

**The Nagaland Act No. 4 of 1968**

**THE NAGALAND PROFESSIONS, TRADES,  
CALLINGS AND EMPLOYMENTS TAXATION  
ACT, 1968**

(Published in the Nagaland Gazette Extraordinary  
dated 7th October, 1968.)

(Received assent of the President on the 27th October, 1968)

**An  
Act**

to levy a tax on professions, trades, callings and employments.

**PREAMBLE :-** Whereas it is necessary to make an addition to the revenues of Nagaland and, for that purpose it is expedient to impose a tax on professions, trades, callings, and employments:-

It is hereby enacted in the Nineteenth year of the Republic of India as follows :-

**Preliminary**

**1. SHORT TITLE, EXTENT AND COMMENCEMENT :-**

- (1) This Act may be called the Nagaland Professions, Trades, callings and Employments Taxation Act, 1968.
- (2) It extends to the whole of Nagaland.
- (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

**2. DEFINITION :-** In this Act, unless there is anything repugnant in the subject or context;

- (a) "assessing authority" in a particular area means the Superintendent referred to in section 7 exercising jurisdiction in that area;



(b) "person" includes a company, firm or other association of persons;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "previous year" means twelve months ending on the 31st March next preceding the year for which the assessment is to be made;

(e) "principal officer" means with reference to-

(i) a Government, the head of an office or the disbursing Officer,

(ii) a local authority, company, firm or other association of persons, the Chairman, Secretary, Treasurer, Manager, or Agent local authority, Company, firm or other association persons;

(f) "State" means the State of Nagaland; and

(g) "total sources income" means aggregate of income derived from all sources.



## **CHAPTER - I**

### **Liability to and charge of Tax**

**3. LIABILITY TO TAX :-** As from the date which may be notified by the State Government in the official Gazette and subject to the provisions of this Act, every person who carries on a trade either by himself or by an agent or representative, or who follows a profession or calling, or who is in employment, either wholly or in part within the State shall be liable to pay for each financial year a tax in respect of such profession, trade, calling or employment and in addition to any tax, rate, duty or fee which he is liable to pay under any other enactment for the time being in force:

Provided that for the purposes of this section a person on leave shall be deemed to be a person in employment.

**4. RATES OF TAX :-** The tax shall be levied at the rates specified in the Schedule annexed to this Act.

**5. DETERMINATION OF TAX :-** The tax payable by any person under this Act shall be determined with reference to his total gross income during the previous year from his profession, trades, calling or employment :

Provided that the tax payable by any person shall not exceed two hundred and fifty rupees for any financial year.

**6.** The provisions of this Act shall not apply to a member of the armed forces of India or to a Co-operative Society registered or deemed to have been registered under the Assam Co-operative Societies Act, 1949. (Assam Act 1 of 1950.)



## CHAPTER - II

### Taxing Authorities

**7. TAXING AUTHORITIES :-** (1) The State Government may, for carrying out the purposes of this Act, appoint a Commissioner of Taxes, and such other persons to assist him as it thinks fit and their powers and duties and relation with one another shall be such as may be prescribed.

Act 45 of 1860 (2) All persons appointed under sub-section (1) shall be deemed to be Public Servants within the meaning of Sec. 21 of the I. P. C.



## CHAPTER - III

### Assessment

**8. RETURNS :-** (1) Every person liable to pay tax under this Act shall submit to the assessing authority a return in such form and within such time as may be prescribed :

Provided that a person in respect of whom the tax has been deducted under the provisions of section 12 shall, subject to the provisions in sub-section (3) thereof, be exempt from the liability to submit a return under this sub-section.

(2) In the case of any person who has not furnished a return under sub-section (1) in spite of his liability to pay tax under this Act for any financial year, the assessing authority may serve in that year a notice, in the prescribed form on such person requiring him to furnish the returns and such persons shall thereupon furnish the return within the period specified in the notice :

Provided that any person offering to pay tax at the highest rate specified in the Schedule shall not be required to submit any return or to produce any evidence.

**9. ASSESSMENT :-** (1) If the assessing authority is satisfied that a return furnished under section 8 is correct and complete he shall, by an order in writing, assess the person and determine the tax payable by him on his basis of such return.

(2) If the assessing authority is not satisfied that a return furnished under section 8 is correct and complete, he shall serve on the person concerned a notice requiring him, on the date and at the hour and place to be specified therein either to attend in person or to produce or cause to be produced evidence in support of the return.

(3) On the day specified in the notice under sub-section (2) or as soon afterward as may be the assessing authority,



after hearing such evidence as may be produced and such other evidence as he may require shall, by an order in writing, assess the person and determine the tax payable by him.

