State for receiving payment of tax made under the Act;]

[(i) "motor vehicle" means a public service vehicle and includes public carrier, private carrier or a trailer when attached to any such vehicle, educational institution bus and omnibus used by an employer other than the Government, for carriage of his employees;]

(j) all words and expression used in this Act but not defined shall have the meaning assigned to them in the Motor Vehicles Act, 1939.

[3. Levy of Tax.] - [(1) There shall be levied, charged and paid to the State Government a tax at such rate not exceeding sixty per centum of the value of -]

[(i) fare or freight, as the case may be, on all passengers and goods carried by a motor vehicle other than a private carrier; and]

(ii) freight as calculated on the basis of freight rate fixed for public carriers by the competent authority under the Motor Vehicles Act, 1939 (Central Act 4 of 1939), on all goods carried by a private carrier, as the

State Government may, by notification, direct, the amount of tax being calculated to the nearest multiple of five paise by ignoring two paise or less and counting more than two paise as five paise :

Provided that in case of contract carriages, public carriers and private carriers, the State Government may accept a lump sum in lieu of the tax chargeable on passengers and goods respectively, in the manner prescribed :

Provided further that in case of stage carriages, the State Government may accept a lump sum in lieu of the tax chargeable on passengers and goods, in the manner and subject to such conditions as may be prescribed :

Provided further that -

- (a) no such tax shall be levied, charged and paid on goods, including minerals and mineral ores, proved to be exported out of the territory of India, whether by one transaction or by a series of transactions;
- (b) in respect of minerals and mineral ores carried to any place within the territory of India, such tax shall be levied, charged and paid at the rate of one twentieth of the value of the freight;
- (c) the rate of tax on all passengers and goods carried by motor vehicles in hilly areas or submontane areas, specified in this behalf by the State Government, by notification, shall be one-sixth of the value of the fare or freight, as the case may be.

[*Explanation.* - When passengers and goods are carried by a motor vehicle other than a private carrier, and no fare or freight is charged or only token or concessional fare or freight is charged, the tax shall be levied and paid as if such passengers and goods are carried at the normal rate prevalent on the route or at the rate fixed by the competent authority under the Motor Vehicles Act (Central Act 4 of 4 of 1939), whichever is higher.]

(2) Where any fare or freight charged is a lump sum paid by a person on account of a seasonal ticket or as subscription or contribution for any privilege, right or facility which is combined with the right of such person or his goods being carried by a motor vehicle, without any further payment or payment at a reduced rate, the tax shall be levied on the amount of such lump sum or on such amount as appears to the prescribed authority to be fair and equitable having regard to the fare or freight fixed by a competent authority under the Motor Vehicles Act, 1939.

[(3) When passengers and goods are carried by a motor vehicle on a joint route, the tax shall be payable in respect of the fare or freight for the distance covered within the State at the rate laid down in this section .

Explanation. - For the purposes of this sub-section, "Joint route" shall mean a route which lies partly in the State of Haryana and partly in some other State or Union Territory.]

[3A. Levy of additional tax. - In addition to the tax on goods payable in terms of Section 3, private carriers and public carriers carrying goods within the State of Haryana shall be liable to pay additional tax at the rate of ten per centum of the tax payable under Section 3.]

[4. Method of collection and payment of tax. - The tax levied on the passengers and goods by motor vehicles other than private carriers shall be collected by the owner and the tax so collected, and the tax levied on the goods carried by private carriers, shall in either case be paid to the State Government in the prescribed manner:]

[Provided that an officer, not below the rank of an Assistant Excise and Taxation Officer appointed under sub-section (1) of Section 7, with the prior approval of the incharge of the district, may allow the owner to pay the amount of tax due in instalments subject to the payment of interest at the rate of two per cent per month and if the instalment is not paid within due date then additional interest not exceeding two per cent per month for the period of default shall also be payable by the owner of the vehicle :

Provided that no interest shall be payable on the arrears of tax due on the date of commencement of the Punjab Passengers and Goods Taxation (Haryana Amendment) Act, 2002, if allowed to be paid in instalments.]

