Run By Shorthand Dictation Legal Matters

Since 2005

(Sir Isaac Pitman's Shorthand)

Krishna Shorthand Institute

कृष्णा आशुलिपिक संस्थान

(English Only)

By. A.V. Kushwaha

(For Govt. Jobs, SSC (Group D & C), Supreme Court, High Court, District Courts, ASRB, CRPF, Railway, CBSC & all other departments requiring "English Stenographer/ Personal Assistant/Private Secretary"

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Note:

1. First, we have given passage of dictation.
2. Then, important outlines
3. Vocabulary and accuracy Builders

Difficulty Leval: Medium

NOTE: Very important latest created passage for Supreme Court/High Court/District Court/Tribunal etc. related skill tests apart from speed building.

Topic: Taxation Matters

Volume 1: Dictation No. 13

Note: Outlines of all highlighted words/phrases are given at the end of the passage. Adopt all better outlines than yours.

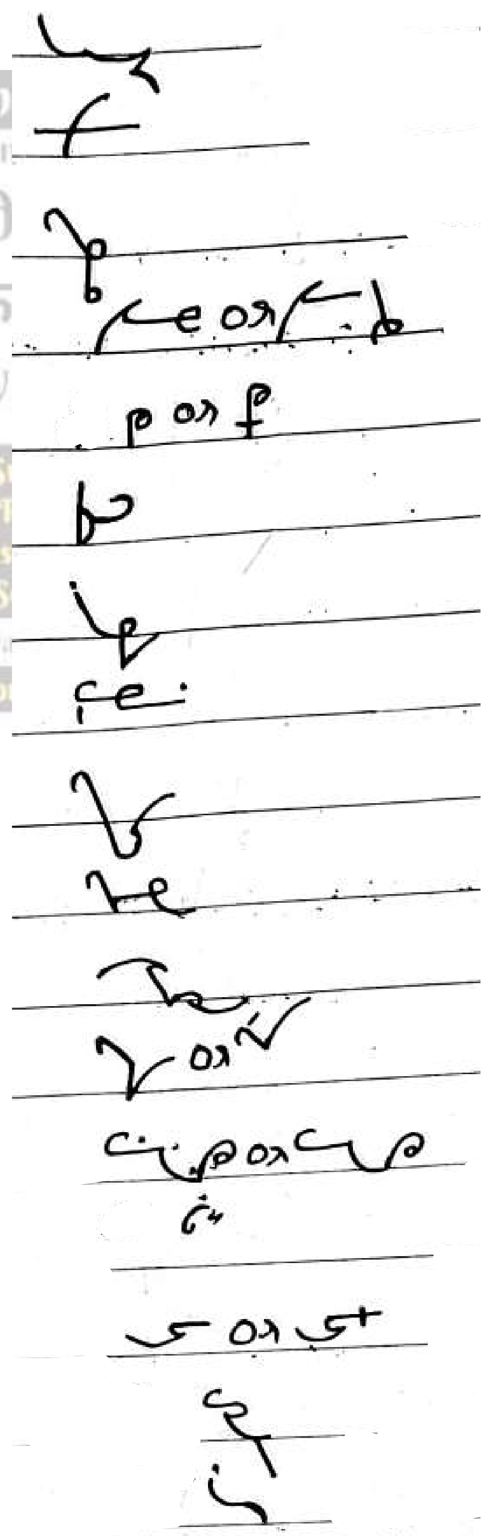
Having heard learned counsel and considered the issues involved, this Court proceeds to state the settled legal position regarding the distinction between a tax, a fee, and a compensatory tax. A tax, in its classical understanding, may be either progressive or proportional. A progressive tax is one which increases in rate as the income or capacity of the taxpayer increases, thereby implementing the principle of ability to pay. In contrast, a fee or a compensatory tax cannot be progressive; it must remain broadly proportional to the benefit derived. The underlying foundation of both a fee and a compensatory tax is the principle of equivalence, which requires that the quantifiable benefit conferred upon an individual or class of individuals by State action must correspond to the cost incurred by the State in providing that benefit.