(4) If any person fails to make a return as required by section 8 or having made the return fails to comply with the terms of the notice issued under sub-section (2), the assessing authority shall, by an order in writing, assess to the best of his judgement the person and determine the tax payable by him :

Provided that before making assessments, the assessing authority may allow the person such further time as he thinks fit to make the return or comply with the terms of the notice issued under sub-section (2).

**10. ASSESSMENT OF ESCAPED TAX :-** If for any reason, any person has not been assessed or has been under assessed for any financial year the assessing authority may notwithstanding anything contained in sub-section (2) of section 8, at any time within three years of the end of that year, serve on the person liable to pay the tax, a notice containing all or any of the requirement which may be included in a notice under sub-section (2) of section 8 and may proceed to assess or reassess him and the provisions of this Act, shall so far as may be, apply accordingly as if the notice were a notice issued under that sub-section :

Provided that the tax shall be charged at the rate at which he would have been charged if the person would not have escaped assessment or full assessment, as the case may be.

**11. RECTIFICATION OF MISTAKES :-** (1) The authority which made an assessment or passed an order on appeal or revision in respect thereof, may, of his own motion, and shall if an application is filed in this belief, within three years from the date of such assessment or order rectify any mistake apparent from the record of the case :



Provided that no such rectification having adverse effect upon an assessee shall be made unless the assessee has been given a reasonable opportunity of being heard.

(2) Where any such rectification has the effect of reducing assessment, the assessing authority shall order any refund which may be due to such person.

(3) Where any such rectification has the effect of enhancing the assessment or reducing the refund, the assessing authority shall serve on the person a notice of demand in the prescribed form specifying the sum payable, and such notice of demand shall be deemed to be issued under section 18 and the provisions of this Act shall apply accordingly.

**12. DEDUCTION OF TAX AT SOURCES :-** The tax payable under this Act by any person in the employment of any Government local authority, company, firm or other association of persons shall, in the manner prescribed be deducted by the principal officer thereof from any amount payable to such person on behalf of such Government, local authority, company, firm or other association of persons.

(2) The principal officer making any deduction under sub-section (1) shall submit to the assessing authority such returns and within such time as may be prescribed.

(3) The assessing authority may take action, if he thinks fit, in the manner provided by sub-section (2) of Section 8 and by section 9 in the case of any person in respect of whom he is satisfied that no return under sub-section (2) has been furnished or a return furnished under that sub-section is inaccurate or deficient.

(4) Where any principal officer fails to deduct any tax or after deducting fails to pay it as required by or under



this Act, he shall, without prejudice to any other consequences he may incur under this Act, be deemed to be a person in default in respect of the tax not deducted or paid and all the provisions of section 20 shall apply to him :

Provided that the assessing authority shall not make a direction under sub-section (2) of section 20 for the recovery of any penalty from such person unless it is satisfied that such person has willfully failed to deduct and pay the tax.

**13. REQUISITION FOR DEDUCTION OF TAX :-**

The assessing authority may require a principal officer to deduct, from any payment to a person, any tax or penalty due from him and the principal officer shall comply with such requisition.

**14. IDEMNITY :-** The principal officer deducting or paying any tax under the provisions of this Act is hereby indemnified for such deduction or payment thereof.



## CHAPTER - IV

### Appeals

**15. APPEALS :-** Any person aggrieved by an order passed by an assessing authority under this Act may in the prescribed manner appeal within thirty days of receipt of such order, to the prescribed officer :

Provided that such officer may admit it after the expiration of thirty days, if he is satisfied that for reasons beyond the control of the appellant or for any other sufficient cause it could not be filed within time.

Provided further that no appeal shall lie against an order of assessment under sub-section (4) of section 9.

**16. REVISION :-** (1) The Commissioner may, out of his own motion call for and examine the records of any proceedings which have been taken under this Act by any officer subordinate to him and revise, subject to the provisions of this Act, and after enquiry as may be deemed necessary, any order passed in such proceedings :

Provided that no order prejudicial to a person shall be passed under this sub-section without giving him a reasonable opportunity of being heard.

(2) The Commissioner may also on petition filed within sixty days of the service of the order passed under section 15 and after giving the petitioner an opportunity of being heard, pass such order as he thinks fit.

**17. DELEGATION OF POWERS :-** The Commissioner may by notification in official gazette delegate the powers under section 16 to any other officer.



## CHAPTER - V

### Demands, payment and recovery

**18. NOTICE OF DEMAND :-** Where any tax or penalty is payable in consequence of any order passed under or in pursuance of this Act, the Assessing authority shall serve on the person concerned a notice of demand in the prescribed form specifying the amount so payable.

