

THE SUGAR CESS ACT, 1982

ACT NO. 3 OF 1982

[19th March, 1982.]

An Act to provide for the imposition of a cess on sugar for the development of sugar industry and for matters connected therewith.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:--

1.

Short title, extent and commencement.

1. Short title, extent and commencement. (1) This Act may be called the Sugar Cess Act, 1982.

(2) It extends to the whole of India.

(3) It shall come into force on such date 1* as the Central Government may, by notification in the Official Gazette, appoint.

2.

Definitions.

2. Definitions. In this Act, unless the context otherwise requires,--

(a) "occupier", in relation to any sugar factory, means the person who has ultimate control over the affairs of the sugar factory or the owner of the sugar factory in case he is not the occupier;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "sugar factory" means any premises (including the precincts thereof) in any part of which sugar is manufactured by vacuum pan process;

(d) "sugar" means any form of sugar including crushed sugar or sugar in crystalised or powder form, containing ninety per

cent, or more of sucrose and produced by the vacuum pan process
and includes raw sugar produced by the said process.

3.

Imposition of cess.

3. Imposition of cess. (1) There shall be levied and collected as a cess, for the purposes of the Sugar Development Fund Act, 1982, a duty of excise on all sugar produced by any sugar factory in India, at such rate not exceeding 2*[fifteen rupees] per quintal of sugar, as the Central Government may, by notification in the Official Gazette, specify from time to time:

Provided that until such rate is specified by the Central Government, the duty of excise shall be levied and collected at the rate of 5*[fourteen rupees] per quintal of sugar.

1 1-6-1982 : vide notification No. G. S. R. 435 [E], dated 29-5-1982, Gazette of India, Extraordinary 1982, Pt. II, Sec. 3(i).

2 Substituted by Act 57 of 1982, section 2 for ten rupees "(w.e.f. 1-11-1982)"

3 Substituted by s. 2, ibid for "five rupees," "(w.e.f. 1-11-1982)"

14

(2) The duty of excise levied under sub-section (1) shall be in addition to the duty of excise leviable on sugar under the Central Excises and Salt Act, 1944, (1 of 1944.) or any other law for the time being in force.

(3) The duty of excise levied under sub-section (1) shall be payable by the occupier of the sugar factory in which sugar is produced.

(4) The provisions of the Central Excises and Salt Act, 1944, (1 of 1944.) and the rules made thereunder, including those relating to refunds and exemptions from duty, shall, so far as may be, apply in relation to the levy and collection of the said duty of excise as they apply in relation to the levy and collection of the duty of excise on sugar under that Act.

4.

Crediting proceeds of duty to Consolidated Fund of India.

4. Crediting proceeds of duty to Consolidated Fund of India. The proceeds of the duty of excise levied under section 3 shall be credited to the Consolidated Fund of India.

5.

Power to call for reports and returns.

5. Power to call for reports and returns. The Central Government may require an occupier of a sugar factory to furnish, for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

6.

Power to make rules.

6. Power to make rules. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the form in which and the period within which statistical and other information may be furnished under section 5.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.