

**Fourteenth Kerala Legislative Assembly**  
**Bill No. 16**

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**THE KERALA FINANCE BILL, 2016**

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A

BILL

*to give effect to certain financial proposals of the Government of Kerala for the Financial Year 2016-2017.*

*Preamble.*—WHEREAS, it is expedient to give effect to certain financial proposals of the Government of Kerala for the Financial Year 2016-2017;

BE it enacted in the Sixty-seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Finance Act, 2016.

2. *Amendment of Act 11 of 1957.*—In the Kerala Surcharge on Taxes Act, 1957 (11 of 1957), in section 3,—

(a) after sub-section (1A), the following sub-section shall be inserted, namely:—

“(1AA) The tax payable under section 6 of the Kerala Value Added Tax Act, 2003 (30 of 2004), shall, with respect to the sale of water, soda, soft drinks, fruit juices and other beverages whether aerated or not, intended for human consumption and sold in containers of plastic but excluding those sold in such containers of and above 20 litres, be increased by a surcharge at the rate of five per cent and the same shall be paid over to the Government and further, the provisions of the Kerala Value Added Tax Act, 2003 (30 of 2004) excluding those related to input tax credit and special rebate shall apply in relation to the said surcharge as they apply in relation to the tax payable under the said Act.”;

(b) in sub-section (2), for the word, brackets, figure and letter “sub-sections (1) and (1A)” the word, brackets, figure and letter “sub-sections (1), (1A) and (1AA)” shall be inserted;

(c) in sub-section (3), for the word, brackets, figure and letter “sub-sections (1) and (1A)” the word, brackets, figure and letter “sub-sections (1), (1A) and (1AA)” shall be inserted;

3. *Amendment of Act 17 of 1959.*—In the Kerala Stamp Act, 1959 (17 of 1959),—

(1) in section 2, in clause (l), after item (vii), the following items shall be inserted, namely:—

“(viii) an agreement relating to installation of ATM machine, between banks and the land owner or renewal of such an agreement.

(ix) an agreement relating to installation of Mobile Tower, between a company and the land owner or renewal of such an agreement.”;

(2) after section 28A, a new section 28B shall be inserted, namely:—

“28B. *Valuation of Flat/Apartment.*—Notwithstanding anything contained in this Act,—

(i) an instrument transferring land including flat/apartment, chargeable with duty, shall fully and truly set forth the value of the flat/apartment therein. For this purpose, the party executing the instrument shall furnish a valuation certificate of the flat/apartment conforming to the criteria approved by the Central Public Works Department for determining value of flat/apartment, issued by a competent authority, to be authorised by the Government, by notification in the Official Gazette, to perform such functions as may be specified by Government in that behalf;

(ii) the registering officer shall, before registering an instrument mentioned in clause (i) shall verify that it is accompanied by the valuation certificate issued by the competent authority and ensure that the value of such flat/apartment set forth in the instrument is not less than the value assessed by the competent authority.”;

(3) in the SCHEDULE,—

(a) in serial number 4, in column (3), for the words “Twenty Five rupees”, the words “Fifty rupees” shall be substituted;

(b) in serial number 5,—

(i) clauses (e) and (f) and the entries against it in column (3), shall be omitted;

(ii) clause (g) shall be re-lettered as clause (e);

(c) in serial number 21, in clause (i), in column (3), for the words “Six rupees” the words “Eight rupees” shall be substituted;

(d) in serial number 22, in clauses (i) and (iv), in column (3), for the words "Six rupees" the words "Eight rupees" shall be substituted;

(e) in serial number 23, for the existing entries in column (2) and (3), the following entries shall be substituted, namely:—

"Copy or extract, certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court fees	Fifty rupees
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Exemptions

Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.";

(f) in serial number 31, in clause (i), for the entry in column (3), the following entry shall be substituted, namely:—

"Three rupees for every rupees 100 or part thereof of the fair value of the land and the value of other properties set forth in the instrument or the value of all the properties set forth in the instrument, whichever is higher.";

