REPORT OF THE SUBJECT COMMITTEE ON THE KERALA STATE GOODS AND SERVICES TAX (AMENDMENT) BILL, 2024 AND THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

Presented on 2nd February 2024

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SUBJECT COMMITTEE VIII (ECONOMIC AFFAIRS)

(2023-2026)

Composition

Chairman:

Shri K. N. Balagopal, Minister for Finance

Ex-officio Members:

Shri M. B. Rajesh,
Minister for Local Self Governments and Excise.

Shri Ramachandran Kadannappalli,
Minister for Registration, Museums and Archaeology.

Members:

Shri K. Babu (Thripoonithura)

DR. K. T. Jaleel

Shri D. K. Murali

Shri Thiruvanchoor Radhakrishnan

Shri Thottathil Ravindran

Shri N. Samsudheen

Shri K. V. Sumesh

Shri E. K. Vijayan.

Legislature Secretariat:

Shri Shaji C. Baby, Secretary-in-Charge

Smt. Deepa V., Joint Secretary

Shri Jayakumar G., Deputy Secretary

Shri Ajithkumar V.O., Under Secretary.

THE KERALA STATE GOODS AND SERVICES TAX (AMENDMENT) BILL, 2024

Report of the Subject Committee

Subject Committee VIII (Economic Affairs) to which The Kerala State Goods and Services Tax (Amendment) Bill, 2024 (Bill No.189) was referred, considered the Bill clause by clause and now submits this report with the Bill as reported by the Subject Committee annexed thereto.

- 2. The Kerala State Goods and Services Tax (Amendment) Bill, 2024 was published as a Gazette Extraordinary dated 27th January, 2024. The Bill was introduced in the Assembly on 1st February, 2024 and was referred to Subject Committee VIII on the same day.
- 3. The Committee considered the Bill clause by clause at the meeting held on 1st February, 2024 and recommends to adopt the Bill without modifications.
 - 4. All other changes are either verbal or consequential.
- 5. The minutes of dissent and the Bill as reported by the Subject Committee are appended.

Thiruvananthapuram, 2nd February, 2024.

K. N. BALAGOPAL, Chairman, Subject Committee VIII.

വിയോജനക്കറിപ്പ്

2023-ലെ കേന്ദ്ര ചരക്ക് സേവന നികതി(ഭേദഗതി) ആക്ട് പ്രകാരം ഓൺലൈൻ ഗെയിമുകൾക്കാ കതിരപ്പന്തയത്തിനാ പണം വെച്ചിട്ടുള്ള ചൂതാട്ടങ്ങൾക്കാം 28% ചരക്ക് സേവന നികതി ഏർപ്പെടുത്തിയതിന് അന്സ്വതമായ ഭേദഗതികൾ സംസ്ഥാന ചരക്ക് സേവന നികതി നിയമത്തിൽ ഉൾപ്പെടുത്തുന്നതിനാണ് ബില്ലിൽ വ്യവസ്ഥ ചെയ്തിട്ടുള്ളത്.

1960-ലെ കേരള ഗെയിമിംഗ് ആക്ടിൽ 2005-ൽ വരുത്തിയ ഭേദഗതിയിലൂടെ സംസ്ഥാനത്ത് ഓൺലൈൻ ലോട്ടറികൾ നിരോധിക്കുകയും പ്രസ്തത ആക്ടിന്റെ വകപ്പ് 14 എ പ്രകാരം സ്ക്കീൽ ഗെയിമുകൾക്ക് നൽകുന്ന ഇളവിൽ നിന്നും ഓൺലൈൻ റമ്മി ഒഴിവാക്കി 2021-ൽ വിജ്ഞാപനം ചെയ്തിട്ടുള്ളതുമാണ്.