5. Method of levy. - (1) Save as otherwise provided by this Act, no passenger shall be allowed to travel by the owner in a motor vehicle unless he is issued a ticket in the prescribed form for the journey, denoting that the tax has been paid:

Provided that if a journey begins outside the State, the tax shall become chargeable on entry within the State, in the prescribed manner.

[(2) Save as otherwise provided by this Act, no goods shall be allowed to be carried in a -

(a) motor vehicle other than a private carrier unless the person incharge of the vehicle or a passenger, as the case may be, has in his possession a receipt in the prescribed form issued by the owner, showing the freight charged;

(b) private carrier unless the person incharge of the vehicle has in his possession a declaration in the prescribed form issued by the owner,

and denoting that the tax due under this Act has been paid.]

[5A. Special provisions relating to deduction of tax at source in certain cases. - (1) The State Government may having regard to the effective recovery of tax, require any person including company/firm, call centre, institution or organization, who has contracted any bus having seating capacity of more than twelve persons excluding the driver, for the purpose of carrying their employees/persons in or through the State of Haryana, to deduct the amount of tax payable under this Act by the owner of the bus in respect of the contract operations, from the payment, whether

by cash, adjustment, credit to the account, recovery of dues or in any other manner, being made by him to the owner. The State Government may further require such person to keep such accounts and submit such returns at such intervals as may be prescribed to the prescribed authority.

(2) Any tax deducted under sub-section (1) shall be paid to the State Government in such manner and within such time as may be prescribed.

(3) The person making any deduction of tax under sub-section (1) and paying to the State Government shall issue a certificate of tax deduction to the owner in such form as may be prescribed.

(4) Any tax deducted under sub-section (1) and paid to the State Government shall, on production of the certificate of tax deduction issued under sub-section (3) by the owner, be deemed to be tax paid by the owner for the relevant period and shall be given credit in his assessment accordingly.

(5) If any person contravenes the provisions of sub-section (1) or sub-section (2) or sub-section (3), the prescribed authority may, by an order in writing, direct such person to pay, in addition to the sum deducted, if any, a penalty not exceeding the amount of tax deductible under sub-section (1) : Provided that no such penalty shall be imposed on any person unless he has been given an opportunity of being heard.

(6) The tax deducted by a person under sub-section (1), remaining unpaid after the due date of payment, shall be recoverable from him as arrears of land revenue.]

6. Keeping of accounts and submission of returns. - (1) An owner may be required to keep such accounts and to submit such returns at such intervals and to such authority as may be prescribed.

[(2) * * * * *]

(3) * * * * *

(4) If the prescribed authority is satisfied that the tax has not been correctly levied, charged and paid, he may after giving the owner a reasonable opportunity of being heard, proceed to levy the amount of tax due and recover the same.

7. Taxing Authorities. - (1) For carrying out the purpose of this Act, the Commissioner may be assisted by such other person or persons as the State Government may appoint in this behalf.

(2) The Commissioner and the person or persons appointed under sub-section (1) shall exercise such powers and perform such duties as may be assigned to them under this Act.

[8. Registration of owner. - No owner of a motor vehicle shall carry passengers or goods in or through the territory of the State of Haryana unless he obtains a registration certificate as hereinafter provided.]

9. Grant of Registration Certificate. - (1) A registration certificate shall be granted in the prescribed manner to any owner applying therefor to the prescribed authority [* * * * *] on payment of a fee of [five rupees.]

(2) Every such registration certificate shall be valid without renewal till it is cancelled or suspended.

[(3) * * * * *]

(4) If the prescribed authority is satisfied that any owner is liable to pay tax under the provisions of this Act in respect of any period but who has wilfully failed to apply for registration or to pay the tax, [or where such authority has reason to believe that the tax due has not been paid correctly] the said authority may, after giving the owner, a reasonable opportunity of being heard, assess the amount of tax, if any, due from the owner, and also direct that the owner shall pay in the prescribed manner by way of penalty, a sum not exceeding [five times the amount of the tax so assessed.]

(5) If any owner, who has been granted a certificate of registration under sub-section (1) transfers, discontinues or closes his business, he shall inform the prescribed authority within thirty days of his doing so, and the said authority shall cancel the registration certificate from the date of transfer, discontinuance or closing down of the business.