(g) in serial number 39, in column (3), for the words "Fifty rupees", the words "One hundred rupees" shall be substituted;

(h) in serial number 42, in clause (i), for the entry in column (3), the following entry shall be substituted, namely:—

"Three rupees for every rupees 100 or part thereof, of the fair value of the separated share or shares of land and the value of other properties in such separated share or shares set forth in the instrument or of the value of all the properties of the separated share or shares as set forth in the instrument, whichever is higher.";

(i) in serial number 48, in clause (a), for the entry in column (3), the following entry shall be substituted, namely:—

"Three rupees for every rupees 100 or part thereof of the amount of the fair value of the land and the value of other properties or claims of which the right is relinquished in proportion to the right relinquished or the value of all the properties or claims of which the right is relinquished in proportion to the right relinquished or consideration for the release, whichever is higher.";

(j) in serial number 51, in sub-clause (i) of clause (a), for the entry in column (3), the following entry shall be substituted, namely:—

“Three rupees for every rupees 100 or part thereof of the fair value of the land and the value of other properties set forth in the instrument or the value of all the properties set forth in such instrument, whichever is higher.”.

4. *Amendment of Act 10 of 1960.*—In the Kerala Court Fees and Suits Valuation Act, 1959 (10 of 1960),—

(1) in sub-section (1) of section 76,—

(a) for the words and symbols “appellate authorities, other than Civil and Criminal Courts”, the words “appellate authorities and original suits in Civil Court” shall be substituted;

(b) for the words “one hundred rupees for each original petition”, the words “one hundred rupees for each original suit, original petition” shall be substituted;

(2) in the SCHEDULE II, in item (iii) of Article 3,—

(a) in sub-item (C), for the entry “one per cent of the assessed income, subject to a maximum of ten thousand rupees” in column (3) against clause (c) in column (2), the entry “five per cent of the relief sought for, subject to a minimum of five hundred rupees” shall be substituted;

(b) in sub-item (D), for the entry “one per cent of the assessed net wealth, subject to a maximum of ten thousand rupees” in column (3) against clause (c) in column (2), the entry “five per cent of the relief sought for, subject to a minimum of five hundred rupees” shall be substituted.

5. *Amendment of Act 15 of 1963.*—In the Kerala General Sales Tax Act, 1963 (15 of 1963), in section 23B,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Notwithstanding anything contained in this Act or in any judgment, decree or order of any court, Tribunal, or Appellate Authority, an assessee who is in arrears of tax or any other amount due under this Act or the Central Sales Tax Act, 1956 (Central Act 74 of 1956) relating to the period ending on 31st March, 2005, may opt for settling the arrears by availing a complete reduction of the interest on the tax amount and for the amount of penalty and interest thereon:

Provided that nothing in this section shall apply to a public sector undertaking under the control of Government of India.”;

(b) in sub-section (3), for the words and figures “31st August, 2014”, the words and figures “28th February, 2017” shall be substituted;

(c) in sub-section (4), for the words and figures “31st December, 2014”, the words and figures “28th February, 2017” shall be substituted;

(d) after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) If a dealer is continuing business even after the commencement of the Kerala Value Added Tax Act, 2003 (30 of 2004) he shall get himself registered thereunder before filing option for payment of arrears under sub-section (1).”.

6. *Amendment of Act 19 of 1976.*— In the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976),—

(1) in section 2, after clause (ab), the following clause shall be inserted, namely:—

“(ac) ‘Floor area’ of a motor vehicle means the area of the vehicle obtained by multiplying the overall length with the overall width of the vehicle and for a double decked bus it shall be twice the floor area.

