Finance Act 1978

Chapter IV - Indirect Taxes

In the First Schedule to the Customs Tariff Act, 1975 (hereinafter referred to as the Customs Tariff Act), -

(i) after the existing entry in column (3) against sub-heading No. (2) of Heading No. 37.01/08, the following Explanation shall be inserted, namely :-

Explanation : For the purposes of this sub-heading, where a film is designed with a view to different vertical sections thereof being exposed separately, its length shall be deemed to be aggregate of the lengths of all such sections.";

(ii) in Heading No. 51.01/03, for the entry in column (3), the entry "200% plus Rs. 30 per kilogram" shall be substituted.

Section 35 - Auxiliary duties of customs

---

(1) In the case of goods mentioned in the First Schedule to the Customs Tariff Act, or in that Schedule as amended from time to time, there shall be levied and collected as an auxiliary duty of customs an amount equal to twenty per cent. of the value of the goods as determined in accordance with the provisions of section 14 of the Customs Act, 1962 (52 of 1962) (hereinafter referred to as the Customs Act).

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1979, except as respects things done or omitted to be done before such cesser; and section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

(3) The auxiliary duties of customs referred to in sub-section (1) shall be in addition to any duties of customs chargeable on such goods under the Customs Act, or any other law for the time being in force.

(4) The provisions of the Customs Act, and rules and regulations made thereunder, including those relating to refunds and exemptions from duties, shall, as far as may be, apply in relation to the levy and collection of the auxiliary duties of customs leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of customs on such goods under that Act or those rules and regulations, as the case may be.

Section 36 - Amendment of Act 1 of 1944

In the Central Excises and Salt Act, 1944 (hereinafter referred to as the Central Excises Act), in the First Schedule, -

(i) in Item No. 8, the Explanation shall be numbered as Explanation I and after the Explanation as so numbered, the following Explanation shall be inserted, namely :-

Explanation II : This Item does not include -

(a) base mineral oils (suitable for use in the manufacture of lubricating oils and greases) including mineral oils commonly known as Transformer oil base stock or Transformer oil feed stock; and

(b) lubricating oils including spindle oils, flushing oils and jute batching oils.";

(ii) in Item No. 10, the Explanation shall be numbered as Explanation I and after the Explanation as so numbered, the following Explanation shall be inserted, namely :-

"Explanation II : This Item does not include -

(a) base mineral oils suitable for use in the manufacture of lubricating oils and greases; and

(b) lubricating oils including axle oils.";

(iii) in Item No. 11A, sub-item (4) shall be renumbered as sub-item (5) and before sub-item (5) as so renumbered, the following sub-item shall be inserted, namely :-

"(4)(a) Base mineral oils (suitable for use in the manufacture of lubricating oils and greases) including mineral oils commonly known as Transformer oils base stock or Transformer oil feed stock;	Three thousand and five hundred rupees per metric tonne;
(b) Lubricating oils (including spindle oils, flushing oils, jute batching oils and axle."; oil and lubricating greases.	Three thousand and five hundred rupees per metric tonne

(iv) after Item No. 11C, the following Items shall be inserted, namely :-

"11D. COAL (EXCLUDING LIGNITE), AND COKE NOT ELSEWHERE SPECIFIED.	Ten rupees per metric tonne;
11E. ELECTRICITY.	Two paise per kilowatt-hour.";

(v) in Item No. 18, after sub-item III, the following sub-item shall be inserted, namely :-

"IV. NON-CELLULOSIC WASTES, ALL SORTS.	Nine rupees per kilogram.";
Explanation : This Item includes only wastes arising in, or in relation to, the manufacture of man-made fibres (other than mineral fibres) and man-made filament yarns.	

(vi) in Item No. 19III, for entry in the third column, the entry "The duty for the time being leviable on the base fabrics, if not already paid, plus thirty per cent. ad valorem." shall be substituted;

(vii) in Item No. 22(3), for the entry in the third column, the entry "The duty for the time being leviable on the base fabrics, if not already paid, plus thirty per cent. ad valorem." shall be substituted;

(viii) in Item No. 22B, for the entry in the third column, the entry "Thirty per cent. ad valorem." shall be substituted;

(ix) in Item No. 34, -

(a) for the words "MOTOR VEHICLES AND TRACTORS -", the words "MOTOR VEHICLES AND TRACTORS, INCLUDING TRAILERS -" shall be substituted;

(b) after sub-item II, the following sub-item shall be inserted, namely :-

"III. Trailers Twelve and half per cent. ad valorem.";

(c) for Explanation I, the following Explanation shall be substituted, namely :-

Explanation I : "Motor vehicle", "Tractor, including agricultural tractor" and "Trailer" shall include a chassis; but shall not include a vehicle running upon fixed rails.;

(x) for Item No. 34A, the following Item shall be substituted, namely :-

34A. PARTS AND ACCESSORIES, NOT; ELSEWHERE SPECIFIED, OF MOTOR VEHICLES AND TRACTORS, INCLUDING TRAILERS	Twenty per cent. ad valorem.
Explanation I : The expression "Motor vehicles" has the meaning, assigned to it in Item No. 34.	
Explanation II : The expression "Tractors" shall include agricultural tractors.	

(xi) in Item No. 68, for the entry in the third column, the entry "Five per cent. ad valorem." shall be substituted.

Section 37 - Special duties of excise

(1) In the case of goods chargeable with a duty of excise under the central Excises Act, as amended from time to time, read with any notification for the time being in force issued by the Central Government in relation to the duty so chargeable, there shall be levied and collected a special duty of excise equal to five per cent. of the amount so chargeable on such goods.

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1979, except as respects things done or omitted to be done before such cesser, and section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

(3) The special duties of excise referred to in sub-section (1) shall be in addition to any duties of excise chargeable on such goods under the Central Excises Act or any other law for the time being in force.

(4) The provisions of the Central Excises Act and the rules made thereunder, including those relating to refunds and exemptions from duties, shall, as far as may be, apply in relation to the levy and collection of the special duties of excise leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of excise on such goods under that Act or those rules, as the case may be.

Section 38 - Discontinuance of salt duty

For the year beginning on the 1st day of April, 1978, no duty under the Central Excise Act or the Customs Tariff Act shall be levied in respect of salt manufactured in, or imported into, India.