**19. DUES WHEN PAYABLE :-** (1) The tax or penalty payable under this Act shall be paid in the manner hereinafter provided.

(2) Every person liable to furnish a return under sub section 1 of section 8 shall, before he furnishes the return pay into a Government treasury the full amount of tax due on the basis of such return and shall furnish, along with the return, a receipt from such treasury in token of such payment.

(3) The principal officer deducting any tax under section 12 shall pay the amount of a Government treasury within thirty days of such deduction and shall furnish alongwith the returns required to made under sub-section 3 thereof, a receipt from such treasury in token of such payment.

(4) The amount of tax or penalty due under this Act -  
(a) in excess of payment already made, or

(b) Where no payment has been made, shall be paid by such date as may be specified in the notice of demand and, where no such date is specified, it shall be paid within thirty days of service of the notice of demand.

**20. MODE OF RECOVERY :-** (1) Where any tax or other dues payable under this Act is not paid on or before the due date the person shall be deemed to be in default :



Provided that where a person has presented an appeal or petition for revision and such appeal or petition for revision has been admitted, he shall not be deemed, for so long as the appeal or petition for revision remains pending, to be in default in respect of the portion of the dues in dispute.

(2) Where a person is in default, the assessing authority may, in his discretion direct that, in addition to the amount due a sum not exceeding that amount shall be recovered from the defaulter by way of penalty.

Bengal  
Act 3 of  
1913. (3) Where a person is in default, the assessing authority shall, unless action has been taken under section 13, order that the amount due shall be recoverable as public demand under the Bengal Public Demand Recovery Act, 1913 and shall proceed to realise the amount due as such.

**21. REFUNDS :-** Any person who has paid any tax or penalty in excess of the amount due under this Act may, within ninety days of the service of the order of assessment or that passed on appeal or revision as the case may be, apply for a refund and the amount paid in excess shall be refunded accordingly.

**25. PROSECUTION, SUITS OR OTHER PROCEEDINGS :-** No suit shall be brought in any civil court to set aside or modify any assessment made or order passed under the provisions of this Act, and no prosecution, suit or other proceedings shall lie against any officer of the Government for any breach of good faith done or intended to be done under this Act or the rules made thereunder.

**26. PERIOD OF LIMITATION :-** In computing the period of limitation prescribed for an appeal or a revision,



## CHAPTER - VI

### Offences and Penalties

22. Failure to make returns, etc., whoever :-

(1) fails, without reasonable cause, to submit in due time any return required by or under the provisions of this Act or submits a false return ; or

(2) fails or neglects, without reasonable cause, to comply with any requirement made of, or any obligation laid on, him under the provisions of this Act, or

(3) fraudulently evades payment of any tax due under this Act or conceals his liability to such tax ; shall on conviction before a Magistrate and in addition to any tax or penalty or both that may be due from him, be punishable with imprisonment which may extend to six months or with fine not exceeding one thousand rupees or with both.

1. Subs. by Amendment Act, 1989 w.e.f. 1.7.89 for the words "five hundred".



## **CHAPTER - VII**

### **Miscellaneous**

#### **23. POWER TO COMPEL ATTENDANCE ETC :-**

(1) The assessing authority may, by a written notice require any person to attend before him and to give evidence or produce documents, as the case may be, for the purpose of determining the liability of himself or of any other person to taxation under this Act.

(2) Such person shall on such requisition be legally bound to attend and give evidence or produce documents, if in his powers and possession, as the case may be, at the place and time specified in such notice, and whoever is required to produce a document may either attend and produce it or cause it to be produced.

**24. INFORMATION TO BE FURNISHED BY THE PRINCIPAL OFFICER :-** The assessing authority may demand from the principal officer of any Government, local authority, company, firm or other association of persons the names and complete address of all or any of the persons who have been, or are, in the employment of such Government, local authority, company firm or other association of persons and such principal officer shall thereupon furnish the assessing authority with the names and address so demanded.

**25. PROSECUTION, SUITS OR OTHER PROCEEDINGS :-** No suit shall be brought in any civil court to set aside or modify any assessment made or order passed under the provisions of this Act, and no prosecution, suit or other proceedings shall lie against any officer of the Government for anything in good faith done or intended to be done under this Act or the rules made thereunder.

**26. PERIOD OF LIMITATION :-** In computing the period of limitation prescribed for an appeal or a revision,



the day on which the order complained of was made and the time requisite for obtaining a copy of such order shall be excluded.

**27. PLACE OF ASSESSMENT :-** Any person liable to pay tax under this Act shall ordinarily be assessed by the assessing authority of the area in which he carries on a trade, or follows a profession or calling or is in employment.