*Explanation.*—For the purpose of this clause, ‘Overall length’ of a motor vehicle is the length of the vehicle measured between parallel planes passing the extreme projection points of the vehicle exclusive of a starting handle, any hood when down, any fire-escape fixed to a vehicle, any post office letter box, any ladder used for loading or unloading from the roof of the vehicle or any tail or indicator lamp or number plate fixed to a vehicle, any spare wheel or spare wheel bracket or bumper fixed to a vehicle or any towing hook or other fitment and ‘Overall width’ of a motor vehicle is the width of a motor vehicle measured at right angle to the axis of the motor vehicle between perpendicular planes enclosing the extreme points exclusive of a rear-view mirror or guard rail or a direction indicator.”;

(2) in section 3,—

(a) in sub-section (1), after the third proviso, the following proviso shall be inserted, namely:—

“Provided also that in respect of Stage Carriages registered or assigned a new registration mark or altered from any category other than Stage Carriage, there shall be levied a tax based on the floor area of the vehicle at the rate specified in item (iv) of serial number 7 of the Schedule.”;

(b) in sub-section (5), for the existing proviso, the following proviso shall be substituted, namely:—

“Provided also that in the case of vehicle covered with permit under sub-section (8) of section 88 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), and registered in any State other than the State of Kerala and entering the State of Kerala and staying therein, the tax payable for such vehicle shall be—

(i) if such stay does not exceed seven days one tenth of the quarterly tax for one round trip ; and

(ii) if such stay exceeds seven days but does not exceed thirty days, one third of the quarterly tax for one round trip.

(c) after the proviso, as so substituted, the following provisos shall be inserted, namely:—

“Provided further that in the case of vehicles covered with permit under sub-section (9) of section 88 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) and registered in any State other than in the State of Kerala and entering the State of Kerala and staying therein, the tax shall be payable at the rate specified for such vehicles in the Schedule:

Provided also that if any State other than the State of Kerala is levying annual tax on the vehicles registered in Kerala and covered with permit under sub-section (9) of section 88 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), an annual tax shall be levied from such category of vehicles registered in that State and entering the State of Kerala covered with permit under the said Act at the rate specified for such vehicle in the Schedule.

*Explanation:*—For the purpose of this proviso, the Additional Tax and Interest on belated payment of tax under section 12 and 12A of the Act shall be levied on the basis of quarterly rate of tax payable.”;

(3) after section 3, the following section shall be inserted, namely:—

“3A. *Levy of Green Tax.*—There shall be levied and collected a tax called ‘Green Tax’ in addition to the tax levied under this Act on the motor vehicles specified in column (2) of the table below at the rate specified in column (3) thereof, for the purpose of implementation of various measures to control air pollution, namely:—



TABLE

Sl. No.	Class and age of vehicle	Rate of Green Tax (in Rupees)	Incidence of levy
(1)	(2)	(3)	(4)
1	Non Transport Vehicles having four or more wheels and completed 15 years from the date of its registration.	400 for every five years	At the time of renewal of registration
2	Light Transport Vehicles having four or more wheels and have completed 10 years from the date of its registration	200 for every year	At the time of renewal of fitness certificate
3	Medium Transport Vehicles which have completed 10 years from the date of its registration.	300 for every year	At the time of renewal of fitness certificate
4	Heavy Transport Vehicles which have completed 10 years from the date of its registration.	400 for every year	At the time of renewal of fitness certificate
5	Other transport vehicles not covered under serial numbers 1 to 4 above	400 for every year	At the time of renewal of fitness certificate

Provided that no additional tax, fine or interest shall be levied for any belated payment of Green Tax:

Provided further that nothing in this section shall apply in case of remitting tax at the reduced or modified rate allowed by the Government under section 22 of the Act:

Provided also that the provisions for payment of tax and issue of licence under sub-section (3) of section 4 shall '*mutatis mutandis*' apply to Green Tax to be levied under section 3A."

