



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT :: DISPUR

NOTIFICATION

The 24th September, 2018

No. LLE. 42/2018/622.— The following Bills introduced before the House on **24th September, 2018** together with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General information.

THE ASSAM ELECTRICITY DUTY (AMENDMENT) BILL, 2018

A BILL

further to amend the Assam Electricity Duty Act, 1964.

Preamble

Whereas it is expedient further to amend the Assam Electricity Duty Act, 1964, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam
Act No.
XXX
of 1964.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :-

Short title, extent and commencement

1. (1) This Act may be called the Assam Electricity Duty (Amendment) Act, 2018.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of Section 3

2. In the principal Act, in Section 3,-
 - (i) in sub-section (1), for the words "at the rate of twenty paise per unit of energy", the words, "at five per centum of the aggregate value of energy charges and fixed charges" shall be substituted;
 - (ii) in sub-section (4), in the proviso, for the words "twenty paise per unit of energy", the words "ten per centum of the aggregate value of energy charges and fixed charges" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend certain provisions of the Assam Electricity Duty Act, 1964 to give effect to the announcement made in Part II of the Budget Speech for the fiscal 2018-19 by the Hon'ble Finance Minister.

2. The amendments, which are proposed to be made, are explained broadly as follows:

Clause 2 seeks to amend sub-section (1) of Section 3 to provide for levy of electricity duty on *ad-valorem* basis at five percent of value instead of specific duty of twenty paise per unit. This clause further seeks to amend sub-section (4) of Section 3 to empower the State Government to enhance electricity duty in future with a upper ceiling of ten percentum of the aggregate value of energy charges and fixed charges.

3. The Bill seeks to achieve above objects.

HIMANTA BISWA SARMA,
(Minister, Finance).

M. K. DEKA,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The Bill proposes to amend the Assam Electricity Duty Act, 1964.

There is no provision in the Bill which would involve the recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill involves the proposals for delegation of power to the State Government.

2. The proposals for delegation of legislative power are, therefore, of a normal character.

THE ASSAM ELECTRICITY DUTY ACT, 1964

Existing provision	Proposed Amended provision
<p><u>Levy of electricity duty</u></p> <p>3. (1) There shall be levied and paid to the State Government a duty, to be called the "electricity duty", at the rate of twenty paise per unit of energy,-</p> <p>(a) supplied by the Board to a consumer; or</p> <p>(b) supplied to the consumer by a licensee generating energy or procuring in bulk from the Board; or</p> <p>(c) consumed by any person or any organization generating energy.</p> <p>3. (4) The State Government may, by notification in the Official Gazette, vary the rate of electricity duty under this Act on such notification being issued, the rate of duty shall be deemed to have been amended accordingly:</p> <p>Provided that the State Government shall not vary the rate of duty so as to enhance it, in any case, exceeding twenty paise per unit of energy."</p>	<p>3.(1) There shall be levied and paid to the State Government a duty, to be called the "electricity duty", "at five percentum of the aggregate value of energy charges and fixed charges",-</p> <p>(a) supplied by the Board to a consumer; or</p> <p>(b) supplied to the consumer by a licensee generating energy or procuring in bulk from the Board; or</p> <p>(c) consumed by any person or any organization generating energy.</p> <p>3.(4) The State Government may, by notification in the Official Gazette, vary the rate of electricity duty under this Act on such notification being issued, the rate of duty shall be deemed to have been amended accordingly:</p> <p>Provided that the State Government shall not vary the rate of duty so as to enhance it, in any case, exceeding "ten percentum of the aggregate value of energy charges and fixed charges."</p>

M. K. DEKA,
Principal Secretary,
Assam Legislative Assembly.

**THE ASSAM TEA PLANTATIONS EMPLOYEES' WELFARE
FUND (AMENDMENT) BILL, 2018**

**A
BILL**

further to amend the Assam Tea Plantations Employees' Welfare Fund Act, 1959.

Preamble

Whereas it is expedient to amend the Assam Tea Plantations Employees' Welfare Fund Act, 1959, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
No. XVI of
1960

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :-

Short title,
extent and
commencement.

1. (1) This Act may be called the Assam Tea Plantations Employees Welfare Fund (Amendment) Act, 2018.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of
Section 2.

2. In the principal Act, in section 2, in clause (ii), for the words and figure "Rupees 1600 per month" appearing at the end, the words "the amount as the State Government may prescribe by notification in the Official Gazette, in consultation with the Board" shall be substituted.

Statement of Objects & Reasons

The salient feature of the Act is to amend the Assam Tea Plantation Employees Welfare Fund Act, 1959 as the wages of the employees of Tea Plantation has gone manifold higher. But it is technically difficult to amend the Act to raise the limit of wages per month every time and as such it is proposed to amend the provision of section 2, sub-section (II) of the Act, by inserting the word "the amount as the Govt. may prescribe from time to time by notification in the Official Gazette in consultation with the Board" in the place of word "Rupees 1600 per month". So, that the Govt. may prescribe in future from time to time by a notification in the official Gazette and need not amend the Act every time.

Therefore, Labour Welfare Department proposed to amend Section 2, sub-section (II) of the Assam Tea Plantation Employees' Welfare Fund Act, 1959 in the proposed Bill.

Hence proposed amendment.

PALLAB LOCHAN DAS,
Minister of State (Independent Charge),
Labour Welfare, Assam.

M. K. DEKA,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed Bill.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative powers to the executive
in the proposed Bill.

Extract of the Existing of Section 2, Sub-
Section (ii) of the Assam Tea Plantations
Employees' Welfare Fund (Amendment)
Act,1959

“Employees” means any person who is employed in or in connection with a plantation for hire or reward to do any kind of work in or in connection with a plantation; but does not include those drawing wages more than Rupees 1600 per month;

M. K. DEKA,
Principal Secretary,
Assam Legislative Assembly.