Such costs form the basis of reimbursement or recompense to the State, and the levy assumes the character of a charge for services rather than an exaction for general revenue. Compensatory tax, therefore, is in substance a payment for value received and in constitutional jurisprudence, it is often described as a sub-class of a fee. From the perspective of the State, a compensatory levy represents a charge for providing trading or economic facilities which directly add to the value of commerce, unlike a general tax which is levied without reference to any direct service rendered. A tax may be imposed on the basis of income, property or expenditure, but compensatory levies are imposed strictly in proportion to the measurable advantage enjoyed by the payer. The Court notes that a compensatory tax is levied on an individual as part of a class of beneficiaries, while a fee is levied directly on an individual. The dividing line is thus between the principle of ability, which governs taxes, and the principle of equivalence, which governs fees and compensatory levies. Ability is measurable through indicators such as property value or rental capacity; local rates are often assessed in this manner. Equivalence, on the other hand, requires reimbursement that is closely aligned with the cost incurred by the State in creating or maintaining a facility. The theory of compensatory taxation rests on the proposition that if the State, through positive action, confers upon an individual a particular measurable advantage, fairness to the community at large requires that the beneficiary contribute towards the cost. It is in this sense that a general tax is founded on the concept of burden whereas a compensatory levy is founded on the concept of reimbursement.

The Court further observes that while there are conceptual difficulties in drawing precise boundaries, the distinction is nevertheless real and significant. It is the difference between remuneration for a specific service of which actual use is made and a burden imposed for the general fiscal needs of the State. By way of illustration, motor vehicles provide a striking example. Vehicles require, for their safe and economical operation, roads of sufficient width, hardness and durability. The construction and maintenance of such roads entails considerable expenditure from the public treasury. Motorists, however, stand in a direct and special relation to such roads and they derive from them immediate and measurable benefit. It is, therefore, neither unreasonable nor inequitable that they be required to make a special contribution towards road maintenance in addition to their general contribution as taxpayers. Road taxes, licence fees and tolls, when correlated with the use of highways are compensatory in nature because they reimburse the exchequer for the costs of road infrastructure. This must be contrasted with income tax or property tax which is levied not by reference to any specific service but upon the general capacity of the taxpayer.

Total Words: 608

Outlines of all highlighted words and phrases. Note: Adopt only those outlines which are better than yours.



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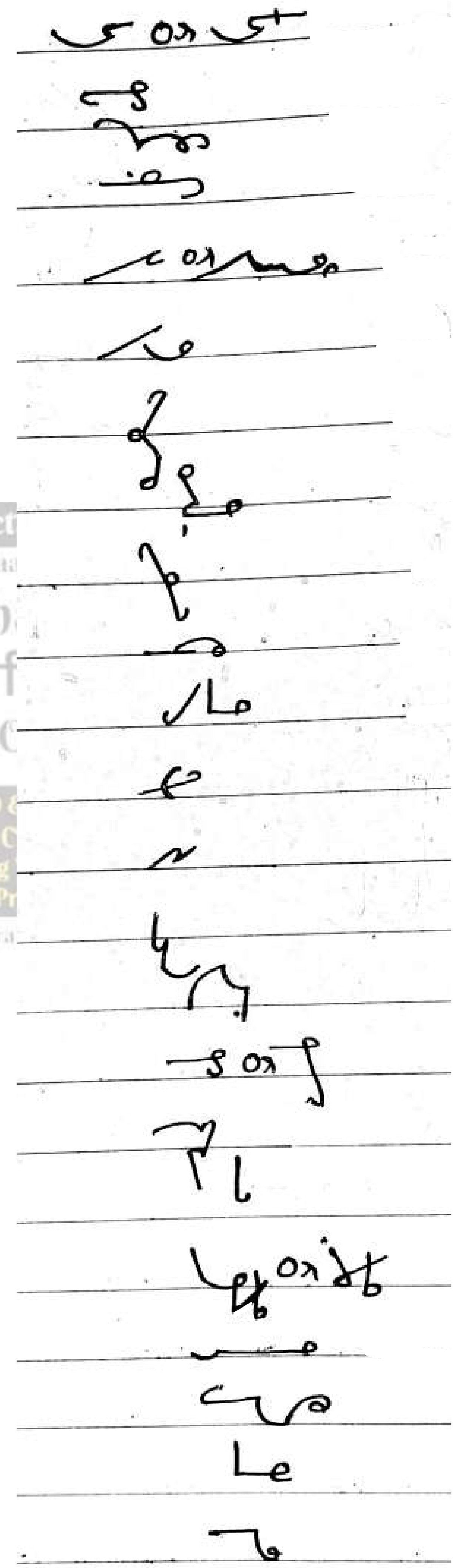