(4) in section 4,—

(a) in sub-section (1),—

(i) before the first proviso, the following proviso shall be inserted, namely:—

“Provided that Green Tax levied under section 3A shall be paid in advance in such manner, as may be prescribed, on completion of 10 years in the case of Transport Vehicles and 15 years in the case of Non Transport Vehicles, upon a licence for the purpose, for one year or five years, as the case may be.”;

(ii) in the first proviso, after the word “provided”, the word “further” shall be inserted;

(iii) in the second proviso, for the word “further”, the word “also” shall be substituted;

(b) in sub-section (4), after the words and figure “under section 3”, the words, figure and letter “and section 3A” shall be inserted;

(c) in sub-section (5), after the words and figure “under section 3” the words, figure and letter “and section 3A” shall be inserted;

(5) in section 5, for sub-section (1) and sub-section (2), the following sub-sections shall be substituted, namely:—

“(1) In the case of a motor vehicle which is not intended to be used or kept for use during any calendar month of a quarter or two successive calendar months of a quarter, or the whole of a quarter or a year beginning with the 1<sup>st</sup> day of a quarter, as the case may be, the Registered Owner or the person having possession or control of such vehicle shall give previous intimation in such form, manner and fee, as may be prescribed, in this behalf, to the Regional Transport Officer or the Joint Regional Transport Officer concerned under whose jurisdiction the vehicle is registered or endorsement of tax has been obtained, that such vehicle will not be used for such period and thereupon, the Registered Owner or the person having possession or control of the vehicle shall not be deemed to have used or kept for use of the vehicle for such period, and no tax shall be payable in respect of such vehicle for such period.

(2) Notwithstanding anything contained in sub-section(1), twice the amount of tax shall be levied from the Registered Owner or the person having possession or control of the vehicle if on verification it is found that the vehicle has been used during any such period of non-use without remitting tax.”;

(6) in section 6, after sub-section (2), the following proviso shall be inserted, namely:—

“Provided that no Green Tax paid shall be refunded under this section.”;

(7) in section 28, in clause (d) of sub-section (2), after the words “claimed” the following words and figure shall be inserted, namely :—

“and the form and fee payable for filing such exemption of tax under section 5.”;

(8) in the SCHEDULE,—

(a) for serial number 3 and 4 and the entries thereunder in columns (1), (2) and (3), the following serial numbers and entries shall, respectively, be substituted, namely:—

“3	<b>Goods Carriages</b>					
(i)	<b>Goods Carriages other than those fitted with tipping mechanism</b>					
(a)	Motor Cycles trucks not exceeding			300 Kg.	in gross vehicle weight	150.00
(b)	Vehicles not exceeding			1000 Kg.	do.	250.00
(c)	Vehicles exceeding	1000 Kg.		1500 Kg.	do.	470.00
(d)	do.	1500 Kg.	but not exceeding	2000 kg.	do.	610.00
(e)	do.	2000 Kg.	do.	3000 Kg.	do.	780.00

(f)	do.	3000 Kg.	do.	4000 Kg.	do.	930.00
(g)	do.	4000 Kg.	do.	5500 Kg.	do.	1340.00
(h)	do.	5500 Kg.	do.	7000 Kg.	do.	1580.00
(i)	do.	7000 Kg.	do.	9000 Kg.	do.	1940.00
(j)	do.	9000 Kg.	do.	9500 Kg.	do.	2060.00
(k)	do.	9500 Kg.	do.	10500 Kg.	do.	2300.00
(l)	do.	10500 Kg.	do.	11000 Kg.	do.	2550.00
(m)	do.	11000 Kg.	do.	12000 Kg.	do.	2790.00
(n)	do.	12000 Kg.	do.	13000 Kg.	do.	3030.00
(o)	do.	13000 Kg.	do.	14000 Kg.	do.	3270.00
(p)	do.	14000 Kg.	do.	15000 Kg.	do.	3390.00
(q)	do.	15000 Kg.	do.	20000 Kg.	do.	3390.00+ Rs.130 for every 250 Kg. or part thereof in excess of 15000 Kg.
(r)	do.	20000 Kg.			do.	5990.00+ Rs.250 for every 250 Kg. or part thereof in excess of 20000 Kg.

