

Rep. by Act 52 of 1964, S.2 + sch. I (w.e.f. 29.12.64)

THE MEDICINAL AND TOILET PREPARATION
(EXCISE DUTIES) AMENDMENT ACT, 1961

No. 19 OF 1961

[14th May, 1961]

An Act to amend the Medicinal and Toilet Preparations (Excise Duties) Act, 1955.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. (1) This Act may be called the Medicinal and Toilet Preparations (Excise Duties) Amendment Act, 1961. Short title and commencement.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

16 of 1955. 2. In section 19 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (hereinafter referred to as the principal Act), for sub-section (4), the following sub-section shall be substituted, namely:— Amendment of section 19.

“(4) 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 successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following 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.”

¹ 1-6-1961: *vide* Notification No. G.S.R. 755, dated 1-6-1961, Gazette of India, Extraordinary, Pt. II, Sec. 3 (i), p. 315.

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Amendment of Schedule. 3. In the principal Act, for the Schedule, the following Schedule shall be substituted, namely:—

‘THE SCHEDULE

(See section 3)

Item No.	Description of dutiable goods	Rate of duty
<i>Medicinal Preparations</i>		
1	Medicinal preparations, being patent or proprietary medicines, containing alcohol and which are not capable of being consumed as ordinary alcoholic beverages.	Ten per cent. <i>ad valorem</i> .
2	Medicinal preparations, containing alcohol, which are prepared by distillation or to which alcohol has been added, and which are capable of being consumed as ordinary alcoholic beverages.	Rupees three and eighty-five naye paise per litre of the strength of London proof spirit.
3	Medicinal preparations, not otherwise specified containing alcohol—	
	(i) Ayurvedic preparations containing self-generated alcohol which are not capable of being consumed as ordinary alcoholic beverages.	<i>Nil</i> .
	(ii) Ayurvedic preparations, containing self-generated alcohol, which are capable of being consumed as ordinary alcoholic beverages.	Thirty-eight naye paise per litre.
	(iii) All others	Rupee one and ten naye paise per litre of the strength of London proof spirit.
4	Medicinal preparations, being patent or proprietary medicines, not containing alcohol, but containing opium, Indian hemp, or other narcotic drug or narcotic.	Ten per cent. <i>ad valorem</i> .

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Item No.	Description of dutiable goods	Rate of duty
5	Medicinal preparations (not being patent or proprietary medicines), not containing alcohol but containing opium, Indian hemp, or other narcotic drug or narcotic.	Nil.
<i>Toilet Preparations</i>		
6	Toilet preparations containing alcohol, or opium, Indian hemp, or other narcotic drug or narcotic.	Twenty-five per cent. <i>ad valorem</i> .

Explanation I.—"Patent or proprietary medicine" has the same meaning as in clause (h) of section 3 of the Drugs Act, 1940 (23 of 1940).

Explanation II.—Where any article is chargeable with duty at a rate dependent on the value of the article, such value shall be deemed to be,—

- (a) the wholesale cash price for which an article of the like kind and quality is sold or is capable of being sold at the time of the removal of the article chargeable with duty from the place where the duty is leviable thereon in accordance with the provisions of section 3, or if a wholesale market does not exist for such article at such place, at the nearest place where such market exists; or
- (b) where such price is not ascertainable, the price at which an article of the like kind and quality is sold or is capable of being sold by the manufacturer or his agent, at the time of the removal of the article chargeable with duty from the place where the duty is leviable thereon in accordance with the provisions of section 3, or if such article is not sold or is not capable of being sold at such place, at any other place nearest thereto:

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Provided that in determining the price of any article under this *Explanation*, no abatement or deduction shall be allowed except in respect of trade discount and the amount of duty payable at the time of the removal of such article from the place where the duty is so leviable.

Explanation III.—"London proof spirit" means that mixture of ethyl alcohol and distilled water which at the temperature of 51 degrees Fahrenheit weighs exactly 12/13th parts of an equal measure of distilled water at the same temperature.

Explanation IV.—Where in respect of any dutiable goods the unit of assessment for the purpose of any duty under this Act is a litre of the strength of London proof spirit, the duty shall be increased or reduced in such proportion as the strength of the dutiable goods is greater or less than that of the London proof spirit.
