

Finance Act 1970

Chapter V - Indirect Taxes

The Indian Tariff Act, 1934 (hereinafter referred to as the Tariff Act), shall be amended in the manner specified in the Second Schedule.

Section 29 - Special duties of customs

(1) In the case of goods chargeable with a duty of customs which is specified in the First Schedule to the Tariff Act, or in that Schedule as amended by this Act or a subsequent Central Act, if any, or in that Schedule read with any notification of the Central Government for the time being in force, there shall be levied and collected as an addition to, and in the same manner as, the total amount so chargeable, a special duty of customs equal to ten per cent. of such amount :

Provided that in computing the total amount so chargeable, any duty chargeable under section 2A of the Tariff Act or section 30 of this Act shall not be included.

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1971, 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6 of the General Clauses Act, 1897 (10 of 1897), shall apply upon such ceaser as if the said sub-section had then been repealed by a Central Act.

Section 30 - Regulatory duties of customs

(1) With a view to regulating or bringing greater economy in imports, there shall be levied and collected, with effect from such date, and at such rate, as may be specified in this behalf by the Central Government by notification in the Official Gazette, on all or any of the goods mentioned in the First Schedule to the Tariff Act, or in that Schedule as amended by this Act or a subsequent Central Act, if any, a regulatory duty of customs not exceeding -

(a) twenty-five per cent. of the rate, if any, specified in the said First Schedule read with any notification issued under section 3A, or sub-section (1) of section 4, or the Tariff Act; or

(b) ten 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),

whichever is higher :

Provided that different dates and different rates may be specified by the Central Government for different kinds of goods.

(2) Sub-section (1) shall cease to have effect after the 15th day of May, 1971, 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6 of the General Clauses Act, 1897 (10 of 1897), shall apply upon such ceaser as if the said sub-section had then been repealed by a Central Act.

(3) The regulatory duty of customs leviable under this section in respect of any goods referred to in sub-section (1) shall be in addition to any other duty of customs chargeable on such goods under the Customs Act, 1962 (52 of 1962).

(4) The provisions of the Customs Act, 1962 (52 of 1962), and the 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 regulatory duty 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 to those rules and regulations.

(5) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be placed before each House of Parliament.

Section 31 - Amendment of Act 1 of 1949

In the Indian Tariff (Amendment) Act, 1949, in sections 4 and 5, for the figures "1970" the figures "1971" shall be substituted.

Section 32 - Amendment of Act 1 of 1944

(i) in Item No. 1, for the entries in the third column against sub-items (1) and (2), the entries "Thirty per cent. ad valorem." and "Fifteen per cent. ad valorem." shall, respectively, be substituted;	
(ii) for Item No. 1A, the following Item shall be substituted, namely :-	
"1A. CONFECTIONERY, COCOA POWDER AND CHOCOLATES IN OR IN RELATION TO THE MANUFACTURE OF WHICH ANY PROCESS IS ORDINARILY CARRIED ON WITH THE AID OF POWER, NAMELY :-	
(1) Boiled sweets, toffees, caramels, kilogram nuts (including almonds) and fruit kernels coated with sweetening agent, and chewing gums.	Eighty paise per
(2) Cocoa powder. Ten per cent.	ad valorem.
(3) Drinking chocolates, chocolates in the form of granules or powder.	Ten per cent. ad valorem.
(4) Chocolates in the form of blocks, slabs, tablets, bars, pastilles or croquettes or in any other form, not otherwise specified, whether or not containing nuts, fruit kernels or fruits.	Eighty paise per kilogram.";
(iii) after Item No. 1B, the following Items shall be inserted, namely :-	
"1C. FOOD PRODUCTS, IN OR IN RELATION TO THE MANUFACTURE OF WHICH ANY PROCESS IS ORDINARILY CARRIED ON WITH THE AID OF POWER, THE FOLLOWING, NAMELY :-	Ten per cent. ad valorem.
(1) Biscuits.	
(2) Pasteurised butter.	
(3) Pasteurised or processed cheese.	
1D. AERATED WATERS, WHETHER OR NOT. FLAVOURED OR SWEETENED AND WHETHER OR NOT CONTAINING VEGETABLE OR FRUIT JUICE OR FRUIT PULP.	Ten per cent. ad valorem
1E. GLUCOSE AND DEXTROSE.	Ten per cent. ad valorem.";
(iv) for Item No. 2, the following Item shall be substituted, namely :-	
"2. COFFEE	
(1) coffee, cured.	Eighty-five rupees per quintal.
(2) coffee commercially known	Ten per cent. ad valorem
"instant coffee".	plus the duty for the time being leviable under sub-item (1) of this Item on coffee, cured, used in the manufacture of such "instant coffee", if not already paid.
Explanation : For the purposes of sub-item (1), "coffee" means the seed of the coffee tree (coffee), whether with or without husk, whether cured or uncured, but does not include the seed while still attached to the tree.;	
(v) for Item No. 3, the following Item shall be substituted, namely :-	
3. TEA.	
"Tea" includes all varieties of the product known commercially as tea,	