(6) (i) On the death of an owner any person claiming to be the legal representative of the deceased shall inform the prescribed authority of this fact within a period of thirty days.

(ii) The prescribed authority shall thereupon transfer the certificate in the name of the applicant.

[(7) When any owner transfers any motor vehicle, the transferee shall be liable to pay tax and penalty, if any, remaining unpaid by the transfer or upto the date of transfer as if he was the registered owner and the transferee shall not carry passengers and goods in the said vehicle without getting himself registered or getting his registration certificate amended, if he is already registered.]

[10. Exemptions. - The State Government may, by general or special order and subject to specific conditions, if any, exempt any person or class of persons from the operation of all or any of the provisions of this Act, if in its opinion, such exemption would promote national or public interest.]

11. Supply of time table and table of fares and freights. - An owner shall, in the prescribed manner, furnish to the prescribed authority a table of fares and freights of public service vehicles and public carriers, a table regulating timings of arrival and departure of motor vehicles and such other particulars connected with the business as the prescribed authority may by order from time to time require.

12. Arrears of tax to be recovered as arrears of land revenue. - Any arrears of tax or penalty imposed under this Act shall be recoverable as an arrear of land revenue.

13. Powers of entry and inspection. - (1) The driver of a motor vehicle shall cause the vehicle to stop and remain stationary, when required so to do by any prescribed authority in order to enable the said authority to carry

out any duty imposed by or under this Act and the said authority may also enter and travel in the motor vehicle for doing so.

(2) A person authorised under sub-section (1) shall wear such uniform or such other distinguishing insignia as may be prescribed, may enter and inspect any place ordinarily used by owner for garaging a vehicle or keeping accounts of his business for the purpose of seeing or verifying whether the provisions of this Act or any rules framed thereunder are being complied with and countersign any documents during the course of such inspection.

[(3) * * * * *]

[(4) All accounts, registers, documents and other books of an owner of a motor vehicle shall at all reasonable times be open to inspection by the Commissioner or any other prescribed authority and the Commissioner or such authority may countersign any or all of such accounts, registers, documents and books.

(5) If the Commissioner or the prescribed authority has reason to suspect that any owner of a motor vehicle is attempting to evade payment of the tax under this Act, the Commissioner or such authority may, for reasons to be recorded, seize such accounts, registers, documents or other books of such owner as may be necessary, and shall grant receipt for the same and shall retain the same only for so long as may be necessary for examination thereof [for the purpose of any proceeding under this Act.]

(6) For the purposes of sub-sections (4) and (5) the Commissioner or the prescribed authority, as the case may be, may enter any place of business of the owner of a motor vehicle.]

[13A. Impounding of licence, etc. - (1) The prescribed authority may, if he has reason to believe that the driver or conductor of a motor vehicle has contravened any provision of this Act or the rules made thereunder or any order or direction made or given thereunder, seize any licence held by such driver or conductor, or any other document relating to the vehicle in their possession, which in the opinion of the prescribed authority will be useful for, or relevant to any proceeding under Section 14A and forward the same to the Excise and Taxation Officer, concerned.

(2) The prescribed authority seizing the licence or other document under sub-section (1) shall give to person surrendering the same a temporary acknowledgement therefor and such acknowledgement shall have effect, until the licence or other document is returned to the driver or conductor, as the case may be, as if the same had not been seized.]

[13AA. Power to detain vehicles. - Any officer authorised under Section 13 may, if he has reason to believe that passengers or goods are being carried by a motor vehicle in or through the State of Haryana without payment of tax or penalty, if any, imposed under this Act or where the owner refuses to pay the tax or penalty, if any, or fails to produce any proof regarding the payment thereof, detain the vehicle, and for this purpose take

or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle :

Provided that the vehicle shall be released as soon as the tax or penalty, if any, has been paid.]

[13AAA. Power to call for information from companies/firm and call centres, etc. - The Commissioner or any other officer not below the rank of Assistant Excise and Taxation Officer appointed to assist him under sub-section (1) of Section 7 may, for carrying out the purposes of this Act, require any person including a company/firm, banking company, call centre, institution organisation or any officer thereof to furnish any information or statistics useful for or relevant to any proceedings under this Act.]

