

Registered with the Registrar
of Newspapers for India under
No. 10410



Registered No.
PY/44/2018-20
WPP No. TN/PMG(CCR)/
WPP-88/2018-20
Dated : 22-7-2020
Price : ₹ 4-00

புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

PART - II

| சிறப்பு வெளியீடு | EXTRAORDINAIRE | EXTRAORDINARY |
|----------------------------|-------------------------|---------------------------|
| அதிகாரம் பெற்ற வெளியீடு | Publiée par Autorité | Published by Authority |
| விலை : ₹ 4-00 | Prix : ₹ 4-00 | Price : ₹ 4-00 |

| | | | | | |
|----------|-------------|------------|----------------|---------|------|
| எண் } 35 | புதுச்சேரி | புதன்கிழமை | 2020 ஆம் ஆண்டு | சூலை மீ | 22 ௨ |
| No. } | Poudouchéry | Mercredi | 22 | Juillet | 2020 |
| No. } | Puducherry | Wednesday | 22nd | July | 2020 |

(31 Asadha 1942)

GOVERNMENT OF PUDUCHERRY LEGISLATIVE ASSEMBLY

No. 104/LA/Budget Session-July2020/Bills.

Puducherry, the 22nd July 2020.

Under rule 140 of Rules of Procedure and Conduct of Business of the Puducherry Legislative Assembly, the following Bills viz.,

- The Puducherry Motor Vehicles Taxation (Amendment) Bill, 2020 (Bill No. 7 of 2020).
- The Societies Registration (Puducherry) Amendment Bill, 2020 (Bill No. 8 of 2020).

which were introduced in the Legislative Assembly on 22nd July, 2020, are published for general information.

THE PUDUCHERRY MOTOR VEHICLES
TAXATION (AMENDMENT) BILL, 2020
(Bill No. 7 of 2020)

A

BILL

**further to amend the Puducherry Motor Vehicles Taxation
Act, 1967.**

BE it enacted by the Legislative Assembly of
Puducherry in the Seventy-first Year of the Republic of
India as follows:—

Short title and
commencement. 1. (1) This Act may be called the Puducherry Motor
Vehicles Taxation (Amendment) Act, 2020.

(2) It shall come into force on and from the
date of its publication in the Official Gazette.

Amendment
of section 11. 2. In the Puducherry Motor Vehicles Taxation Act, Act No.
1967, for the existing section 11, the following shall be 5 of
substituted, namely,— 1967.

“11. Recovery of tax, compounding fee and
other dues payable to the Transport Department by
auctioning the detained vehicles lying unclaimed:

(1) Any due under this Act or any compounding
amount or any other amount payable to the
Transport Department by any vehicle owner shall
be recovered in the same manner as an arrear of
land revenue under the law for the time being in
force for the recovery of land revenue.

(2) The motor vehicle in respect of which the
tax or any compounding amount or any other
amount payable to the Transport Department,
the said motor vehicle or its accessories may be
distrained and sold in pursuance of this section,
whether or not such motor vehicle or its
accessories are in the possession or control of
the person liable to pay the tax or compounding
amount or any other amount payable to the
Transport Department.

(3) The Transport Commissioner or any other officer empowered by him in this behalf, shall furnish to the person employed to distrain the motor vehicle of a defaulter (hereinafter called the distrainer) as stated in sub-section (1) of this section, a demand in writing, duly signed by him, specifying the name of the defaulter, the amount of arrear/due for which the distress is to be issued and the date on which the arrear/amount payable fell due.

(4) The distrainer shall issue a demand to the defaulter through post or mail or by any other relevant mode of communication to the last available address of the defaulter/registered owner of the motor vehicle, by granting 15 days time to settle the dues.

(5) In case, if, the defaulter/registered owner is absent or not available or not resides in the last available address and his/her present residential address is not known, the demand shall be published in the leading newspaper by granting 15 days time to settle the tax/arrears/dues/amount payable to the Transport Department.

(6) Where the amount due is not paid in accordance with the terms of the demand issued as per sub-sections (3) and (4) of this section and within the time-limit prescribed, and no arrangement for securing such amount has been entered into, to the satisfaction of the Transport Commissioner or the distrainer, who shall transmit an inventory of the property distrained, for auctioning, as may be deemed fit, so that it may be publicly sold and the proceeds of the auction shall go for the discharge of tax/arrears/dues/amount payable to the Transport Department, with the cost of distraint, if any.

(7) Distress to be withdrawn, prior to the sale, if, the defaulter/registered owner tenders payment or come forward to discharge the tax/arrears/dues/amount payable to the Transport Department, alongwith all other necessary expenses attending the distress, after his/her motor vehicle/property has been distrained, but, prior to the date of sale, the distrainer shall receive the amount so tendered and shall release the property, forthwith.

(8) The distress levied shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate to the tax/arrears/dues/amount payable to the Transport Department.

(9) In case, the proceeds of auction is more than the dues accrued against the vehicle, excess amount shall stand forfeited to the public revenue, unless a claim to that effect is made in writing to the Transport Commissioner by the registered owner within 15 days of conduct of auction. If, the claim is found to be in order, the excess amount, after deducting the cost of auction process, shall be payable to the registered owner within 15 days of the filing of claim.

(10) If, the amount realized is less, any dues to the Transport Department, then the excess amount to be payable shall be recovered from the defaulter by auctioning other properties of registered owner as arrear of land revenue, the defaulter is known.”