(ii)	Goods Carriages fitted with tipping mechanism (Tipper Goods Carriages)					
(a)	Motor Cycles trucks not exceeding			300 Kg.	in gross vehicle weight	190.00
(b)	Vehicles not exceeding			1000 Kg.	do.	310.00
(c)	Vehicles exceeding	1000 Kg.		1500 Kg.	do.	590.00
(d)	do.	1500 Kg.	but not exceeding	2000 Kg.	do.	760.00
(e)	do.	2000 Kg.	do.	3000 Kg.	do.	970.00
(f)	do.	3000 Kg.	do.	4000 Kg.	do.	1160.00
(g)	do.	4000 Kg.	do.	5500 Kg.	do.	1670.00
(h)	do.	5500 Kg.	do.	7000 Kg.	do.	1970.00
(i)	do.	7000 Kg.	do.	9000 Kg.	do.	2420.00
(j)	do.	9000 Kg.	do.	9500 Kg.	do.	2590.00
(k)	do.	9500 Kg.	do.	10500 Kg.	do.	2880.00
(l)	do.	10500 Kg.	do.	11000 Kg.	do.	3190.00
(m)	do.	11000 Kg.	do.	12000 Kg.	do.	3480.00
(n)	do.	12000 Kg.	do.	13000 Kg.	do.	3790.00
(o)	do.	13000 Kg.	do.	14000 Kg.	do.	4090.00
(p)	do.	14000 Kg.	do.	15000 Kg.	do.	4240.00

(q)	do.	15000 Kg.			do.	4240.00+ Rs.160 for every 250 Kg. or part thereof in excess of 15000 Kg.
4	<b>Trailers used for carrying goods</b>					
(a)	For each Trailer not exceeding			1000 Kg.	in gross vehicle weight	180.00
(b)	For each Trailer exceeding	1000 Kg.	but not exceeding	1500 Kg.	in laden weight	360.00
(c)	do.	1500 Kg.	do.	2000 Kg.	do.	480.00
(d)	do.	2000 Kg.	do.	3000 Kg.	do.	650.00
(e)	do.	3000 Kg.	do.	4000 Kg.	do.	870.00
(f)	do.	4000 Kg.	do.	5500 Kg.	do.	1100.00
(g)	do.	5500 Kg.	do.	7000 Kg.	do.	1460.00
(h)	do.	7000 Kg.	do.	9000 Kg.	do.	1700.00
(i)	do.	9000 Kg.	do.	9500 Kg.	do.	1820.00
(j)	do.	9500 Kg.	do.	10500 Kg.	do.	1940.00
(k)	do.	10500 Kg.	do.	12000 Kg.	do.	2180.00
(l)	do.	12000 Kg.	do.	13000 Kg.	do.	2300.00
(m)	do.	13000 Kg.	do.	14000 Kg.	do.	2420.00
(n)	do.	14000 Kg.	do.	15000 Kg.	do.	2550.00

(o)	do.	15000 Kg.	do.	20000 Kg.	do.	2550.00+ Rs.130 for every 250 Kg. or part thereof in excess of 15000 Kg.
(p)	do.	20000 Kg.			do.	5150.00+ Rs. 250 for every 250 Kg. or part thereof in excess of 20000 Kg.”

(b) in serial number 7,—

(i) in item (i),—

(a) for sub-item (e) and the entries thereunder in columns (1), (2) and (3), the following sub-item and entries shall, respectively, be substituted, namely:—

“(e)	<b>Vehicles registered in Kerala and operating Interstate after obtaining permit under sub-section (9) of section 88 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988)</b>	
	(i) Ordinary Contract Carriage permitted to carry more than 6 passengers—for every passenger.	2250.00
	(ii) Contract Carriage with push back seats and permitted to carry more than 6 passengers—for every passenger.	3500.00
	(iii) Contract Carriage with sleeper berths and permitted to carry more than 6 passengers—for every passenger.	4000.00.”

