(1991) 09 SC CK 0020

In the Supreme Court Of India

Case No : Civil Appeal No. 3455 of 1979

Shivananjundappa and others APPELLANT

Vs

State of Karnataka RESPONDENT

Date of Decision : 11-09-1991

Acts Referred:

Constitution of India, 1950 — Article 14
Karnataka Tax on Professions, Trades, Callings and Employments Act, 1976 — Section 3

Citation : AIR 1992 SC 231 : (1993) 1 SCC 617 Supp

Hon'ble Judges : M. M. Punchhi, J;K. Ramaswamy, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. The only point which requires consideration in this appeal is whether the Karnataka Legislature was competent under the provisions of the Karnataka Tax on Professions, Trades, Callings and Employments Act, 1976 to classify for the purpose of profession tax lawyers practising within the Bangalore Urban Agglomeration separately to those practising within the Municipal limits of District Headquarters and further classifying lawyers between those who had below 10 years of practice and others above 10 years for different rates of tax. Article 14 of the Constitution has been pressed into service to contend that the classifications aforesaid are unintelligible in sum and essence. The legislature as suggested has apparently taken into account the income criteria in both the classifications, which tend to usurp the legislative field of the Union. It has been highlighted that the classification of Bangalore Urban Agglomeration and Municipal limits of District Headquarters separately is based on the supposition that in the former there are more income digs as compared to areas comprised in Municipal limits of District Headquarters as also that lawyers having less than 10 years' practice generate less income as compared to those who have 10 years' practice or more.

2. On Hearing learned Counsel for the parties, we find that the suppositions are baseless and the argument of the appellants without merit. The area wise classification is intelligible as lawyers practising in the Bangalore Urban Agglomeration serve a densely populated area where there are a pack of Courts and more professional opportunities as compared to Municipal limits of District Headquarters. In the former lawyers cater to many and chances to display their professional skill is more than others in the latter. The age factor reveals experience and goes a long way to catch the eye of the clientele. Both classifications appear to us to be based on professional opportunities while being in a particular set or surrounding or being in a particular age group. The Legislature is the best judge to determine who has the capacity to pay taxes and who should be burdened and how much. The gradation inter se herein is based on intelligible differentia. The schedule attached to the Act has taken care to spread the tax burden gradedly. Thus in our view no room has been created to take a different view than the one taken by the High Court against whose decision is this appeal by special leave. Accordingly it is dismissed without any order as to costs.