STATEMENT OF OBJECTS AND REASONS

Transport Department is conducting regular enforcement drives to ensure the provisions of the Motor Vehicles Act, 1988 and the rules made thereunder and for road safety. During the drives, the defaulted vehicles are being seized by the Motor Vehicle Inspectors after issuing challans/check reports stating the reasons in writing for such seizure. These vehicles are being released from the custody, if, the owners pay the compounding fee as applicable. Some of the owners of such seized vehicles are not turned up to claim their vehicles for various reasons. Such unclaimed vehicles are being kept in the premises of the Transport Department for longer periods, occupying the valuable space, causing inconvenience to the general public. Further, at present, there is no provision to recover the compounding fees, penalties and other dues payable to the Transport Department other than the tax. Hence, in order to recover all the possible dues, apart from tax *i.e.*, compounding fee, penalties or any other dues payable to the Transport Department and to dispose off the unclaimed motor vehicles from the valuable space occupied by such vehicles, which may be used for other useful purposes and to make it convenient to the general public visiting the Transport Department for various services, it is proposed to amend section 11 of the Puducherry Motor Vehicles Taxation Act, 1967, accordingly.

2. For the above purpose, it is proposed to introduce a Bill titled as "The Puducherry Motor Vehicles Taxation (Amendment) Bill, 2020".

3. The Bill seeks to achieve the above object.

M.O.H.F. SHAHJAHAN
Transport Minister.

FINANCIAL MEMORANDUM

The proposed amendment in section 11 of the Puducherry Motor Vehicles Taxation Act, 1967 providing for recovery of tax, compounding fee, penalties and other dues, payable to the Transport Department, by auctioning the detained unclaimed vehicles, in the Union Territory of Puducherry, is expected to result in an appreciable quantum of revenue to the Government. Further, the provisions of the Bill do not involve any other expenditure.

ADMINISTRATOR'S RECOMMENDATION UNDER
SUB-SECTION (1) OF SECTION 23 OF THE GOVERNMENT
OF UNION TERRITORIES ACT, 1963

[Copy of the Letter No. 1412/TD/RTO(HQ)/PA/2018, dated 17-07-2020 from Thiru M.O.H.F. Shahjahan, Hon'ble Transport Minister to the Hon'ble Speaker, Legislative Assembly, Puducherry]

The Lieutenant-Governor, Puducherry, having been informed of the subject matter of the proposed Puducherry Motor Vehicles Taxation (Amendment), Bill, 2020, providing for recovery of tax, compounding fee, penalties and other dues, payable to the Transport Department, by auctioning the detained unclaimed vehicles, recommends under sub-section (1) of section 23 of the Government of Union Territories Act, 1963, the introduction in and consideration by the Legislative Assembly of the said Bill.

THE SOCIETIES REGISTRATION
(PUDUCHERRY) AMENDMENT BILL, 2020
(Bill No. 8 of 2020)

A

BILL

**further to amend the Societies Registration Act, 1860
in its application to the Union territory of
Puducherry.**

BE it enacted by the Legislative Assembly of Puducherry in the Seventy-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Societies Registration (Puducherry) Amendment Act, 2020. Short title and commencement.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Act No. 21 of 1860. 2. In the Societies Registration Act, 1860 (hereinafter referred to as the Principal Act), in section 3, for the existing words “fifty rupees”, the words “five thousand” shall be substituted. Amendment of section 3.

3. (i) In the Principal Act, in section 4A, in sub-section (2), for the existing words “rupees three”, the words “two hundred” shall be substituted. Amendment of section 4A.

(ii) In section 4A, in sub-section (7), for the existing words “fifty rupees”, the words “one hundred rupee and in case of a continuing failure with fine which may extend to five rupees each day during which the failure continues”, shall be substituted.

4. In the Principal Act, in section 12 B, sub-section (3), for the existing words “rupee one”, the words “six hundred”, shall be substituted. Amendment of section 12.

5. In the Principal Act, in section 19, for the existing words, “one rupee”, and “fifteen paise for every hundred words”, the words “one hundred rupees”, and “twenty five rupees per page”, respectively, shall be substituted. Amendment of section 19.

STATEMENT OF OBJECTS AND REASONS

The Office of the Registrar of Companies, Government of India was set up in Puducherry for implementation of the Companies Act, 2013. As per the existing procedure, based on the decision taken during the year 1992 by the Finance Department, Government of Puducherry, this administration has to bear 50% of the expenditure incurred by the Office of the Registrar of Companies, Puducherry. The Societies Registration Act, 1860 is a Central Legislation and the same has been extended to this Union territory of Puducherry under the Puducherry (Laws) Regulation, 1963 with effect from the 1st day of October, 1963. Since the existing rate of user charges was fixed some decades ago, the enhancement of fees for various services being provided by the Registrar of Companies as proposed by the Finance Department, Government of Puducherry, will pave the way for generation of additional revenue to the Government's Exchequer. This will strengthen the financial status resulting in better maintenance of the establishment and better service to the public in general.

2. For the above purpose, it is proposed to introduce a Bill titled as "The Societies Registration (Puducherry) Amendment Bill, 2020.

3. The Bill seeks to achieve the above object.

V. NARAYANASAMY,
Chief Minister.

FINANCIAL MEMORANDUM

The proposed amendment to sections 3, 4A(2), 4A(7), 12B(3) and 19 of the Societies Registration Act, 1860 is expected to generate additional revenue to the Government. Further, the provisions of the Bill do not involve any other expenditure to the exchequer.

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online publication at “<https://styandptg.py.gov.in>”

Published by The Director, Government Press

Printed at: Government Central Press, Puducherry.

Posted at: Puducherry HPO on every Tuesday