**28. POWER TO EXEMPT :-** The State Government may, by notification in the official Gazette, either wholly or partially and subject to such conditions as it may think fit to prescribe, exempt any person from the payment of tax under this Act, for any specified period or occasion or as regards any specified class of persons.

**29. POWER TO MAKE RULES :-** (1) The State Government may, subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Nagaland Legislative Assembly while it is in Session for a total period of fourteen days which may be comprised in one session or in two successive Sessions, and if, before the expiry of the Session in which it is so laid or the session immediately following, the Nagaland Legislative Assembly agree in making any modification in the rule or the Nagaland Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or of be no effect as the case may be; so however, that any such modification or annulment shall without prejudice to the validity of anything previously done under that rule.



## SCHEDULE

(See Section 4)

- 2 "(i) Legal Practitioners including solicitors and noteries public.
- (ii) Medical practitioners including medical consultants and dentists.
- (iii) Technical and professional consultants, including Architects, Engineers, Chartered Accountants, Actuaries, Management Consultants and tax consultants, Accountants.
- (iv) Chief Agents, Principal Agents, Special Agents, Insurance Agents and Surveyors or loss Assessors registered or licenced under Insurance Act, 1938. Where the standing in the profession of any of the person mentioned is :-
- (a) Less than three years      Rs. 1000/- Per annum
- (b) Three years or more      Rs. 2500/- Per annum
- (v) Estate Agents or brokers  
or building contractors      Rs. 2500/- Per annum
- (vi) Director (other than nominated by Govt.) of Companies registered under the Companies Act, 1956.      Rs. 2500/- Per annum
- (vii) Dealers registered under the Nagaland Sales Tax Act, such Dealers whose annual gross turnover on all Sales is :-
- (a) Less than Rs. 50,000/-      Rs. 200/- Per annum
- (b) Rs. 50,000/- to  
Rs. 1,00,000/-      Rs. 2000/- Per annum
- (c) More than  
Rs. 1,00,000/-      Rs. 2500/- Per annum



(viii) Owners (Or lessees) of petrol/diesel filling station and service station Rs. 2500/- Per annum

(ix) Owners of Rice/Atta flour/Oil Mills Rs. 2500/- Per annum

(x) Holders of permits for transport vehicles granted under the Motor vehicles Act, 1939 which are used or adopted to be used for hire or reward.

Where any such persons holds permit or permits for any taxis, three wheller, goods vehicles, trucks or buses.

(a) in respect of three wheelers (auto-rickshaw) Rs. 500/- Per annum

(b) in respect of each taxi or three wheeler goods vehicle Rs. 1000/- Per annum

(c) in respect of each truck or bus Rs. 2500/- Per annum

(xi) Deleted

(xii) Banking Companies as defined in the Banking Regulation Act, 1949 (10 of 1949)

(a) Schedule Bank Rs. 2500/- Per annum

(b) Other Banks Rs. 2500/- Per annum

(xiii) Companies registered under Companies Act, 1956 (1 of 1956) and engaged on any profession trade or callings Rs. 2500/- Per annum



(xiv) Firms registered under partnership Act, 1932 (9 of 1932) and engaged in any profession, trade or callings.

(a) But not liable to pay income tax on the income of the firm Rs. 1500/- Per annum

(b) Firm liable to income tax Rs. 2500/- Per annum

(xv) Person other than those mentioned in any preceeding entries, who are engaged in any profession, trades, or calling or employments and in respect of whom a notification is issued under section 3 of this Act. Rate of tax shall be as may be fixed by notification not exceeding Rs. 500/- per annum

(xvi) Employers of establishments as defined in the Nagaland Shops and Establishments Act, 1985 who are not dealers covered by entry (vii)

Such employers of establishments

(i) Where there are no employees Nil

(ii) Where not more than five employees are employed Rs. 200/- Per annum

(iii) Where more than five employees but not than ten employees are employed Rs. 1500/- Per annum

(iv) Where more than ten employees are employed Rs. 2500/- Per annum

Notwithstanding anything contained in this Schedule where a person is covered by more than one entry in this Schedule, the tax payable taken together in a financial year shall not exceed two thousand and five hundred rupees "



## THE SCHEDULE

(See Section 4)