(b) for sub-item (f) and the entries thereunder in columns (1), (2) and (3), the following sub-item and entries shall, respectively, be substituted, namely:—

“(f)	<b>Vehicles registered in Other States and entering Kerala after obtaining permit under sub-sections (8) and (9) of Section 88 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988)</b>	
	(i) Ordinary Contract Carriage permitted to carry more than 6 passengers—for every passenger.	2250.00
	(ii) Contract Carriages with push back seats and permitted to carry more than 6 passengers—for every passenger.	3500.00
	(iii) Contract Carriages with sleeper berths and permitted to carry more than 6 passengers—for every passenger	4000.00.”

(ii) in item (iii) for the heading, the following heading shall be substituted, namely:—

“(iii) vehicles to ply solely as Stage Carriages based on passenger capacity”,

(iii) after item (iii), and the entry against it, the following item and entries shall, respectively, be inserted in columns (1), (2) and (3), namely:—

“(iv) Vehicles to ply solely as stage carriages—based on floor area

(a)	Ordinary service other than city/town services.	Rs.1,300 per square metre or part thereof
(b)	Ordinary city/town services.	Rs.1,360 per square metre or part thereof
(c)	Fast passenger and other higher class services.	Rs.1,400 per square metre or part thereof. ”



(c) for serial No. 9 and the entries thereunder in columns (1), (2) and (3), the following serial number and entries shall, respectively, be substituted, namely:—

9.	Double-axle trailers drawn by the vehicles in clause (8) above and articulated vehicles with or without additional or alternative trailers, for each trailer or articulated vehicle, subject to the proviso of this schedule—					
(a)	not exceeding	1000 Kg.			in gross vehicle weight	180.00
(b)	exceeding	1000 Kg.	but not exceeding	1500 Kg.	„	290.00
(c)	„	1500 Kg.	„	2000 Kg.	„	390
(d)	„	2000 Kg.	„	3000 Kg.	„	510
(e)	„	3000 Kg.	„	4000 Kg.	„	7000
(f)	„	4000 Kg.	„	5500 Kg.	„	890
(g)	„	5500 Kg.	„	7000 Kg.	„	1090
(h)	„	7000 Kg.	„	9000 Kg.	„	1340
(i)	„	9000 Kg.	„	9500 Kg.	„	1460
(j)	„	9500 Kg.	„	10500 Kg.	„	1580
(k)	„	10500 Kg.	„	12000 Kg.	„	1700
(l)	„	12000 Kg.	„	13000 Kg.	„	1820
(m)	„	13000 Kg.	„	14000 Kg.	„	1940
(n)	„	14000 Kg.	„	15000 Kg.	„	2060.

(o)	Exceeding	15000 Kg.			in gross vehicle weight	2060.00+ Rs.130 for every 250 Kg. or part thereof in excess of 15000 Kg.
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(d) for serial number 12 and the entries thereunder in columns (1), (2) and (3), the following serial number and entries shall, respectively, be substituted, namely:—

"12	Specially designed vehicles such as Mobile Restaurant, Mobile Canteen, Mobile Theatre, Mobile Workshop, Mobile Book Stall, Mobile ATM, Mobile Shop, Mobile Exhibition Van, Mobile Office Vehicles, Mobile Digitization Unit and Cash Van for every square meter or part thereof of the floor area	Rs. 300 "
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(e) after serial number 14 and the entries against it in columns (1), (2) and (3) the following serial number and entries shall be inserted, namely:—

"15	Motor vehicles other than those liable to tax under the foregoing provisions of this Schedule.— for every square metre or part thereof of the floor area	Rs. 150"
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(f) in Annexure II, for serial number I and the entries thereunder in columns (1), (2) and (3), the following serial numbers and entries shall, respectively, be substituted, namely:—

"I	Goods Carriages having GVW up to 3000 Kg.	
(i)	Motor Cycle trucks not exceeding 300 Kg.	3000
(ii)	Goods Carriages with GVW not exceeding 1000 Kg.	5000
(iii)	Goods Carriages with GVW exceeding 1000 Kg. but not exceeding 1500 Kg.	9400
(iv)	Goods Carriages with GVW exceeding 1500 Kg. but not exceeding 2000 Kg.	12200
(v)	Goods Carriages with GVW exceeding 2000 Kg. but not exceeding 3000 Kg.	15600."

