

THE PROVISIONAL COLLECTION OF TAXES ACT, 1931

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ARRANGEMENT OF SECTIONS

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SECTIONS

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# THE PROVISIONAL COLLECTION OF TAXES ACT, 1931

ACT NO. 16 OF 1931<sup>1</sup>

[28th September, 1931.]

An Act to amend the law providing for the immediate effect for a limited period of provisions in Bills relating to the imposition or increase of duties of customs or excise.

WHEREAS it is expedient to amend the law providing for the immediate effect for a limited period of provisions in Bills relating to the imposition or increase of duties of customs or excise; It is hereby enacted as follows:—

**1. Short title.**—This Act may be called the Provisional Collection of Taxes Act, 1931.

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

**3. Power to make declarations under this Act.**—Where a Bill to be introduced in <sup>2</sup>[Parliament] on behalf of Government provides for the imposition or increase of a duty of customs or excise, 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.

**4. Effect of declarations under this Act, and duration thereof.**—(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, or

(b) when the Central Government, in pursuance of a motion passed by <sup>3\*\*\*\*</sup> <sup>2</sup>[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 <sup>4</sup>[seventy-fifth day] after the day on which the Bill containing it was introduced.

**5. Certain refunds to be made when declarations cease to have effect.**—(1) Where a declared provision comes into operation as an enactment in an amended form before the expiry of the <sup>4</sup>[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:

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.

**6. [Repeal.]** *Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and Sch.*

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1. This Act has been extended to Berar by the Berar Laws Act, 1941 (4 of 1941), to Goa, Daman and Diu (with modifications) by Reg. 12 of 1962, s. 3 and the Schedule to Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. I; to the whole of the Union territory of Lakshadweep by Reg. 8 of 1965, s. 3 and Sch. and to Pondicherry by Notification No. G.S.R. 392, dated 27-2-1963.

2. Subs. by the A.O. 1950, for “the Central Legislature”.

3. The words “either Chamber of” omitted by the A.O. 1948.

4. Subs. by Act 45 of 1964, s. 2, for “sixtieth day” (w.e.f. 1-2-1965).