1. Salary and Wages earners

Where the total gross annual income Amount of Tax

- |     |   |            |
|-----|---|------------|
| 1.  | Does not exceed Rs. 10,000/-                              | Rs. NIL    |
| 2.  | Exceeds Rs. 10,000/- but does not exceed Rs. 15,000/-     | Rs. 100/-  |
| 3.  | Exceeds Rs. 15,000/- but does not exceed Rs. 20,000/-     | Rs. 150/-  |
| 4.  | Exceeds Rs. 20,000/- but does not exceed Rs. 25,000/-     | Rs. 200/-  |
| 5.  | Exceeds Rs. 25,000/- but does not exceed Rs. 30,000/-     | Rs. 300/-  |
| 6.  | Exceeds Rs. 30,000/- but does not exceed Rs. 50,000/-     | Rs. 500/-  |
| 7.  | Exceeds Rs. 50,000/- but does not exceed Rs. 75,000/-     | Rs. 750/-  |
| 8.  | Exceeds Rs. 75,000/- but does not exceed Rs. 1,00,000/-   | Rs. 1000/- |
| 9.  | Exceeds Rs. 1,00,000/- but does not exceed Rs. 1,50,000/- | Rs. 1500/- |
| 10. | Exceeds Rs. 1,50,000/-                                    | Rs. 2500/- |

2. (i) Legal practitioners including solicitors and noteries public

(ii) Medical practitioners including medical consultants and dentists.

(iii) Technical and professional consultants, including Architects, Engineers, Chartered Accountants, Actuaries, Management Consultants and tax consultants, Accountants.



(iv) Chief Agents, Principal Agents, Special Agents, Insurance Agents and Surveyors or loss Assessors registered or licenced under Insurance Act, 1938. Where the standing in the profession of any of the person mentioned above is:-

- (a) Less than three years      Rs. 85/- Per annum
- (b) Three years or more but less than five years      Rs. 120/- Per annum

- (c) Five years or more      Rs. 500/- Per annum

(v) Estate Agents or brokers or building contractors      Rs. 500/- Per annum

(vi) Directors (other than nominated by Govt.) of Companies registered under the Companies Act, 1956.      Rs. 500/- Per annum

(vii) Dealers registered under the Nagaland Sales Tax Act, such Dealers whose annual gross turnover on all sales is :-

- (a) Less than Rs. 50,000/-      Rs. 85/- Per annum

- (b) Rs. 50,000/- to Rs. 1,00,000/-      Rs. 225/- Per annum

- (c) More than Rs.1,00,000/-      Rs. 500/- Per annum

(viii) Owners (Or lessees) of Petrol/diesel filling station and service station      Rs. 500/- Per annum

(ix) Owners of Rice/Atta/Flour/Oil Mills      Rs. 500/- Per annum



- (x) Holders of permits for transports vehicles granted under the Motor vehicles Act, 1939 which are used or adopted to be used for hire or reward.
- where any such persons holds permit or permits for any tax is, three wheeler, goods vehicles, trucks or buses.
- (a) in respect of each taxi, three wheeler or goods vehicle Rs.120/- Per annum
- (c) in respect of each truck or bus Rs. 255/- Per annum
- (xi) Cooperative Societies registered or deemed to be registered under the Assam Coop. Society's Act, 1949 (Act 1 of 1951) engaged in any profession, trades or callings :-
- (a) State level Societies Rs. 25/- Per annum
- (b) District Rs. 120/- Per annum
- (xii) Banking Companies as defined in the Banking Regulation Act, 1948 (10 of 1949)
- (a) Schedule Bank Rs. 500/- Per annum
- (b) Other Banks Rs. 425/- Per annum
- (xiii) Companies registered under the Companies Act, 1956 (1 of 1956) and engaged in any profession trade or callings Rs. 500/- Per annum



(xiv) Firms registered under Indian Partnership Act, 1932 (9 of 1932) and engaged in any profession, trade or calling. Rs. 425/- Per annum

(xv) Person other than those mentioned in any preceeding entries, who are engaged in any profession, trades, or callings or employments and in respect of whom a notification is issued under section 3 of this Act. Rate of tax shall be as may be fixed by notification not exceeding Rs. 500/- per annum

Notwithstanding anything contained in the Schedule where a person is covered by more than one entry in the Schedule, the highest rate of tax specified under any of those entries shall be applicable in his case.

Note :-

Item No. 2 of the present schedule was substituted by Nagaland PTC & E Taxation (Amendment) Act, 1993 effective from 1. 9. 93



## THE SCHEDULE

(See Section 4)

### RATES OF TAX

Where the total gross annual income	Amount of Tax
1. Does not exceed Rs. 3,500/-	Rs. NIL
2. Exceeds Rs. 3,500/- but does not exceed Rs. 5000/-	Rs. 24/-
3. Exceeds Rs. 5,000/- but does not exceed Rs. 10,000/-	Rs. 36/-
4. Exceeds Rs. 10,000/- but does not exceed Rs. 15,000/-	Rs. 50/-
5. Exceeds Rs. 15,000/- but does not exceed Rs. 20,000/-	Rs. 70/-
6. Exceeds Rs. 20,000/- but does not exceed Rs. 25,000/-	Rs. 100/-
7. Exceeds Rs. 25,000/- but does not exceed Rs. 30,000/-	Rs. 150/-
8. Exceeds Rs. 30,000/- but does not exceed Rs. 35,000/-	Rs. 200/-
9. Exceeds Rs. 35,000/-	Rs. 250/-



## **THE NAGALAND PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS TAXATION RULES, 1970**

(Published in the Nagaland Gazette Extraordinary  
dated 16th March, 1970)

### **1. SHORT TITLE, EXTENT AND COMMENCEMENT :-**

(1) These rules may be called the Nagaland Professions, Trades, Callings and Employments Taxation Rules, 1970.

