

SIKKIM ECOLOGY FUND AND ENVIRONMENT CESS ACT, 2005

GOVERNMENT Gangtok No. 1/LD/P/2005 EXTRAORDINARY PUBLISHED BY AUTHORITY Thursday 28th April, 2005 GOVERNMENT OF SIKKIM LAVV DEPARTMENT GANGTOK NOTIFICATION GAZETTE No. 183 Date: 25/4/05 The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 9th day of March, 2005 is published for general information - THE SIKKIM ECOLOGY FUND AND ENVIRONMENT CESS ACT 5 (ACT NO. OF 2005) AN ACT to provide for the protection and improvement of environment and for matters connected therewith or incidental thereto, Enacted by the Legislature of Sikkim in the Fifty-sixth Year of the Republic of India as follows:- Short title, extent and commencement Definitions 2. CHAPTER PRELIMINARY (1) This Act may be called the Sikkim Ecology Fund and Environmental Cess Act, 2005. (2) It extends to the whole of Sikkim. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint. In this Act, unless there is anything repugnant in the subject or context:- (a) "biodegradable materials" means materials, articles and goods that are degraded as a result of microbial activity in natural environment under normal course; Explanation- Materials articles and goods deemed to be "biodegradable" are prescribed in the Schedule I for the purpose of this Act: Provided that the State Government may amend or modify the Schedule I by notification if deemed necessary; (b) "business" includes any trade, commerce or manufacture or any adventure or concern in the nature of trade, commerce or manufacture; (c) "Cess" means cess or fee payable under this Act; (d) "dealer" means any person who carries on business of buying and selling of goods specified in the Schedules or services for commission, remuneration or otherwise and includes any individual, firm, Hindu Undivided family, company, corporation, a department of State or Central Government, Public Sector Undertaking, Autonomous body, society, club or association (or the incorporation of such society, club or association), Explanation 1.- A broker, commission agent who carries the business of procuring goods or services from outside the State of Sikkim for the purpose of buying and selling of goods or services having impact on environment and who has authority to procure and sell such goods or services belonging to their owner shall be deemed to be dealer for the purpose of this Act: Explanation 2.- The manager or agent of a dealer residing inside or outside the State, and who procures goods or services from outside the State of Sikkim and sells goods or services within the State, shall in respect to such business, be deemed to be a dealer for the purpose of this Act; Explanation 3.- The proprietor, manager or agent of a hotel, resort, lodge or motel who carries out the business of providing services like lodging boarding or ready to eat food facilities to customers on payment of cash or by credit card or by deferred payment be deemed to be a dealer for the purpose of this Act; Explanation 4.- Head of a Department or an officer specifically designated for the purpose from various State Government Departments, Central Government Departments, Public Sector Undertaking, Semi-autonomous bodies or Autonomous bodies procuring materials from outside the State and liable to pay cess imposed under the provisions of this Act shall be deemed to be dealer for the purpose of this Act. (e) "Department" means the Department of State Government dealing with Environment and or Department of the State Government entrusted with responsibility of collection of cess under this Act; (i) "hotel" "resort" "lodge" and "motel" means any premises that is used for providing services like lodging or boarding or ready to eat food facilities to customers on payment in consideration thereof; (g) "manufacture" with all its grammatical variations and cognate expressions, means producing, making, extracting altering, repairing, ornamenting, finishing, packing, fabricating, or otherwise processing or adopting any goods specified in the Schedules but does not include such manufacture or manufacturing process as may be prescribed; "non-biodegradable materials" means materials, articles and goods that are not degraded by microbial activity and shall include all kind of goods in solid, liquid or gaseous form that are not degraded in natural environment under normal course: Explanation- Materials, articles and goods deemed to be "non-biodegradable" are included in the Schedule I for the purpose of this act. Provided that the Schedule I can be modified by the State Government by notification if deemed necessary. (i) "notification" means a notification published in the Official Gazette; (j) "prescribed" means prescribed by rules made under this Act or as prescribed by notification under this Act by the State Government; (k) "prescribed authority" means authority appointed by the State Government by notification under sub-section (1) of Section 4: (l) "registered dealer" means

