

THE KERALA FINANCE ACT, 1983
(Act 19 of 1983)

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THE KERALA FINANCE ACT, 1983 *

(Act 19 of 1983)

An Act to give effect to the financial proposals of the Government of Kerala for the financial year 1983-84.

Preamble —WHEREAS it is expedient to give effect to the financial proposals of the Government of Kerala for the financial year 1983-84 ,

BE it enacted in the Thirty-fourth Year of the Republic of India as follows :—

1 *Short title and commencement.*—(1) This Act may be called the Kerala Finance Act, 1983.

(2) Section 2, section 4, clause (1) of section 5 and section 6 shall be deemed to have come into force on the 1st day of April, 1983 and the remaining provisions of this Act shall be deemed to have come into force on the 13th day of June, 1983

2 *Amendment of Act 35 of 1958* —In the Kerala Money Lenders Act, 1958 (35 of 1958),—

(a) in the clause (7) of section 2, in *Explanation II*, for the word, figures and letter “section 16A”, the word, figures and letter “section 16B” shall be substituted ,

(b) in section 4, for sub-section (2), the following sub-sections shall be substituted, namely :—

“(2) Every licence shall be granted in such form as may be prescribed and shall be subject to the following conditions and to such other conditions as may be prescribed, namely —

- (i) payment of a licence fee of one thousand rupees ;
- (ii) payment of security as provided in sub-section (2A).

(2A) Every licensee specified in column (1) of the Table below shall, within such time and in such manner as may be prescribed, deposit in the Government Treasury in respect of each licence held by him, the amount specified in the corresponding entry in column (2) of the said Table, by way of security for the due observance of the conditions of the licence.

Explanation.—For the removal of doubts, it is hereby declared that a money lender who has a branch or branches in the State of Kerala of his principal place of business situate outside the State shall be liable to deposit the security under this sub-section in respect of the branch or each of the branches, as the case may be

* Received the assent of the President on the 6th day of November, 1983 and published in the Kerala Gazette Extraordinary No 1362 dated the 11th November, 1983.

TABLE

(1)	(2)
1. A licensee who lends less than one lakh rupees in an year	Five thousand rupees
2. A licensee who lends one lakh rupees or above but less than five lakh rupees in an year	Ten thousand rupees
3. A licensee who lends five lakh rupees or above but less than ten lakh rupees in an year	Twenty-five thousand rupees
4. A licensee who lends ten lakh rupees or above in an year	Fifty thousand rupees

(2B) For the purposes of sub-section (2A), the amount lent by a licensee for the year for which the security is to be paid shall be deemed to be the aggregate amount lent by him during the previous year :

Provided that in the case of a new licensee or a person who was a licensee only for a portion of the preceding year, the amount of security shall be determined on the basis of a declaration in the prescribed form as to the amount which he is likely to lend during the year, filed before the licensing authority in the prescribed manner.”;

(c) section 16A shall be relettered as section 16B and—

(i) in section 16B as so relettered, in sub-section (1), after the word and figures “section 14”, the words, brackets, figures and letter “or sub-section (1) of section 16A” shall be inserted ;

(ii) before section 16B as so relettered, the following section shall be inserted, namely :—

“16A. *Forfeiture of security.*—(1) The licensing authority may, at any time, by order in writing, forfeit to the Government the whole or any portion of the security furnished under sub-section (2A) of section 4,

(a) if the licensee carries on the business of money lending in contravention of any of the provisions of this Act or the rules made thereunder or the conditions of the licence, or

(b) If the licensee is convicted of an offence under section 11 or section 13, or

(c) if the licensee maintains false accounts.

(2) Before forfeiting to the Government the whole or any portion of the security under sub-section (1), the licensing authority shall give the licensee a notice in writing stating the grounds on which it is proposed to take action and requiring him to show cause against it within such time as may be specified in the notice.

(3) Every order of the licensing authority under this section shall be communicated to the licensee in such manner as may be prescribed.”.

3. *Amendment of Act 17 of 1959*.—In the Schedule to the Kerala Stamp Act, 1959 (17 of 1959), for Serial Number 48 and the entries relating thereto, the following shall be substituted, namely :—

“48. Release, that is to say, any instrument (not being such a release as is provided for by section 24) whereby a person renounces a claim upon another person or against any specified property—

(a) when such release operates in favour of his or her spouse or children,—

(i) if the amount or value of the claim does not exceed Rs. 1000.

(ii) if the amount or value of the claim exceeds Rs. 1000

(b) in any other case

The same duty as a Bottomry Bond (No. 11) for such amount or value as set forth in the release

Thirty rupees

The same duty as a conveyance (No. 21 or 22 as the case may be) for such amount or value as set forth in the release”.

4. *Amendment of Act 13 of 1961*.—In section 6 of the Kerala Land Tax Act, 1961 (13 of 1961),—

(a) to sub-section (1), the following provisos shall be added, namely :—

“Provided that the rate of basic tax for every financial year commencing with the financial year 1983-84 shall, subject to the provisions of sub-section (2) and section 7, be twenty rupees per hectare per annum .