ഗെയിമുകൾ ഇന്റർനെറ്റ് ഗെയിമിംഗ് ഡിസോർഡർ ഓൺലൈൻ ദ്ദഷ്യഫലങ്ങൾ സമഹത്തിൽ വലിയ ഉണ്ടാക്കുന്നതായി ബോധ്യപ്പെട്ടതിന്റെ അടിസ്ഥാനത്തിലാണ് മേൽപ്പറഞ്ഞ നടപടികൾ ഉണ്ടായിട്ടള്ളത്. എന്നാൽ ബില്ലിലെ ഭേദഗതിയിലൂടെ ഓൺലൈൻ ഗെയിമിംഗും കുതിരപ്പന്തയവും പണം വെച്ചള്ള ചൂതാട്ടവും നികുതി പരിധിയിൽ ഉൾപ്പെടുന്ന എന്നത് ആശങ്ക ഉണ്ടാക്കുന്നു. 28% നികുതി നൽകേണ്ടി വരുമ്പോൾ ധാരാളം അനധികൃത പ്ലാറ്റ്ഫോമുകൾ ഉണ്ടാകാനുള്ള സാധ്യതയുമുണ്ട്. ഈ അനധിക്കത പ്ലാറ്റ്ഫോമുകൾ ഇന്റർനെറ്റ് അധിഷ്ഠിതവും വിദേശ രാജ്യങ്ങളിൽ നിന്നുള്ള കമ്പനികളാൽ നിയന്ത്രിക്കപ്പെടുന്നവ ആയത് കൊണ്ട് നികതി ഈടാക്കുക ശ്രമകരമാകുന്നതാണ്. ആയതിനാൽ ഇത്തരം ഗെയിമുകളം പൂർണ്ണമായി നിരോധിച്ചകൊണ്ട് അതിൽ നിന്നുള്ള നികതി വരുമാനം ആവശ്യമില്ല എന്ന നയ സമീപനം സ്വീകരിക്കുന്നതാണ് ഉചിതം. ആയതിനാൽ ബില്ലിലെ വ്യവസ്ഥകളോട് വിയോജിപ്പ് രേഖപ്പെടുത്തന്നം.

 (***a)

തിരുവഞ്ചൂർ രാധാകഷ്ണൻ

എൻ. ഷംസുദ്ദീൻ

(ഒപ്

(ഒപ്പ്)

THE KERALA STATE GOODS AND SERVICES TAX (AMENDMENT) BILL, 2024

(As Reported by the Subject Committee)

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BILL.

further to amend the Kerala State Goods and Services Tax Act, 2017.

Preamble.— Whereas, it is expedient further to amend the Kerala State Goods and Services Tax Act, 2017 for the purposes hereinafter appearing;

BE it enacted in the Seventy-fifth Year of the Republic of India as follows:—

- 1. *Short title and commencement* .— (1) This Act may be called the Kerala State Goods and Services Tax (Amendment) Act, 2024.
- (2) It shall be deemed to have come into force on the 1st day of October, 2023.
- 2. *Amendment of section 2.*—In the Kerala State Goods and Services Tax Act, 2017 (20 of 2017) (hereinafter referred to as the principal Act), in section 2,—
 - (a) after clause (80), the following clauses shall be inserted, namely:—
- "(80A) "online gaming" means offering of a game on the internet or an electronic network and includes online money gaming;
- (80B) "online money gaming" means online gaming in which players pay or deposit money or money's worth, including virtual digital assets, in the expectation of winning money or money's worth, including virtual digital assets, in any event including game, scheme, competition or any other activity or process, whether or not its outcome or performance is based on skill, chance or both and whether the same is permissible or otherwise under any other law for the time being in force;";
 - (b) after clause (102), the following clause shall be inserted, namely:—

"(102A) "specified actionable claim" means the actionable claim involved in or by way of— $\,$

- (i) betting;
- (ii) casinos;
- (iii) gambling;
- (iv) horse racing;
- (v) lottery; or
- (vi) online money gaming;";
- (c) in clause (105), the following proviso shall be inserted at the end, namely:—

"Provided that a person who organises or arranges, directly or indirectly, supply of specified actionable claims, including a person who owns, operates or manages digital or electronic platform for such supply, shall be deemed to be a supplier of such actionable claims, whether such actionable claims are supplied by him or through him and whether consideration in money or money's worth, including virtual digital assets, for supply of such actionable claims is paid or conveyed to him or through him or placed at his disposal in any manner, and all the provisions of this Act shall apply to such supplier of specified actionable claims, as if he is the supplier liable to pay the tax in relation to the supply of such actionable claims;";

(d) after clause (117), the following clause shall be inserted, namely:—

"(117A)" virtual digital asset" shall have the same meaning as assigned to it in clause (47A) of section 2 of the Income-tax Act, 1961 (Central Act 43 of 1961);".

- 3. Amendment of section 24.— In section 24 of the principal Act,—
 - (a) in clause (xi), the word "and" occurring at the end shall be omitted;
 - (b) after clause (xi), the following clause shall be inserted, namely:—

"(xia) every person supplying online money gaming from a place outside India to a person in India; and".

- 4. *Amendment of Schedule III*.—In Schedule III of the principal Act, in paragraph 6, for the words and symbol "lottery, betting and gambling", the words "specified actionable claims" shall be substituted.
- 5. *Transitory provision*.—The amendments made under this Act shall be without prejudice to the provisions of any other law for the time being in force, providing for prohibiting, restricting or regulating betting, casino, gambling, horse racing, lottery or online gaming.
- 6. *Repeal and saving.* (1) The Kerala State Goods and Services Tax (Amendment) Ordinance, 2023 (1 of 2024) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Secretariat of the Kerala Legislature, Thiruvananthapuram, 1st February, 2024.

Shaji C. Baby, Secretary-in-Charge.