a dealer registered under section 10; 2 General powers of the State Government to protect and improve environment (m) "sales" with its grammatical variations and cognate expression means any transfer of property in goods or services by one to another for cash or for deferred payment; (n) "sale price" means the amount payable to a dealer as consideration for the sale of goods or services less any sum allowed as cash discount; Explanation 1. - In respect of goods or services delivered on hire purchase or any system of payment by instalments, the total sale price (including the amount payable and interest thereupon) on the date of such delivery of goods or services shall be taken as the sale price for the purpose of this Act. Explanation 2.- The sale price shall include the excise duty, value added tax or any other levies on the goods, under any Central or State law for the time being in force, in force at the time of or before the delivery of the goods or services to the buyer whether such duty, fee or other levy is paid by the purchaser of the goods to the seller along with the consideration for the sale or directly to the Government; (o) "Sikkim" means the territory comprised in the State of Sikkim; (p) "State Government" means the Government of Sikkim; (q) "turnover" used in relation to a establishment over any period means the aggregate of sale or services price or paid or sale or services price receivable; (r) "year" means the financial year commencing on the first day of April and ending on the 31 day of March next following.

CHAPTER II GENERAL POWERS OF THE STATE GOVERNMENT

3. (1) Subject to the provisions of this Act, the State Government shall have powers to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment, controlling and abating environmental pollution and take measures for restoration of ecological balance of the State. (2) In particular and without prejudice to generality of the provisions of the said section (1), such measures may include measures with respect to all or any of the following matters, namely:- (a) Coordination of actions of different Departments of the State Government officers, and other authorities under this Act or rules made thereunder or under any law for the time being in force for the purpose of achieving objectives of environmental conservation and improvement; (b) laying down procedures for implementation of this Act; (c) impose levy of environment cess or fee wherever the abuse of environment can not be prevented; (d) create a separate non lapsable 'Sikkim Ecological Fund' for depositing such fee or cess as imposed by clause (c) and ensuring utilization of such fee or cess for environmental amelioration measures; (e) impose restrictions of areas in which any industry, operations or process or class of industries or operations shall not be carried out or shall be carried out with certain safeguards on payment of cess or fee as may be prescribed by the State Government by notification; (f) impose restrictions on entry of vehicles of any kind or by persons in any area as specified and regulate the entry on payment of environment cess or fee as may be prescribed by the State Government by notification; (g) such matters as the State Government considers necessary or expedient for the purpose of protecting and improving the quality of environment and for the purpose of securing effective implementation of this Act. (3) The State Government may, if it considers it necessary or expedient to do so for the purpose of this Act, by order published in the Official Gazette, constitute an authority or authorities or a body by such name or names as may be specified in the order for the purpose of exercising and performing such of powers and functions of the State Government under this Act for taking measures with respect to such of the matters referred to in this Act and may be mentioned in the order and subject to supervision and control of the Government and the provisions of such order, such authority or the authorities or body may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities or body had been empowered by this Act to exercise those powers or perform those functions or to take such measures as deemed necessary.

CHAPTER III CESS COLLECTING AUTHORITY

4. (1) For carrying out the purpose of this Act, the State Government may appoint a person to be the prescribed authority under the Act and also such other persons with such designation to assist him as may be necessary and as may be specified in this behalf by the State Government by notification. (2) The prescribed authority and other persons appointed under sub-section (1) shall exercise such powers as may be prescribed and perform such duties as are imposed upon them by this Act or rules made thereunder and as may be specified in this behalf by the State Government by notification. (3) All persons appointed under sub-section (1) shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860.

Incidence Of cess Rate Of cess

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CHAPTER IV INCIDENCE OF CESS Environmental cess shall be paid by:- (a) Every dealer, manufacturer, State and Central Government Department. Public Sector Undertaking, autonomous bodies