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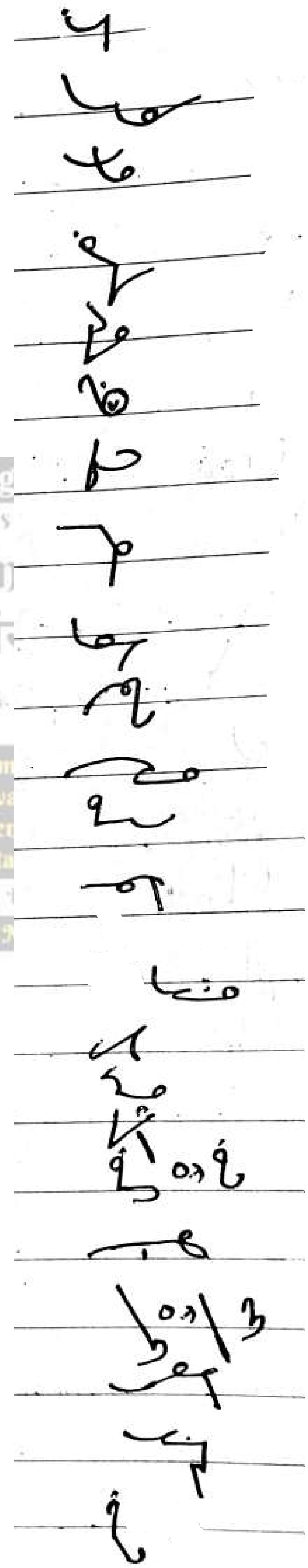

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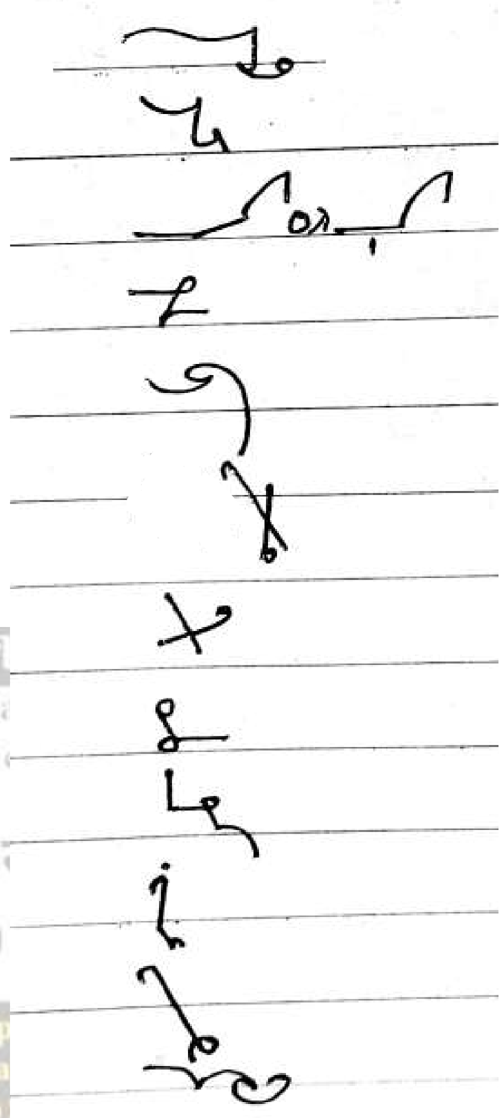

(Increase your vocabulary:

Learn New and Important Words of the Matter)
Keep revising all new words learned.

Legal/General Matter (Legal Vocabulary Building)

1. **having heard** (verb phrase) (past participle) - to have listened to or considered सुना होना/सुनकर
2. **proceeds** (verb) (present tense, 3rd person singular) - continues or moves forward आगे बढ़ना
3. **settled** (adjective) - established or decided निर्धारित/स्थापित

4. **distinction** (noun) - difference or differentiation अंतर/भेद
5. **compensatory** (adjective) - providing compensation or making up for something क्षतिपूर्ति संबंधी
6. **classical** (adjective) - traditional or conventional पारंपरिक/शास्त्रीय
7. **proportional** (adjective) - corresponding in size or amount समानुपातिक

8.**progressive** (adjective) - increasing gradually प्रगतिशील/क्रमवर्धी

9.**implementing** (verb) (present participle) - putting into effect or practice कार्यान्वयन करना

10.**broadly** (adverb) - in general terms व्यापक रूप से

11.**equivalence** (noun) - the state of being equal or equivalent समतुल्यता

12.**aligned** (verb) (past participle) - arranged in line or correspondence संरेखित/तालमेल

13.**incurred** (verb) (past participle) - suffered or experienced वहन किया गया

14.**quantifiable** (adjective) - able to be measured or expressed in numbers परिमाणीकरण योग्य

15.**conferred** (verb) (past participle) - given or granted प्रदान किया गया

16.**correspond** (verb) - to be in agreement or harmony संगत होना/मेल खाना

17.**reimbursement** (noun) - repayment of expenses प्रतिपूर्ति

18.**exaction** (noun) - demanding and obtaining something वसूली/जबरन लेना

19. **revenue** (noun) - income or earnings राजस्व

20. **recompense** (noun) - compensation or reward प्रतिकार/मुआवजा

21. **jurisprudence** (noun) - legal theory or philosophy न्यायशास्त्र

22. **sub-class** (noun) - a subdivision of a class उप-वर्ग

23. **perspective** (noun) - point of view or viewpoint दृष्टिकोण

24. **commerce** (noun) - trade and business activities वाणिज्य

25. **general tax** (noun phrase) - tax for general government purposes सामान्य कर

