

Central Excise Tariff Act, 1985

Section 3 - EMERGENCY POWER OF CENTRAL GOVERNMENT TO INCREASE DUTY OF EXCISE

1) Where, in respect of any goods, the Central Government is satisfied that the duty leviable thereon under section 3-of the5[Central Excise Act, 1944] (1 of 1944) should be increased and that circumstances exist which render it necessary to take immediate action, the Central Government may, by notification in the Official Gazette, direct an amendment of3[the First Schedule and the Second Schedule-] to be made so as to substitute for the rate of duty specified in3[the first Schedule-and the Second Schedule-] in respect of such goods, - (a) in a case where the rate of duty as specified in3[the First Schedule and the Second Schedule-] as in force immediately before the issue of such notification is nil, a rate of duty not exceeding fifty per cent advalorem expressed in any form or method; 6[(b) in any other case, a rate of duty as it thinks necessary.] Provided that the Central Government shall not issue any notification under this sub-section for substituting the rate of duty in respect of any goods as specified by an earlier notification issued under this sub-section by that Government before such earlier notification has been approved with or without modifications under sub-section (2). Explanation. - "Form or method", in relation to a rate of duty of excise, means the basis, namely, valuation, weight, number, length, area, volume or other measure with reference to which the duty may be levied. (2) Every notification under sub-section (1) shall be laid before each House of Parliament, if it is sitting, as soon as may be after the issue of thenotification, and, if it is not sitting, within seven days of its re-assembly, and the Central Government shall seek the approval of Parliament to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before the House of the People and if Parliament makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder. (3) For the removal of doubts, it is hereby declared that any notification issued under sub-section (1), including any such notification approved or modified under sub-section (2), may be rescinded by the Central Government at any time by notification in the Official Gazette.