14. Production of tickets. - A passenger shall upon demand made during the course of or immediately before or after the journey, produce to any prescribed authority the ticket, voucher or document relating to his travel or to the carriage of his goods. On his failure to do so [he shall be chargeable] with twice the fare as penalty.

[14A. Penalty. - (1) Whoever contravenes, or fails to comply with, any of provisions of this Act or the rules made thereunder or any order or direction made or given thereunder, shall, if no other penalty is provided under this Act for such contravention or failure, be liable to imposition of a penalty not exceeding [five thousand rupees].

(2) [A person] appointed under sub-section (1) of Section 7, may, after affording to the person concerned a reasonable opportunity of being heard, impose the penalty specified in sub-section (1).]

[14B. Interest on delayed payment. - Where any tax or penalty is not paid within prescribed time, the owner of the vehicle shall be liable to pay interest at the rate of two per cent per month on the amount of tax and penalty remaining unpaid for a period not exceeding three months, and also additional interest upto two per cent per month for the period of default exceeding three months :

Provided that the above provisions shall not be applicable to the arrears of tax and penalty payable prior to the date of commencement of the Punjab Passengers and Goods Taxation (Haryana Amendment) Act, 2002 :

Provided further that where the recovery of tax or penalty is stayed by the Appellate Authority, High Court or Supreme Court, the amount of such tax or penalty shall be recoverable with interest at the rate of two per cent per month on the amount ultimately found due and such interest shall be payable on such amount from the date the tax and penalty first become due for the whole of the period, the stay of recovery continued.]

15. Appeals. - (1) An appeal shall lie to the appellate authority appointed by the State Government in this behalf against any original order passed under this Act within sixty days of the passing of such order or within such further period as the appellate authority may, for sufficient cause, allow.

(2) Save as provided in Section 16, an order passed by the appellate authority shall be final.

16. Revisions. - (1) The Commissioner, of his own motion, or, on application made to him in the prescribed manner, may call for the record of any proceedings, which are pending before or have been disposed of by any other authority subordinate to him under this Act for the purpose of satisfying himself as to the legality or propriety of such proceedings or any order made therein and may pass such orders in relation thereto as he may think fit :

Provided that the owner may make such application only within one year from the date of the order required to be revised.

(2) No order shall be made under this section or the next preceding section without giving an owner or any other person interested a reasonable opportunity of being heard.

[17. x x x x x x]

[18. x x x x x x]

19. Bar of proceedings. - No prosecution shall lie against any person authorised under this Act for anything done or purporting to have been done in good faith under this Act or the rules made thereunder.

20. Exclusion of jurisdiction of civil Courts. - No civil Court shall have jurisdiction in any matter, which the State Government or any prescribed authority is empowered by this Act or the rules made thereunder to dispose of or take cognizance of and regarding the manner in which the State Government or any prescribed authority excise any power vested in it or him by or under this Act or the rules made thereunder.

21. Refunds. - The prescribed authority shall, in the prescribed manner, refund to the owner, applying in this behalf, any amount of tax or penalty paid by such owner in excess of the amount due from him under this Act][either by a refund voucher or, at the option of the owner, by deduction of such excess from the amount of tax or penalty due in respect of any other period :

Provided that no refund under this section shall be allowed, unless the claim for refund is made within a period of three years from the date on which such claim accrues.]

22. Power to make rules. - (1) The State Government may make rules, consistent with this Act, for securing the payment of tax and generally for the purposes of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules :-

(a) prescribing the manner in which and the intervals at which tax shall be paid under Sections 3 and 4;

[(aa) prescribing the places where Tax Collection Points will be set up in the State or at the borders of the State;]

- (b) prescribing the authority or authorities for the purpose of carrying out any function under any of the provisions of this Act;
- (c) prescribing the forms of tickets and receipts under Section 5;
- [(d) prescribing the manner and payment of tax and penalty assessed and imposed under this Act;]
- (e) prescribing the manner and table of fares under Section 11;
- [(f) prescribing the manner in which appeals under this Act may be preferred;]
- (g) prescribing the manner in which revision application may be preferred;
- (h) prescribing the manner in which refund under Section 21 shall be made;
- (i) to provide for any other matter for which rules can be or may be prescribed.