7. *Amendment of Act 32 of 1976.*—In the Kerala Tax on Luxuries Act, 1976 (32 of 1976), in section 4,—

(a) in sub-section (1), after the first proviso, the following proviso shall be inserted, namely:—

“Provided further that no tax under this Act shall be levied on hostels run directly by the educational institutions and working woman’s hostels run by religious or charitable institutions, registered under The Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955.”;

(b) in sub-section (2),—

(i) in clause (a), for sub-clause (i) and (ii), the following sub-clauses shall be substituted, namely:—

“(i) at the rate of six per cent per room for hotels, in respect of rooms where the gross charges of accommodation for residence and other amenities and services provided is above rupees four hundred and up to one thousand rupees per day;

(ii) at the rate of ten per cent for hotels in respect of rooms where the gross charges of accommodation for residence and other amenities and services provided is above rupees One thousand per day.”;

(ii) the third proviso shall be omitted;

(c) after section 10AA, the following section shall be inserted, namely:—

“10AB. *Liability of Directors of a Private company.*—Where any tax or other amount recoverable under this Act from any proprietor being a private company, whether existing or wound up or under liquidation, cannot be recovered for any reason whatsoever, every person who was a director of such company at any time during the period for which the tax or other amount is due under this Act shall be jointly and severally liable for the payment of such tax or other amount unless he proves that the non-recovery cannot be attributed to any negligence, misfeasance or breach of duty on his part in relation to the affairs of the company.”.

8. *Amendment of Act 15 of 1991.*—In the Kerala Agricultural Income Tax Act, 1991 (15 of 1991), in the SCHEDULE,—

(a) in item (3), the words ‘domestic company or’ shall be omitted;

(b) for item (4), the following item shall be substituted, namely:—

“(4) In the case of domestic company or foreign company thirty per cent of the total agricultural income.”;

9. *Amendment of Act 30 of 2004.*—In the Kerala Value Added Tax Act, 2003 (30 of 2004),—

(1) in section 6,—

(a) in sub-section (1),—

(i) in clause (a), in the table,—

(a) in serial number (3), for the entry in column (2), the following entry shall be substituted, namely:—

“all types of plastic carry bags including non-woven poly propylene bags.”;

(b) in serial number (3A), in the entry against it in column (2), after the words “disposable plates”, the words “tumblers” shall be inserted;

(c) after serial number (7) and the entries against it in columns (2), (3) and (4), the following serial number and entries shall, respectively, be inserted, namely:—

“8	Embroidery or zari articles, that is to say, imi, zari, kasab saima dabka, chumki, gota sitara, naqsi, kora, glass bead, badia	2%
(1)	Embroidery without visible ground	5810.10.00
(2)	Other embroidery of cotton	5810.91.00
(3)	Embroidery of man-made fibres	
(a)	Embroidered badges, motifs and the like	5810.92.00
(b)	Other embroidered articles	5810.92.00
(4)	Embroidery of other textile materials	5810.99.00
(5)	Zari articles	****

9. Handloom cloth, Handloom bed sheet and Pillow cover	****	2%
10. Silk fabrics and sarees made of natural silk	5007	2%
11. Textiles fabric		2%
(1) Wool		
(a) Woven fabrics of carded wool or of carded fine animal hair	5111	
(b) Woven fabrics of combed wool or of combed fine animal hair	5112	
(c) Woven fabrics of coarse animal hair or of horse hair	5113	
(2) Cotton		
(a) Woven fabrics of cotton containing 85% or more by weight of cotton weighing not more than 200 gm./m <sup>2</sup>	5208	
(b) Woven fabrics of cotton containing 85% or more by weight of cotton weighing more than 200 gm./m <sup>2</sup>	5209	
(c) Woven fabrics of cotton containing less than 85% by weight of cotton, mixed mainly or solely with man-made fibres, weighing not more than 200 gm./m <sup>2</sup>	5210	
(d) Woven fabrics of cotton containing less than 85% by weight of cotton, mixed mainly or solely with man-made fibres, weighing more than 200 gm./m <sup>2</sup>	5211	
(e) Other woven fabrics of cotton	5212	
(3) Woven fabrics of Flax	5309	
(4) Woven fabrics of jute or of other textile base fibres	5310	

