

AS INTRODUCED IN LOK SABHA

Bill No. 158 of 2023

THE PROVISIONAL COLLECTION OF TAXES BILL, 2023

A

BILL

to provide for the immediate effect for a limited period of provisions in Bills relating to the imposition or increase of duties of customs or excise.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. This Act may be called the Provisional Collection of Taxes Act, 2023.

Short title.

2. In this Act, a “declared provision” means a provision in a Bill in respect of which
5 a declaration has been made under section 3.

Definition.

Power of
Central
Government
to make
declaration.

3. Where a Bill to be introduced in Parliament on behalf of the Government provides for the imposition or increase of a duty of customs or excise with or without change in tariff classification, the Central Government may cause to be inserted in the Bill a declaration that it is expedient in the public interest that any provision of the Bill relating to such imposition or increase shall have immediate effect under this Act.

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Effect of
declarations
under this
Act, and
duration
thereof.

4. (1) A declared provision shall have the force of law immediately on the expiry of the day on which the Bill containing it is introduced.

(2) A declared provision shall cease to have the force of law under the provisions of this Act—

(a) when it comes into operation as an enactment, with or without amendment; 10

(b) when the Central Government, in pursuance of a motion passed by Parliament, directs, by notification in the Official Gazette, that it shall cease to have the force of law; or

(c) if it has not already ceased to have the force of law under clause (a) or clause (b), then on the expiry of the seventy-fifth day after the day on which the Bill containing it was introduced. 15

Refunds to be
made in
certain cases.

5. (1) Where a declared provision comes into operation as an enactment in an amended form before the expiry of the seventy-fifth day after the day on which the Bill containing it was introduced, refunds shall be made of all duties collected which would not have been collected if the provision adopted in the enactment had been the declared provision: 20

Provided that the rate at which refunds of any duty may be made under this sub-section shall not exceed the difference between the rate of such duty proposed in the declared provision and the rate of such duty in force when the Bill was introduced.

(2) Where a declared provision ceases to have the force of law under clause (b) or clause (c) of sub-section (2) of section 4, refunds shall be made of all duties collected which would not have been collected if the declaration in respect of it had not been made. 25

Repeal.

6. The Provisional Collection of Taxes Act, 1931 is hereby repealed.

16 of 1931.

STATEMENT OF OBJECTS AND REASONS

The Provisional Collection of Taxes Bill, 2023 provides for giving immediate effect for a limited period to provisions in Bills relating to the imposition or increase of duties of customs or excise, with or without change in tariff classification. The Bill also provides for the repeal of the Provisional Collection of Taxes Act, 1931.

2. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 5th December, 2023.

NIRMALA SITHARAMAN.

FINANCIAL MEMORANDUM

The provisions of the Bill do not involve any expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

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imposition or increase of duties of customs or excise.

(Smt. Nirmala Sitharaman, Minister of Finance and Corporate Affairs)