(2) These rules shall apply to whole of Nagaland.

(3) These shall come in to force with effect from 1st April, 1970.

2. In these rules, unless there is anything repugnant in the subject or context :-

(1) the "Act" means the Nagaland Professions, Trades, Callings and Employments Taxation Act, 1969,

(2) "Assessee" means a person liable to pay tax,

(3) "Form" means a form prescribed in the Schedule appended to these rules,

(4) "Section" means a section of the Act,

(5) the "Disbursing Officer" means the drawing Officer as prescribed in Rule 142 of the Central Treasury Rules and also includes the Treasury Officer or a Sub-Treasury Officer,

(6) "Appellate authority" means the Assistant Commissioner,

(7) "Commissioner" means the Commissioner of Taxes, and

(8) "Assistant Commissioner" means Assistant Commissioner of Taxes.



Taxing  
Authorities.

3. The Commissioner shall exercise such powers and perform such duties as may be required of him by the Act or the rules made thereunder. He shall be responsible for the administration of the Act.

4. The Assistant Commissioner shall exercise such powers and perform such duties as may be required of him by the Act or the rules thereunder.

5. An Inspector shall exercise such powers and perform such duties as may be specified by the Commissioner.

6. The powers to be exercised and duties to be performed by an Assistant Commissioner, a Superintendent or an Inspector shall respectively be exercised and performed in respect of such areas or assessees or classes of assessees as may, by notification in the official gazette, be specified by the Commissioner.

Returns.

7. The return required to be furnished under section 8 shall, on commencement of the Act, be furnished within such time as may be notified in the official gazette by the Commissioner and thereafter within sixty days of the commencement of each financial year.

8. The return shall be furnished in Form I and to the Superintendent within the local limits of whose jurisdiction the assessee carries on a trade or follow a profession or calling or is in employment.

9. The notice referred to in sub-section (2) of section 8 shall be served in Form II.

Assess-  
ments.

10. Assessment orders passed under the provisions of the Act shall be made in Forms III A, and III B.



Deductions  
of Tax at  
source :

11. The principal officer acting under Sub-section (2) of section 12 shall deduct the tax due from each assessee in one instalment.

Provided that the Commissioner may authorise the Principal Officer to deduct, in respect of such assessee as may be specified with reference to their total gross income, the tax due in more than one instalments.

12. When tax is to be deducted in one instalment, the deduction shall be made within the period specified in rule 7. In all other cases, the deduction shall be made on such dates on which the instalments fall due.

13. Within thirty days of the completion of the period referred to in rule 7, the principal officer shall furnish a return in Form IV to the Superintendent.

Appeal :

14. A memorandum of appeal may be presented to the appellate authority by the appellant or by an agent or it may be sent to post.

15. The memorandum of appeal shall contain, amongst other, the following particulars :-

(a) a statement of the facts of the case.

(b) the grounds on which the petition is filed, and

(c) the date of service of the order appealed against.

16. The memorandum of appeal shall be duly stamped as prescribed in rule 35 and accompanied by a certified copy of the order appealed against and shall be signed, verified and endorsed by the appellant or his agent to the effect :-

(a) that the tax not in dispute has been paid, and



(b) that to the best of his knowledge and belief the facts set out in the memorandum are true.

17. An appeal petition may be summarily rejected where any of the requirements of rule 16 are not complied with on presentation of the petition.

18. Where an appeal petition is not disposed of under rule 17 the appellate authority shall fix a day and place for hearing the appeal, and may from time to time adjourn the hearing and make, or cause to be made, such further enquiry as may be deemed necessary.

19. In disposing of an appeal, the appellate authority may :-

(a) confirm, reduce, annual or enhance the assessment, or

(b) set aside the assessment and direct a fresh assessment after such enquiry as may be ordered, or

(c) confirm, reduce or annual the order of penalty.

Revisions: 20. A petition for revision under section 16 of the Act shall contain all the particulars mentioned in rules 15 and 16 and may be disposed of in the manner laid down in rules 17 and 18.

Notice of Demand: 21. The notice of demand referred to in section 18 shall be in form V.

