

in sub-section (1) of section 58 who is studying for any examination of the Kerala University or the Calicut University shall be permitted to complete his course and preparation therefor, and the University established under this Act shall make arrangements for holding for such students, examinations in accordance with the curricula of studies of the Kerala University or the Calicut University, as the case may be, until he completes the said course of studies."

4. **Repeal and saving.**—(1) The Kerala Agricultural University (Amendment) Ordinance, 1972 (1 of 1972), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 29th day of January, 1972.

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**THE KERALA GENERAL SALESTAX  
(AMENDMENT) ACT, 1972**

(Act 11 of 1972)

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**THE KERALA GENERAL SALESTAX  
(AMENDMENT) ACT, 1972 \***

(Act 11 of 1972)

**An Act further to amend the Kerala General  
Salestax Act, 1963 •**

**Preamble.**—WHEREAS it is expedient further to amend the Kerala General Salestax Act, 1963, for the purposes hereinafter appearing ;

BE it enacted in the Twenty-third Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Kerala General Salestax (Amendment) Act, 1972.

**Insertion of new section 29A.**—In the Kerala General Salestax Act, 1963 (15 of 1963) (hereinafter referred to as the principal Act), after section 29, the following section shall be inserted, namely :—

**"29A. Procedure for inspection of goods in transit through notified areas.**—(1) The driver or other person in charge of a vehicle or vessel shall stop the vehicle or vessel at any place within a notified area when so required by the officer in charge of that notified area, or at any other place when so required by any officer empowered by the Government in that behalf, for the purpose of enabling such officer to verify the documents required by subsection (2) of section 29 to be in the possession of the person transporting the goods and to satisfy himself that there is no evasion of tax.

(2) If such officer has reason to suspect that the goods under transport are not covered by proper and genuine documents (in cases where such documents

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are necessary) or that any person transporting the goods is attempting to evade payment of the tax due under this Act, he may, for reasons to be recorded in writing, detain the goods and shall allow the same to be transported only on the owner of the goods, or his representative or the driver or other person in charge of the vehicle or vessel on behalf of the owner of the goods, furnishing security for double the amount of tax likely to be evaded, as may be estimated by such officer :

Provided that such officer may, if he deems fit, having regard to the nature of the carrier or the goods and other relevant matters, allow such goods to be transported on the owner of the goods or his representative or the driver or other person in charge of the vehicle or vessel executing a bond with or without sureties for securing the amount due as security.

(3) The officer detaining the goods shall record the statements, if any, given by the owner of the goods or his representative or the driver or other person in charge of the vehicle or vessel and shall submit the proceedings along with the connected records to such officer not below the rank of Sales-tax Officer as may be authorised in that behalf by the Government, for conducting necessary inquiry in the matter.

(4) The officer authorised under sub-section (3) shall, before conducting the inquiry, serve notice on the owner of the goods and give him an opportunity of being heard and if, after the inquiry, such officer finds that there has been an attempt to evade the tax due under this Act, he shall, by order, impose on the owner of the goods a penalty not exceeding twice the amount of tax attempted to be evaded, as may be estimated by such officer.

(5) No action under sub-section (2) or sub-section (3) or sub-section (4) shall be taken in respect of goods already subjected to the proceedings under those sub-sections.

(6) If the owner of the goods or his representative or the driver or other person in charge of the vehicle or vessel does not furnish security or execute the bond as required under sub-section (2) within fourteen days from the date of stopping the vehicle or vessel under sub-section (1), the officer referred to in that sub-section may, by order, seize the goods, and in the event of the owner of the goods not paying the penalty imposed under sub-section (4) within thirty days from the date of the order imposing the penalty, the goods seized shall be liable to be sold for the realisation of the penalty in the manner provided in sub-section (9).

(7) When any goods are seized under sub-section (6), the officer seizing the goods shall issue to the owner of the goods if present or, if the owner of the goods is not present, to his representative or the driver or other person in charge of the vehicle or vessel, a receipt specifying the description and quantity of the goods so seized and obtain an acknowledgment from such person or, if such person refuses to give an acknowledgment, record the fact of refusal in the presence of two witnesses.

(8) The notice under sub-section (4) to be served on the owner of the goods shall be given to the address as furnished in any of the documents referred to in sub-section (1) or to the address furnished by the driver or other person in charge of the vehicle or vessel, and if there are no such documents or if the address is not furnished, a notice giving the description of the goods, the approximate value thereof, the

number and description of the vehicle or vessel in which the goods were carried and the date and time of detention and also indicating the provisions of the Act and the rules thereunder which have been violated shall be—

(a) displayed on the notice board of the officer authorised under sub-section (3); and

(b) published in not more than two daily newspapers having wide circulation in the area in which the goods were detained, before conducting the inquiry under sub-section (4).

(9) The goods seized under sub-section (6) shall be sold by the officer who imposed the penalty, by public auction to the highest bidder and the sale proceeds shall be remitted in the Government treasury.

(10) If the goods seized are of a perishable nature, or subject to speedy and natural decay, or when the expenses of keeping them in custody are likely to exceed their value, the officer in charge of the notified area or the other officer empowered under sub-section (1), as the case may be, shall immediately sell such goods or otherwise dispose of them and remit the sale proceeds of such goods, or the amount obtained by the disposal of such goods otherwise than by sale, in the Government treasury.

(11) If the order of imposition of penalty under sub-section (4) or of seizure of goods under sub-section (6) is set aside or modified in appeal or other proceedings, the appropriate authority shall also pass consequential orders for giving effect to the order in such appeal or other proceedings, as the case may be

(12) The owner of the goods sold or otherwise disposed of under this section shall be liable to pay the expenses and other incidental charges for keeping the goods seized in custody until the sale or other disposal and the charges for publication in newspapers of the notice under sub-section (8).

(13) If the sale proceeds of any goods sold or the amount obtained on the disposal of any goods otherwise than by sale under the provisions hereinbefore contained exceeds the penalty imposed in respect of such goods, such excess amount after deducting the expenses, incidental charges and charges for publication referred to in sub-section (12) shall be returned by the officer who conducted the sale or otherwise disposed of the goods, to the owner of the goods on his establishing the ownership thereof.”.

**3. Amendment of section 34.**—In sub-section (1) of section 34 of the principal Act, after the word and figures “section 29”, the word, figures and letter “section 29A,” shall be inserted.

**4. Repeal and saving.**—(1) The Kerala General Salestax (Second Amendment) Ordinance, 1971 (24 of 1971), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 28th day of December, 1971.