

Chapter-VII
Other Tax and Non Tax Receipts

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7.1 Tax Administration

This chapter consists of receipts from Land Revenue, Entertainment and Luxury Tax, Marriage Registration, State Lotteries etc. The tax administration is governed by Acts and Rules framed separately for each Department.

7.2 Results of audit

Test check of records relating to Land Revenue, Entertainment and Luxury Tax, State Lotteries, Marriage Registration etc. during 2014-15 showed irregularities involving ₹ 1,913.43 crore in 1,792 cases, which fall under the following categories as per details mentioned in **Table 7.1**:

Table 7.1

(₹ in crore)

Sl. No.	Categories	No. of cases	Amount
A : Other Tax Receipts			
(i) Land Revenue			
1.	Non/short recovery of chowkidara tax	43	4.42
2.	Outstanding recoveries under other heads of account	62	24.32
3.	Non/short recovery of Abiana	41	125.48
4.	Irregular expenditure on pay and allowances	8	0.12
5.	Non eviction of Government land by unauthorized occupants	25	1,746.53
6.	Short realisation of marriage registration fee	866	0.22
7.	Other irregularities	369	0.50
TOTAL		1,414	1,901.59

Sl. No.	Categories	No. of cases	Amount
(ii) Other taxes and duties on commodities and services			
1.	Non/short realisation of entertainment tax/duty	96	11.03
2.	Other irregularities	268	0.15
TOTAL		364	11.18
B: Non-tax Receipts (State Lotteries)			
1.	Irregular expenditure in respect of advertisements	1	0.49
2.	Irregular expenditure in printing of tickets	13	0.17
TOTAL		14	0.66
GRAND TOTAL		1,792	1,913.43

A few illustrative cases involving ₹ 15.10 lakh are discussed in succeeding paragraphs:

7.3 Short realisation of marriage registration fee

Non compliance of Government instructions resulted into short realisation of marriage registration fee of ₹9.72 lakh in 736 cases.

Punjab Government vide its notification (27 June 2013) notified Rules for compulsory registration of marriages in the State of Punjab. Sub Rules 1 and 3 of Rule 3 state that the parties to a marriage or any of their parents or relations, as the case may be, shall present the memorandum in Form-I, before the Registrar of Marriages concerned for registration of marriage within a period of three months from the date of such marriage accompanied with a fee of ₹ 1,500 in the form of court fee stamps. If the memorandum is not submitted within the prescribed time limit, late fee at the prescribed rates¹ shall be levied in addition to the normal fee. Department of Home Affairs and Justice circulated the copy of above notification to all Deputy Commissioners (DCs) and District Revenue Officers on 17 July 2013 after a delay of 20 days from the date of Government notification.

¹ ₹ 1,000 if memorandum is submitted after three months from marriage date but not after six months.
 ₹ 1,500 if memorandum is submitted after six months from marriage date but not after one year.
 ₹ 2,000 if memorandum is submitted after one year from marriage date subject to prior permission of Chief Registrar of Marriage.

We noticed (February 2015 and March 2015) from the records of nine Tehsildars² for the period 2011-14 that 736 number of marriages were registered between 27 June 2013 and 31 March 2014. Registration fee at the rate of ₹ 200 or ₹ 150 per case was levied instead of ₹ 1,500 per case as notified by the Government. Failure to comply the Government instructions resulted in short realisation of marriage registration fee of ₹ 9.72 lakh.

The matter was reported to the Government/Department (July 2015); Tehsildar, Batala in its reply stated (August 2015) that marriage certificates were not registered under the Punjab Compulsory Registration of Marriage Act 2012 but were registered under the Hindu Marriage Act. Reply was not convincing as the Hindu Marriages (Punjab) Registration Rules, 1960 were repealed by Para 10 of notification dated 27 June 2013. Reply of the Government was awaited (November 2015).

7.4 Non eviction of Government land from the unauthorised occupants

No action was initiated by the revenue authorities to evict encroachers from the Gram Sabha/Gram Panchayat land measuring 7,668 acres, in two districts, despite the directives of the Apex Court and orders of the State Government.

Punjab Government laid down (September 2007) a policy for disposal of rural/urban evacuee land³ at the rate of ₹ 15,000 per acre for general category and ₹ 12,000 per acre for schedule caste and backward categories. The unauthorised occupants were to apply to the concerned Tehsildar within a period of three months for the transfer of land in their name as per terms and conditions of the policy. Hon'ble Supreme Court of India declared (January 2011) this policy invalid and directed the State Government to prepare a scheme for eviction of illegal/unauthorised occupants of land meant for common purposes of villagers. Further, State Government forwarded (April 2011) a copy of the above decision of the Apex Court to all the District Collectors for compliance.

² Ajnala, Baba Bakala, Batala, Dera Baba Nanak, Dharkalan, Nabha, Samana, Pathankot and Tarn Taran.

³ Land meant for common use of villagers.

We noticed (January and February 2015) from the records of two District Revenue officers⁴ for the period 2011-14 that an area measuring 7,668 Acre of common land pertaining to urban/sub urban/rural areas of these districts was encroached upon by unauthorised people. Despite the directives of the Apex Court and orders of the State Government, no action was initiated by the revenue authorities to evict the unauthorised occupants even after the lapse of more than four years. The value of encroached land as worked out at minimum market rates intimated by Revenue authorities, comes to ₹ 1,480.58 crore.

Non eviction of Gram Sabha/Gram Panchayat land from the encroachers not only tantamounted to the violation of the orders of the Apex Court but also rendered undue advantage to them.

The matter was reported to the Government/Department (June 2015); their replies were awaited (November 2015).

7.5 Non deduction of service charges

Service charges of ₹ 5.38 lakh in lieu of service rendered to banks were not recovered from banks for the period 2011-14.

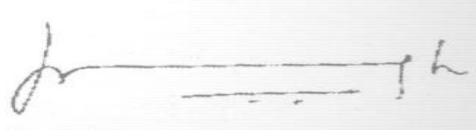
Punjab Government, Department of Finance vide notification (January 2009) levied collection charges at the rate of five *per cent* of the amount recovered for the cases filed by banks with District Revenue Officer, SDO (Civil) and Tehsildar *in lieu of* service rendered by the State Government in recovering their dues.

We noticed (February 2015) from the records of District Revenue Officer (DRA branch), Gurdaspur for the period 2011-14 that ₹ 1.08 crore was recovered from the defaulters by DRA branch on behalf of banks during the period 2011-14, but service charges at the rate of five *per cent* of the recovered amount as per notification *ibid* were not

⁴ Amritsar and Patiala.

charged from the concerned banks. This resulted in loss of revenue of ₹ 5.38 lakh due to non-deduction of service charges.

The matter was reported to the Government/Department (June 2015); their replies were awaited (November 2015).



Chandigarh :
The 11 FEB 2016

(JAGBANS SINGH)
Pr. Accountant General (Audit), Punjab

Countersigned



New Delhi :
The 12 FEB 2016

(SHASHI KANT SHARMA)
Comptroller and Auditor General of India