or other organizations who ever brings non- bio degradable materials as specified in Schedule 11 in the State of Sikkim from outside the State for selling goods. business, manufacturing. producing any product or for use for whatsoever purpose in the State, on the sale price from the date of commencement of this Act. (b) individual users who bring non bio degradable materials as specified in Schedule I' from outside the State, for his own use and consumption, on the sale price from the date Of commencement Of this Act. (c) Every hotel, resort, lodge or motel operating with in the State on its annual turnover: Provided that State Government may exempt such hotels resorts lodges and Inotels below a particular turnover or provide a grace period of operation Of hotels, resorts. lodges or motels since inception for promoting hotel industry. as may be speci _fied in this behalf the State Government by notification. (d) On every entr' in the State of such categories of vehicles as may be prescribed at such rates as may be specified by notificaion by the State Government. (e) On any such other item having iTI'pact on environment directly or indirectly at such a rate as may be prescribed by the Government by notification. (1) The cess payable by a dealer or an individual under this Act Shall be levied at the following rates:• Cess free goods Registration of dealers Returns and payment of cess 7. 8. 9. (a) in respect of goods specified in Schedule 11, at the rate of 1 % of total turnover on sale price of non-bio degradable materials; (b) in respect of hotels, resorts, lodges or motels at the rate of 5% of total turnover: Provided Ithat the Slate Government may change the rate of leviabie cess under clauses (a) and (b) above from time to time by notification: Provided further that the State Government may add to or onnit fron-l. or olthemise arnend Schedule 11 and thereupon the said Schedule shall be deemed to be amended accordingly. (I) No cess shall be payable Linder this Act on the sale of goods and services specified in Schedule I subject to the conditions and exceptions, if any, set out therein, (2) The State Government, 'nay add Io or omit from, or OIherwise amend Schedule I and thereupon the said Schedule shall be deemed IO be arnended accordingly

CHAPTER V REGISTRATION OF DEALERS (I) Every dealer liable IO pay cess under Ihis ACI shall apply. within 45 (forty five) days of his becoming so liable to the prescribed authority for registration under this Act. (2) No dealer liable to pay cess under this Act, shall sell or procure and purchase goods unless he is in possession of a valid registration certificate granted to him by or on behalf of the prescribed authority or has applied for such registration within the time specified in sub-section (I) and his application has not been finally disposed of by the said authority. (3) Tile prescribed authority may, on receipt of application in the prescribed form from a dealer for registration, and on being satisfied that the application is in order, grant registration from such date as may be specified, to such dealer.: Provided that the said authority rmay demand such security as may be prescribed from the dealer before registration is granted to him: Provided further that no application for registration may be refused unless he has been given reasonable opportunity ot being heard. (4) If the prescribed authority is satisfied that a dealer liable to pay cess under this Act has failed to apply for and get himself registered, it may, by a notice in writing, direct the dealer to apply for and get himself registered within 30 (Ihirty) days of the service of the notice, failing which the dealer shall be liable to pay a penalty of rupees five hundred for each day's delay after the expiry of the said period of 30 days: Provided that the said authority may on an application of the dealer and for reasons to be recorded in writing, reduce or waive the penalty, if ii is satisfied that the delay has been caused by reasons beyond the control of the dealer. CHAPTER RETURN, ASSESSMENT, AND RECOVERY OF CESS (I) Every registered dealer shall furnish such returns, for such periods. in- such form, to such authority and within such time as may be prescribed. Explanation-A dealer who gets the registration from a particular dale is also liable to furnish return for the period prior to such date during which he was 5 Ä men t and r e assessment procedure otherwise liable IO pay cess this Act irl sc:ch manner as ITay be prescribed. (2) The dealel' shall Liefore subrnittihg any pay IO the Governnmenlu in Sl,llth manner and within such time as may be prescribed the amount af cess clue under Ihis Act according to the re\urn and turnish alongwith return proof of payaner,t cess due as may be prescribed and such return if not accompaniecl by any such proof of payment sllall be deemed invalid andl as if il has not been furnished. (3) If a registered dealer fails with01_ll reasonable cause In furnish any valic] return within the prescribed lima or within such furlher as may Ije allowed on application, by the proscribed authority, a penally at the rate nol exceeding rupees one thousand for each day delay shall be imposed without prejudice Io any action thal is or may be taken uncler any of the provisions of this Act. Ifthe prescrib@d authority is satisfied that the of turnover furnished by a dealer is correct andl compl[e, it may, without requiring presence or retlltiring any evidence from hill), determine the cogs due from the clealer andl the