and also includes green tea and "instant tea".	
(1) Tea, all varieties except package tea and "instant tea" falling within in sub-items (2) and (3), , of this Item.	Not exceeding two rupees per kilogram as, the Central Government respectively may, by notification in the Official Gazette, fix.
(2) Package tea, that is to say, tea packed in any kind of container containing not more than 27 kilograms net of tea but excluding "instant tea".	One rupee and twenty-five paise per kilogram plus the duty for the time being leviable under sub-item (1) of this Item, if not already paid.
(3) "Instant tea."	Ten per cent. ad valorem plus the duty for the time being leviable on tea falling under sub-item (1) of this Item, if not already paid and if such tea is used in the manufacture of such "instant tea".;
(vi) in Item No. 4, under "II. Manufactured tobacco -", for the entry in the third column against sub-item (2), the entry "One hundred and fifty per cent. ad valorem", shall be substituted;	
(vii) in Item No. 6, for the entry in the third column, the entry "Seven hundred and twenty rupees per kilolitre at fifteen degrees of Centigrade thermometer." shall be substituted;	
(viii) in Item No. 14A, for the entry in the third column, the entry "Tea per cent. ad valorem." shall be substituted;	
(ix) after Item No. 14A, the following Item shall be inserted, namely :-	
"14AA. CHEMICALS, THE FOLLOWING NAMELY :-	Ten per cent. ad valorem."
(1) Calcium carbide.	
(2) Bleaching paste and bleaching powder.	
(3) Sodium hydrosulphite.	
(x) in Item No. 14B, for the entry in the third column, the entry "Ten per cent. ad valorem." shall be substituted;	
(xi) after Item No. 16A, the following Item shall be inserted, namely :-	
"16AA. SYNTHETIC RUBBER, INCLUDING BUTADIENE ACRYLONIT RILE RUBBER, STYRENE BUTADIENE RUBBER AND BUTYL RUBBER; SYNTHETIC RUBBER LATEX, INCLUDING PRE-VULCANISED SYNTHETIC RUBBER LATEX.	Three hundred rupees per tonne.";
(xii) in Item No. 19, in sub-item I(1), after the word "lappet," the words "butta fabrics, round mesh mosquito netting," shall be inserted;	
(xiii) in Item No. 22, for the entry in the third column against sub-item (1), the entry "Ten per cent. ad valorem." shall be substituted;	
(xiv) in Item No. 23B, for the entries in the third column against each of the sub-items (2) and (3), the entry "Twenty-five per cent. ad valorem." shall be substituted;	