26. **without reference** (prepositional phrase) - not relating to or considering बिना संदर्भ के

27. **rendered** (verb) (past participle) - provided or given प्रदान की गई

28. **levied** (verb) (past participle) - imposed or collected लगाया गया

29. **expenditure** (noun) - spending or outlay व्यय

30. **measurable** (adjective) - able to be measured मापने योग्य

31. **advantage** (noun) - benefit or favorable condition फायदा/लाभ

32. **compensatory tax** (noun phrase) - tax that compensates for benefits received क्षतिपूर्ति कर

33. **indicators** (noun plural) - signs or measures संकेतक

34. **taxation** (noun) - system of imposing taxes कराधान

35. **governs** (verb) (present tense, 3rd person singular) - controls or regulates नियंत्रित करना

36. **community** (noun) - group of people living together समुदाय

37. **beneficiary** (noun) - person who receives benefits लाभार्थी

38. **nevertheless** (adverb) - however or nonetheless फिर भी

39. **conceptual** (adjective) - relating to concepts or ideas संकल्पनात्मक

40. **precise** (adjective) - exact or accurate सटीक

41. **capacity** (noun) - ability or capability क्षमता

42. **fiscal** (adjective) - relating to government finances वित्तीय

43. **illustration** (noun) - example or demonstration उदाहरण

44. **motor vehicles** (noun phrase) - automobiles मोटर वाहन

45. **striking** (adjective) - remarkable or impressive प्रभावशाली

46. **example** (noun) - instance or case उदाहरण

47. **width** (noun) - measurement across चौड़ाई

48. **hardness** (noun) - quality of being hard कठोरता

49. **durability** (noun) - ability to last long टिकाऊपन

50. **motorists** (noun plural) - drivers of motor vehicles मोटर चालक

51. **public treasury** (noun phrase) - government funds सार्वजनिक कोषागार

52. **unreasonable** (adjective) - not fair or logical अनुचित

53. **inequitable** (adjective) - unfair or unjust अन्यायपूर्ण

54. **contribution** (noun) - payment or donation योगदान

55. **maintenance** (noun) - upkeep or preservation रखरखाव

56.in addition to (prepositional phrase) - as well as के अतिरिक्त

57.correlated (verb) (past participle) - connected or related सहसंबंधित

58.exchequer (noun) - government treasury राजकोष

59.infrastructure (noun) - basic facilities and systems अवसंरचना

60.property tax (noun phrase) - tax on property ownership संपत्ति कर

61.by reference (prepositional phrase) - with regard to संदर्भ द्वारा

62.specific (adjective) - particular or definite विशिष्ट

63.taxpayer (noun) - person who pays taxes करदाता

64.contribute (verb) - to give or provide योगदान देना

65.proposition (noun) - statement or idea प्रस्ताव

66.remuneration (noun) - payment for services पारिश्रमिक

Accuracy Builder: following words occurred in the dictation is to be capitalized;

Proper Nouns and Institutional References:

1. **State** (appears multiple times) - Capitalized because it refers to the government as an institution/entity with legal authority
2. **Court** (appears multiple times) - Capitalized because it refers to the specific judicial institution delivering this judgment

Accuracy Builder: Analysis from the passage dictated today.

1. Period (.)

Purpose: Marks the end of declarative sentences

- Example: "A tax, in its classical understanding, may be either progressive or proportional."
- **Reason**: Standard sentence termination in formal legal writing

2. Comma (,) -

Purposes:

- **Separating items in series**: "income, property or expenditure"
- **Setting off introductory phrases**: "Having heard learned counsel and considered the issues involved, this Court proceeds..."
- **Separating clauses**: "A progressive tax is one which increases in rate as the income or capacity of the taxpayer increases, thereby implementing the principle of ability to pay"
- **Setting off non-restrictive clauses**: "Compensatory tax, therefore, is in substance a payment for value received"
- **Before coordinating conjunctions**: "width, hardness and durability"

3. Semicolon (;)

Purpose: Connects closely related independent clauses or separates complex items in a series

- Example: "it must remain broadly proportional to the benefit derived; the underlying foundation..."
- **Reason**: Creates stronger separation than comma but weaker than period, showing logical connection

4. Hyphen (-)

Purpose: Connects compound words

- Example: "sub-class"
- **Reason**: Forms compound noun in legal terminology

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