dealer shall deposit such assessed amount of irl appropriate of account in Government revenue. (2) (a) If the prescribed authority is not satisfied as aforesaid but requires the presence of dealer or production of evidence from him, it may serve on such dealer a notice in the prescribed form requiring him or his representative to attend and produce on a date to be specified, any evidence that the dealer may rely on in support of his return. (b) On the date specified in the notice or any other date as may be fixed by the prescribed authority under intimation to dealer and after having heard and examining such evidence as the dealer may produce and such evidence as the said authority may require on specified points, it shall, by an order in writing assess and determine the cess payable by the dealer. If a registered dealer fails to — furnish any valid return of turnover as required under sub-section (1) of Section 11 : or comply with the notice issued under sub-section (2) of this Section; or (c) satisfy the assessing authority about the correctness of the returns furnished; or appear or produce or cause to be produced evidence on the date specified under sub-section (2), the prescribed authority shall, after giving reasonable opportunity to the dealer of being heard, determine the turnover of the dealer on which cess is to be imposed and assess the cess on basis of such determination and may in addition impose a penalty of an amount not exceeding twice the amount of cess so assessed: Provided that the penalty under this sub-section shall be imposed only if the prescribed authority is satisfied that the failure of the dealer is willful, deliberate or unjustified and a reasonable opportunity of being heard has been given to the dealer. (4) If upon information received, the prescribed authority is satisfied that a dealer liable to pay cess under this Act in respect of any period willfully failed to furnish any particulars or information required for the purpose of registration or having been registered fails to furnish returns within the period prescribed under sub-section (1) of Section 9, the said authority shall, after giving the dealer a reasonable opportunity of being heard, assess, according to its best judgment, the amount cess due from the dealer for such period or any subsequent periods and in addition, may impose a penalty of an amount not exceeding five times the amount of cess so assessed: Procedure of payment of cess or penalty Provided that no penalty under this sub-section shall be imposed unless the prescribed authority is satisfied that the failure of the dealer was willful, deliberate or unjustified and unless a reasonable opportunity of being heard is given to the dealer. Explanation.- For the purpose of sub-section (4) as the case may be, the proceedings shall be deemed to have been initiated when a notice is served or deemed to have been served on the dealer. 11. (1) The cess admissible from a dealer as shown in any return or revised return furnished by him under Section 9 and cess and penalty as due under Section 10 shall be paid in the manner prescribed by law under sub-section (2) of Section 9. (2) The amount of the cess and penalty assessed as due from the dealer under sub-section (2) and (3) of Section 9 or under sub-section (3) and (4) of Section 10 after deducting any amount paid by him along with the return under sub-section (2) of Section 9 shall be paid by him in such manner and within such time as may be specified in the notice of demand in the prescribed form issued by the prescribed authority; the date so specified being not less than 30 (thirty) days from the date of service of the said notice: Provided that the said authority may in its discretion and for reasons to be recorded on application of the dealer extend the date for such payment or allow the payment to be made in instalments as may be determined by it. (3) If a dealer has failed, without any reasonable cause, to deposit the amount of cess together with the penalty, if any, by the date specified in the notice issued under sub-section (2) or by the date extended by the proviso thereto, interest at eighteen percent per annum compounded on a quarterly basis, shall accrue and be charged on such amount from such date and such interest shall be treated as if it were cess due under this Act and shall be paid by the dealer in the prescribed manner: Provided that interest shall not accrue or be charged on any amount the recovery of which is stayed under sub-section (5) and (6) during the period the stay operates. (4) Any amount of cess, penalty or interest due from a dealer which remains unpaid may be recovered on application by the prescribed authority to the Judicial Magistrate of the first class who shall realize it as if it were a fine imposed by him: Provided that where during the proceedings under this sub-section the amount of cess, penalty or interest due from a dealer is reduced as a result of appeal or otherwise, the prescribed authority shall inform the dealer accordingly and the authority before whom proceedings are pending and the amount reduced shall be deemed to be substituted for the amount originally intimated to the authority. (5) If any dealer is aggrieved by the imposition of cess, penalty or interest under sub-section (3) and (4) of Section 10, he may prefer an appeal in writing to the next higher authority to the prescribed authority as notified by the State Government as per procedure laid down in Section 18. (6) Where an appeal against or an application for revision of the assessment of cess or levy of

penalty or interest is entertained, the appellate or the revisional authority as the case may be, may on application stay recovery of the cess, penalty or interest in whole or in part subject to such conditions as it may impose till such date as it may direct: 7 Person authorized to collect cess from customers Establishment of fund Crediting of cess in the fund Utilization of the fund Management of the fund Provided that the stay of recovery so granted shall stand vacated on the date the appeal or the application for revision is finally decided or on such other date as the revisional authority may direct. (7) In case of individuals who bring such items that attract cess under this Act from outside the State, the cess admissible shall be levied at the check-post by the Department authorized to collect the same as notified by the Government. 12, (1) No person other than a registered dealer shall collect or recover from any person any amount towards cess or purporting to be cess under this Act on the sale of goods or services. (2) No registered dealer shall collect from any person any such amount except in a case in which, and to the extent to which, such dealer is liable to pay cess under this Act. (3) Nothing contained in sub-section (1) or sub-section (2) shall relieve a registered dealer from his liability for the cess under this Act