(xv) in Item No. 26AA, -	
(a) in sub-item (ia), for the words "angles, channels", the words "angles other than slotted angles, channels other than slotted channels" shall be substituted;	
(b) in sub-item (ii), after the words "channels", the words "other than slotted channels" shall be inserted;	
(xvi) for Item No. 27, the following Item shall be substituted, namely :-	
"27. ALUMINIUM -	
(a) (i) In any crude form including	Twenty-five per cent.
ad ingots, bars, blocks, slabs, billets, shots and pellets;	valorem.
(ii) wire bars, wire rods and ad castings, not otherwise specified.	Twenty-five per cent. valorem.
(b) manufactures, the following, namely, plates, sheets, circles and strips in any form or size, not otherwise specified.	Twenty-five per cent. ad valorem.
(c) Foils, that is a product of thickness (excluding any backing) valorem. not exceeding 0.15 millimetre.	Twenty per cent. ad valorem.
(d) Pipes and tubes, other than extruded pipes and tubes.	Twenty-five per cent. ad valorem.
(e) Extruded shapes and sections including extruded pipes and valorem.";	Twenty-five per cent. ad tubes.
(xvii) in Item No. 28, for the entry in the third column, the entry "Four hundred rupees per metric tonne", shall be substituted;	
(xviii) in Item No. 29A, for the entries in the third column against sub-items (1), (2) and (3), the entries "Forty per cent. ad valorem.", "Forty per cent. ad valorem." and "Fifty per cent. ad valorem." shall, respectively, be substituted;	
(xix) after Item, No. 33C, the following Item shall be inserted, namely :-	
"33D. OFFICE MACHINES AND APPARATUS,. INCLUDING TYPEWRITERS, CALCULATING MACHINES, CASH REGISTERS, CHEQUE-WRITING MACHINES, ACCOUNTING MACHINES, STATISTICAL MACHINES, COMPUTERS (INCLUDING CENTRAL PROCESSING UNITS AND PERIPHERAL DEVICES), INTERCOM DEVICES (BUT EXCLUDING TELEPHONES), TELEPRINTERS AND AUXILIARY MACHINES FOR USE WITH SUCH MACHINES, WHETHER IN ASSEMBLED OR UNASSEMBLED CONDITION.	Ten per cent. ad valorem
Explanation : The term "office machines and apparatus" shall be construed so as to include all machine and apparatus used in offices, shops, factories, workshops, educational institutions, railway stations, hotels and restaurants for doing office work, for data processing and for transmission and reception of messages.;	
(xx) in Item No. 40, for the entry in the second column, the following entry shall be substituted, namely :-	
"STEEL FURNITURE MADE PARTLY OR WHOLLY OF STEEL, IN OR IN RELATION TO THE MANUFACTURE OF WHICH ANY PROCESS IS ORDINARILY CARRIED ON WITH THE AID OF POWER, WHETHER IN ASSEMBLED OR UNASSEMBLED CONDITION AND PARTS OF SUCH STEEL FURNITURE (BUT EXCLUDING SLOTTED ANGLES AND CHANNELS MADE OF STEEL).";	

(xxi) after Item No. 43, the following Items shall be inserted, namely :-	
"44. SPARKING PLUGS	Ten per cent. ad valorem.
45. SAFETY RAZOR BLADES MADE OF STAINLESS STEEL	Ten per cent. ad valorem.
46. METAL CONTAINERS ORDINARILY. INTENDED FOR PACKAGING OF GOODS FOR SALE, INCLUDING CASKS, DRUMS, CANS, BOXES, GAS CYLINDERS AND PRESSURE CONTAINERS BUT EXCLUDING COLLAPSIBLE TUBULAR CONTAINERS MADE OF ALUMINIUM.	Ten per cent. ad valorem
47. SLOTTED ANGLES AND CHANNELS MADE OF STEEL.	Ten per cent. ad valorem plus the excise duty for the time being leviable on angles and channels under sub-item (ia) or, as the case may be, sub-item (ii) of Item No. 26AA, if not already paid.
48. SAFES, STRONG-BOXES, STRONG-ROOM LININGS AND STRONG-ROOM DOORS (WHETHER OR NOT WITH DOOR FRAMES), AND CASH AND DEEP BOXES AND THE LIKE, OF BASE METAL.	Ten per cent. ad valorem."