- (5) Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn 5311
- (6) Man-made filaments
- (a) Woven fabrics of synthetic filament yarn, including woven fabrics obtained from materials of HSN heading 5404 5407
- (b) Woven fabrics of artificial filament yarn, including woven fabrics obtained from materials of HSN heading 5405 5408
- (7) Man-made Staple Fibres
- (a) Woven fabrics of synthetic staple fibres, containing 85% or more by weight of synthetic staple fibres 5512
- (b) Woven fabrics of synthetic staple fibres, containing less than 85% by weight of such fibres, mixed mainly or solely with cotton, of a weight not exceeding 170 m<sup>2</sup> 5513
- (c) Woven fabrics of synthetic staple fibres, containing less than 85% by weight of such fibres, mixed mainly or solely with cotton, of a weight exceeding 170 m<sup>2</sup> 5514
- (d) Other woven fabrics of synthetic staple fibres 5515
- (e) Woven fabrics of artificial staple fibres 5516
- (8) Special Woven fabrics; Tufted textile fabrics; Lace, Tapestries, Trimmings; Embroidery
- (a) Woven pile fabrics and chennile fabrics other than HSN heading nos. 5802 or 5806 5801

- (b) Terry toweling and similar woven terry fabrics other than narrow fabrics of HSN heading nos. 5806; tufted textile fabrics other than HSN heading no. 5703 5802
- (c) Gauze other than narrow fabrics of HSN heading no. 5806 5803
- (d) Tullies and other net fabrics not including woven, knitted or crocheted fabrics, lace in the piece, in strips or in motifs, other than fabrics of HSN heading nos. 6002 to 6006 5804
- (e) Hand woven tapestries of the type gobelins, flanders, aubusson, beauvals and the like and needle worked tapestries (for example petit point, cross stitch), whether or not made-up 5805
- (f) Narrow woven fabrics other than goods HSN heading no. 5807; narrow fabrics consisting warp without weft assembled by means of an adhesive (bolducs) 5806
- (g) Woven fabrics of metal thread and woven fabrics of metalized yarn of HSN heading no. 5605 of a kind used in apparel as furnishing fabrics of a similar purpose, not elsewhere specified or included 5809
- (9) Textiles fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of the books or the like; Tracing cloth; Prepared painting canvas; Buckram and similar stiffened textile fabrics of a kind used for hat foundations 5901

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| (10) Tyre cord fabric of high tenacity yarn or other polymers, polyesters or viscose rayon   | 5902 |
| (11) Textile wall coverings  | 5905 |
| (12) Rubberised textile fabrics, other than tyre cord fabrics of high tenacity yarn or nylon or other polyamides polyesters or viscose rayon                                       | 5906 |
| (13) Textile fabrics, otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio back-cloths or the like  | 5907 |
| (14) Knitted or chrocheted fabrics   |      |
| (a) Pile fabrics, including 'long pile' fabrics and terry fabrics, knitted or chrocheted   | 6001 |
| (b) Knitted or chrocheted fabrics of a width not exceeding 30 cm., containing by weight 5% or more of elasto meric yarn of rubber thread, other than those of HSN heading no. 6001 | 6002 |
| (c) Knitted or chrocheted fabrics of a width not exceeding 30 cm., other than those of HSN heading nos. 6001 or 6002   | 6003 |
| (d) Knitted or chrocheted fabrics of a width exceeding 30 cm., containing by weight 5% or more of elasto meric yarn of rubber thread, other than those of HSN heading no. 6001     | 6004 |
| (e) Wrap knit fabrics (including those made on gallon knitting machines), other than those of HSN heading nos. 6001 to 6004  | 6005 |
| (f) Other knitted or chrocheted fabrics  | 6006 |