Dues how paid: 22. Dues payable under the Act shall be paid direct into the Government Treasury by challans. No payments of such dues shall be accepted at the office of the Commissioner, Assistant Commissioner or Superintendent.

23. Challans for making payments shall be in Form VI and shall be obtainable at any Government Treasury or at the office of the Superintendent.



24. Challans shall be filled in quadruplicate. Two copies duly signed as proof of payment shall be returned to the assessee or the principal officer as the case may be and the other two copies returned by the treasury.

25. One of the copies returned by the treasury shall be transmitted to the Superintendent along with an advice list. The intervals at which and the dates by which, advice lists are to be transmitted by the treasury shall be laid down by the Commissioner.

26. One of the receipted copies returned to the assessee or the principal officer shall be attached to the return required to be submitted by him to the Superintendent.

27. The receipt of challan shall be entered by the Superintendent in his Assessment register in Form VII.

Refunds : 28. An application for refund shall made to the Superintendent and shall include, amongst other, the following particulars :-

- (i) the name of the assessee.
- (ii) assessment year for which refund is claimed.
- (iii) the amount of dues already paid together with the Challan No. and date of payment, and
- (iv) the amount of refund claimed and grounds thereof.

29. An application for refund shall be signed, verified and presented by the assessee or it may be sent by post.

30. No claim to any refund shall be allowed unless it is made within ninety days from the date of original order of assessment or within ninety days of the final order passed on appeal or revision, as the case may be, in respect of such assessment.



31. When the Superintendent is satisfied that the refund claimed is due, wholly or in parts, he shall record an order sanctioning the refund.

32. When an order for refund has been passed, a refund Voucher in Form VIII shall be issued in favour of the claimant, if he desires payment in cash. An advice list shall, at the same time, be forward to the Treasury Officer concerned.

33. A register shall be maintained in Form IX wherein particulars of all applications for refund and the order passed thereon shall be entered.

Place of  
Assess-  
ment :

34. (1) An assessee shall ordinarily be assessed by the Superintendent within whose jurisdiction the assessee carries on a trade or follows a profession, or calling or is in employment. Where the trade, profession, calling or employment is carried on in more places than one he will be assessed by the Superintendent of the area in which principal place of trade, profession, calling or employment is situated.

(2) Where any question arises as to the place of assessment, such question shall be determined by the Commissioner.

Fees :

35. The following fees shall be payable :-

(a) Upon a memorandum of appeal- Rupees two.

(b) Upon a petition for revision - Rupees five.

(c) Upon any other miscellaneous petition- 25 paise.

Provided that no fee shall payable in respect of any written objection made in reply to a notice.

36. The following fee, shall be payable for certified copies :-

(a) An application fee - 25 paise



(b) Authentication fees for every 360 words - 50 paise

(c) One impressed folio for not more than 150 (English) words and extra folio for every 150 additional words or less.

(d) Urgent fee of Re. 1 if an applicant requires his copy to be furnished on day of submission of the application. In such cases, fees and folios must also accompany the application.

(e) An additional fee of Re. 1 to cover the cause of postage if the applicant wants his copy to be sent to him by post.

(f) A searching fee of Re. 1 if the applicant wants a copy of the order or documents which is more than one year old.

37. All fees referred to in rules 35 and 36 shall be paid in Court Fee Stamps.

38. INFORMATION TO BE FURNISHED REGARDING TRANSFER OF AN ASSESSEE ETC :- If a person who is in employment of the State or Central Govt. is transferred to another district in the State, the disbursing officer shall send intimation of such transfer to the disbursing officer of that other district and the assessing authority thereof along with the issue of the last pay certificate. On receipt of such information, the disbursing officer shall recover the tax and send intimation to the assessing authority only.

39. If a person other than that mentioned in rule 38 is transferred to another district or outside the State, the principal officer shall send intimation of such transfer to the assessing authority within 15 days of such transfer.



**SCHEDULE OF FORMS**  
**THE NAGALAND PROFESSIONS, TRADES,**  
**CALLINGS AND EMPLOYMENTS**  
**TAXATION ACT, 1968**  
**FORM 1**  
**RETURN OF INCOME**  
**(See Rule 8)**

Name of assessee .....

Address - .....

Assessment year - .....

Sources of income	Total gross income
1	2
	Rs. p.
Professions .....	
Trades .....	
Callings .....	
Employments .....	
Other sources .....	
Total .....	

Tax payable .....

Amount paid, vide Challan No. ....

The above statement is true to the best of my knowledge and belief.

Date .....

Signature of assessee



## FORM - II

### NOTICE

(See Section 8 and rule 9)

To .....