Section 33 - Special duties of excise on certain goods

(1) When goods of the description mentioned in this section chargeable with a duty of excise under the Central Excises Act (as amended by this Act or any subsequent Central Act) read with any notification for the time being in force issued by the Central Government in relation to the duty so chargeable, are assessed to duty, there shall be levied and collected -

(a) as respects goods comprised in Items Nos. 6, 8, 9, 14D, 22A, 23A except sub-item (1) thereof, 23B, 28, 29, sub-items (2) and (3) of Item No. 31 and Item No. 32 of the First Schedule to the Central Excises Act, a special duty of excise equal to ten per cent. of the total amount so chargeable on such goods;

(b) as respects goods comprised in Items Nos. 2, 3(1), sub-item I, II(2) and II(3) of Item No. 4, Items Nos. 13, 14, 14F, 15, 15A, 15B, 16, 16A, 17, 18A(2), 21, 22, 23, 23A(1), 27, 30, 31(1), 33, sub-items (1), (3a) and (4) of item No. 34 and sub-items II (1), and II(2) of Item No. 37 of that Schedule, a special duty of excise equal to twenty per cent. of the total amount so chargeable on such goods; and

(c) as respects goods comprised in sub-item II(1) of Item No. 4 and Items Nos. 18, 18A(1), 18B, 20, 29A, 33A and sub-items (2) and (3) of Items No. 34 of that Schedule, a special duty of excise equal to 33-1/3 per cent. of the total amount so chargeable on such goods.

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1971, 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 duties of excise referred to in sub-section (1) in respect of the goods specified therein shall be in addition to the duties of excise chargeable on such goods under the Central Excises Act or any other law for the time being in force and such special duties shall be levied for purposes of the Union and the proceeds thereof shall not be distributed among the States.

(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 duties of excise leviable under this section in respect of any goods as they apply in relation to the levy and collection of duties of excise on such goods under that Act or those rules.

Section 34 - Regulatory duties of excise

(1) With a view to regulating or bringing greater economy in consumption, there shall be levied and collected, with effect from such date, and at such rate, as may be specified in this behalf by the Central Government by notification in the Official Gazette, on all or any of the goods mentioned in the First Schedule to the Central Excises Act as amended by this Act or any subsequent Central Act, a regulatory duty of excise which shall not exceed fifteen per cent. of the value of the goods as determined in accordance with the provisions of section 4 of the Central Excises Act :

Provided that different dates and different rates may be specified by the Central Government for different kinds of goods.

(2) Sub-section (1) shall cease to have effect after the 15th day of May, 1971, 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 duties of excise referred to in sub-section (1) in respect of the goods specified therein shall be in addition to the duties of excise chargeable on such goods under the Central Excises Act or any other law for the time being in force and such regulatory duties shall be levied for purposes of the Union and the proceeds thereof shall not be distributed among the States.

(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 regulatory 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.

(5) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be placed before each House of Parliament.

Section 35 - Amendment of Act 58 of 1957

In the First Schedule to the Additional Duties of Excise (Goods of Special Importance) Act, 1957, -

- (i) in Item No. 1, for the entry in the third column, the entry "Seven and a half per cent. ad valorem." shall be substituted;
- (ii) in Item No. 19, in sub-item I(1), after the word "lappet", the words "butta fabrics, round mesh mosquito netting," shall be inserted;
- (iii) in Item No. 22, for the entry in the third column against sub-item (1), the entry "Two and a half per cent. ad valorem." shall be substituted.

Section 36 - Discontinuance of salt duty

For the year beginning on the 1st day of April, 1970, no duty under the Central Excises Act, or the Tariff Act shall be levied in respect of salt manufactured in, or imported into, India.
