

The Railways (Local Authorities' Taxation) Act, 1941

UNION OF INDIA

India

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Act 25 of 1941

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An Act to regulate the extent to which railway property shall be liable to taxation imposed by an authority within a [Subs. by Act 3 of 1951, s. 3 and Sch., for" Part A State", which had been subs. for" Province" by the A. O. 1950] State].

1. Short title and extent.

(1)This Act may be called the Railways (Local Authorities' Taxation) Act, 1941 .(2)It extends to the whole of India [3 Subs. by Act 3 of 1951, s. 3 and Sch., for" except Part B States"] except the State of Jammu and Kashmir].

2. Definitions. In this Act,--

(a)" local authority" means a local authority as defined in the General Clauses Act, 1897 (10 of 1897), and includes any authority legally entitled to or entrusted with the control or management of any fund for the maintenance of watchmen or for the conservancy of a river;(b)" railway administration" has the meaning assigned to the expression in clause (6) of section 3 of the Indian Railways Act, 1890 (9 of 1890).

3. Liability of railways to taxation by local authorities.

(1)In respect of property vested in [2 The words" His Majesty for the purposes of" omitted by the A. O. 1950] the Central Government, being property of a railway, a railway administration shall be liable to pay and tax in aid of the funds of any local authority, if the Central Government, by notification in the Official Gazette, declares it to be so liable.(2)While a notification under sub-section (1) is in force, the railway administration shall be liable to pay to the local authority either the tax mentioned in the notification or in lieu thereof such sum, if any, as a person appointed in this behalf by the Central Government may, having regard to the services rendered to the railway and all the relevant circumstances of the case, from time to time determine to be fair and

reasonable. The person so appointed shall be a person who is or has been a Judge of a High Court or a District Judge.

4. Modification of existing liability to taxation.

The Central Government may, by notification in the Official Gazette, revoke or vary any notification issued under clause 1 of section 135 of the Indian Railways Act, 1890 (9 of 1890); and where a notification is so revoked any liability arising out of the notification to pay any tax to any local authority shall cease, and where a notification is so varied the liability arising out of the notification shall be varied accordingly.

5. Saving.

Nothing in this Act shall be construed as debarring any railway administration administering a railway from entering into a contract with any local authority for the supply of water or light or for the scavenging of railway premises, or for any other service which the local authority may be rendering or be prepared to render within any part of the local area under its control.