Whereas you have not furnished a return under section..... in spite of your liability to do so, you are hereby required to furnish a return of your gross income for the year..... to the undersigned on or before the .....

In the case of your failure to comply with the terms of this notice, you will be liable to summary assessment and other penalties.

Seal.

Date.....

Superintendent

## FORM - III A

### ASSESSMENT ORDER

(See Rule 10)

Circle..... Assessment case No .....

Name of assessee..... Assessment year.....

Address.....

Sources of income	Gross income
1	2
Professions .....	
Trades .....	
Callings .....	
Employments .....	
Other sources .....	
Total .....	
Tax payable .....	
Amount of tax paid .....	
Balance .....	
Amount of penalty .....	
Total dues .....	

Status of assessee..... Assessed under section.....

Date of assessment..... Superintendent



**FORM - III B**  
**ASSESSMENT ORDER SHEET**  
**(See Rule 10)**

Circle..... Assessment case No .....  
 Name of assessee..... Assessment year.....

Serial No. and date	Order passed	How complied with and date of compliance
(1)	(2)	(3)

**FORM - IV**

**RETURN**

**(See Rule 13)**

Name of the Department (Government) Assessment Year.....  
 local authority, company, firm or  
 other association of Name of the principal officer  
 person.....

Sl. No.	Name of Em- ployees	Gross Income	Amount of tax payable	Amount realised	Date of payment into the treasury with Challan No.	Remarks
1	2	3	4	5	6	7

Forwarded to the Superintendent,

Signature of the principal officer.



**FORM - V**  
**NOTICE OF DEMAND**  
(See Rule 21)

To \_\_\_\_\_

It is notified that for the assessment year..... the sum of Rs.....as specified below has been determined as payable by you. You are required to pay the amount on or before the.....to the Treasury/Sub-Treasury Officer.

(.....) at.....

Agent, State Bank of India.

You are further informed that unless the dues are paid by the due date, a further penalty will be imposed on you and a certificate will be forwarded to the Collector for recovery of the whole amount as an arrear of Land Revenue.

Tax.....

Penalty.....

Seal

Date.....

Superintendent.

**FORM - VI**  
**CHALLAN**

(See Rule 23 to be printed in quadruplicate)  
**XIII - Other Taxes and Duties - Professions Tax**

Treasury, Sub-Treasury

Challan of Tax/penalty paid to (.....) at.....

Agent, State Bank of India

By whom tendered	Name and address of assessee/Principal officer on whose behalf payment is made	Payment on account of	Amount (In words and in figures)
1	2	3	4

Tax..... Rs.

Penalty..... Rs.

Rupees.....

( in words )

Date.....

Signature.....

For use in the Treasury

Challan No.....

Date.....

Received payment of Rs.....

( in words )

Treasurer

Accountant

Treasury Officer

(.....)

Agent or Manager



**FORM VII**  
**ASSESSMENT REGISTER**  
( See Rule 27 )

Circle.....		Assessment year.....									
Serial No.	Name of Assessee	Address	Gross Income	Dues			Amount Paid	Challan No. and date of payment	Balance, if any	Challan No. and date of payment	Remarks
				Tax	Penalty	Total					
1	2	3	4	5	6	7	8	9	10	11	12



**FORM VIII**  
**REFUND VOUCHER**  
( See Rule 32 )

Book No..... Voucher No.....

XIII - Other Taxes and Duties : Professions Tax.

Refund payable to -

Assessment case No. -

Challan No. and date of original payment -

Amount of refund allowed -

Date of order -

Signature of Superintendent -

Signature of recipient of the voucher -

Date of encashment -

**FORM VIII**

Book No.....

Voucher No.....

XIII - Other Taxes and Duties : Professions Tax.  
( Order of refund payable within one month of issue )

To

The Treasury/Sub-Treasury Officer

Agent, State Bank of India.

Certified that with regard to assessment case No \_\_\_\_\_  
of \_\_\_\_\_ a refund of Rs \_\_\_\_\_ is due to \_\_\_\_\_  
(in words)

Certified that the tax concerning which refund is ordered has been credited  
in the Treasury.

Certified that no refund order in respect of this sum has previously been  
granted and this order of refund has been entered in the assessment record.

Please pay to \_\_\_\_\_ the sum of Rs \_\_\_\_\_  
(In words)

Seal

Superintendent

Received payment

Pay Rs. \_\_\_\_\_

Signature of Claimant.

Treasury/Sub-Treasury Officer  
Agent or Manager.

Date \_\_\_\_\_

Date \_\_\_\_\_



**(See Rule 33)**

Assessment Year	Serial No.	Name of Applicant	Amount of refund allowed	Challan No. and date of encashment	Remarks
1	2	3	4	5	6