Provided further that the preceding proviso shall not apply in respect of lands held by a landholder if the aggregate extent of land held by him in the State is less than one hectare.”;

(b) in sub-section (2),—

(i) in the opening paragraph, after the words “twentyfour rupee, and seventy paise”, the words “or, as the case may be, one hundred rupees” shall be inserted ,

(ii) in the first proviso, after the words “four rupees and ninety-four paise” the words “or, as the case may be, twenty rupees” shall be inserted ;

(iii) in the second proviso,—

(A) after the words "four rupees and ninety-four paise", the words "or, as the case may be, twenty rupees", shall be inserted ;

(B) after the words "twenty-four rupees and seventy paise", the words "or, as the case may be, one hundred rupees" shall be inserted

5. *Amendment of Act 15 of 1963.*—In the Kerala General Sales Tax Act, 1963 (15 of 1963),—

(1) in section 14,—

(a) in sub-section (1), for the words "ten rupees", the words "fifty rupees" shall be substituted ;

(b) in sub-section (3), for the words "five rupees", the words "twenty-five rupees" shall be substituted ;

(2) in the First Schedule,—

(a) in the entry in column (2) against Serial Number 21, the words "or French Coffee" shall be inserted at the end ,

(b) after serial Number 21 and the entries relating thereto, the following shall be inserted, namely .—

"21A French Coffee (admixture of coffee and chicory)

At the point of first sale in the State by a dealer who is liable to tax under section 5

6

Explanation.—Where a tax has been levied in respect of coffee seeds or coffee powder or chicory, the tax leviable on French Coffee produced out of such coffee seeds or powder or chicory shall be reduced by the amount of tax levied on such coffee seeds or powder or chicory, as the case may be."

(c) (i) in the entry in column (2) against Serial Number 33, for the words "sauces and beverages, bottled or canned and sold under brand name", the words "sauces, aerated waters and beverages, bottled or canned" shall be substituted ;

(ii) in the *Explanation* under Serial Number 33 and the entries relating thereto, the words and figures "or item 34" shall be omitted ;

(d) Serial Number 34 and the entries relating thereto shall be omitted ;

(e) in column (4) against Serial Number 36A, for the figures "15", the figures "35" shall be substituted ;

(f) in column (2) against Serial Number 42, for the words "and synthetic polyester fibre", the words "synthetic polyester fibre and staple fibre yarn" shall be substituted ;

(g) Serial Number 43 and the entries relating thereto shall be omitted ;

(h) for Serial Numbers 72 and 72A and the entries relating thereto, the following shall be substituted, namely :—

“72	Paints, colours, lacquers varnishes, pigments, polishes, indigo, enamel, putty, bale oil, white oil, turpentine oil and thinners	At the point of first sale in the State by a dealer who is liable to tax under section 5	10
72A.	Abrasives and paint brushes	do.	7”;

(i) for Serial Number 102 and the entries relating thereto, the following shall be substituted, namely :—

“102.	Cement, excluding white cement	At the Point of first sale in the State by a dealer who is liable to tax under section 5	10
102A.	White cement	do.	15”;

(j) in column (4) against Serial Number 137, for the figure “7”, the figures “10” shall be substituted ;

(k) in column (4) against Serial Number 162, for the figure “2”, the figure “5” shall be substituted.

6. *Amendment of Act 19 of 1976.*—In the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), for section 25, the following section shall be substituted, namely :—

“25. *Surcharge and additional surcharge on tax.*—The amount of the tax leviable under sub-section (1) of section 3 shall,—

(a) in the case of any motor vehicle, be increased by a surcharge at the rate of ten per cent of the tax so leviable ;

(b) in the case of any motor vehicle referred to in sub-item (iii) of item 4 of the Schedule, the registered owner of which is a fleet owner, be increased by an additional surcharge at the rate of forty per cent of the tax so leviable,

and the provisions of this Act shall, so far as may be, apply in relation to such surcharge and additional surcharge as they apply in relation to the tax leviable under sub-section (1) of section 3”.

7. *Amendment of Act 20 of 1978.*—In section 2 of the Kerala Additional Sales Tax Act, 1978 (20 of 1978), in sub-section (1), for the words “ten per cent”, the words “fifteen per cent” shall be substituted.

8. *Amendment of Act 29 of 1978.*—After section 5 of the Kerala Forest Produce (Fixation of Selling Price) Act, 1978 (29 of 1978), the following section shall be inserted, namely :—

“5A. *Additional price to be paid by industrial establishments*—(1) Any industrial establishment which purchases bamboos, reeds or eucalyptus from the Government as raw materials, in pursuance of a contract executed by it with the Government, shall pay in addition to the price payable by it for such bamboos, reeds or eucalyptus, an additional price at the rate of twenty-five rupees per tonne of such bamboos, reeds or eucalyptus.

(2) The amount obtained by the imposition of the additional price under sub-section (1) shall, subject to such rules as may be made by the Government in this behalf, be set apart for being utilised for the regeneration of bamboos, reeds and eucalyptus.”

9. *Repeal and saving.*—(1) The Kerala Finance Ordinance, 1983 (20 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under each of the Acts specified in sections 3 to 9 of the said Ordinance, as amended by that Ordinance, shall be deemed to have been done or taken under that Act as amended by this Act.