CHAPTER VII SIKKIM ECOLOGY FUND 13, (1) There shall be established for the purpose of this Act a fund to be called the Sikkim Ecology Fund. (2) The fund shall be under the control of the State Government and there shall be credited to the fund the followings:- (a) any sum of money credited under Section 14, (b) any sum collected by the State Government in carrying out its functions under this Act; (c) any fund provided by the Central Government or the State Government by way of grant or otherwise for the purposes of amelioration of the environment and ecology. (3) The fund shall be maintained in the form of a current account in a nationalized Bank and the balance to the credit of the fund shall not lapse at the end of the financial year

14. The proceeds Of the cess levied under Section 9, Section 10 and Section shall first be credited to the Consolidated Fund of Sikkim and the State Legislature may by appropriation made by law in this behalf credit the proceeds of these collections to this fund from time to time, for being utilized exclusively for the purpose of this Act.

15. (i) The fund shall be utilized for- (a) the creation and development of facilities helping in amelioration of environment and maintenance and improvement of environmental services and ecological security of the State; (b) such other purposes and projects leading directly or indirectly to restoration of ecological balance of the various areas in the State as may be specified by the Government. 16. (1) For the purposes of ensuring proper utilization of the fund, the State Government may appoint a Government servant to be prescribed authority under the Act and also such other persons with such designations to assist him as may be specified in this behalf by the State Government by notification. (2) The prescribed authority under sub-section (1) shall maintain proper accounts and other relevant records in such forms and in such manner as may be prescribed. 8 Bar to proceedings certain Appeal, revision and review Payment fee Offences CHAPTER VIII SUITS, APPEAL, REVISION AND REVIEW 17.) No assessment made, proceedings taken or order passed under this Act shall be called into question in any Court save as otherwise provided in this Act. (2) No suit, -prosecution or other legal proceedings shall lie against any public servant or any person appointed under Section 4 or Section 16 for anything done in good faith under this Act or the rules made or notifications issued thereunder save with the previous sanction of the State Government. 18. (1) Subject to such rules as may be made, any dealer may, the prescribed manner appeal to such authority as may be prescribed against any order passed under sub-section (3) of Section 9, sub-section (3) and (4) of Section 10 and sub-section (S) of Section 11 of the Act. (2) No such appeal shall be entertained unless,- It is accompanied by proof of payment in such manner as may be prescribed, of the amount of cess admitted by the dealer to be due from him and twenty five percent of the difference between such amount of cess including penalty and interest assessed. (8) The aforesaid appellate or revising authority may- (a) confirm. reduce, annul, enhance or otherwise modify the assessment of cess, penalty or interest; (b) set aside any order and direct the authority which made the order, to pass a fresh order after further enquiry on specified points; or (c) pass such other orders as it may deem fit and proper. (4) No order prejudicial to any dealer shall be passed under this section without a reasonable opportunity of being heard/being given to him

19. The amount of fees payable for by appeal or application made under this Act shall be such as may be prescribed: Provided that no fee shall be payable for any appeal or application filed by or on behalf of the State Government

CHAPTER IX PROSECUTION AND PENALTIES 20. (1) Without prejudice to any action taken or that may be taken or any order passed or may be passed under any of the provisions of this Act, whoever,- (a) being a dealer, sells or purchases goods in contravention of sub-section (2) of Section 8 or fails or neglects to comply with the provisions of sub-section (1) thereof; or (b) fails without sufficient cause, to submit any return required under section 9 or wilfully submits a false return; or not being a registered dealer falsely represents that he is such a dealer; or (d) prevents or obstructs any authority under this Act the performance of its duties and functions under this Act; or (e) fails to pay the cess, penalty or interest due in accordance with sub-section (2) of Section 9, sub-section (3) and (4) of Section 10 or Section 11: or (f) contravenes the provisions of Section 12; or (g) contravenes Section 21: or abets any person in the commission of any of the offences specified in clauses (a) to shall be punishable with imprisonment of either description which may extend to one year or with fine which may extend to fifty thousand rupees or 9 Check-posts Power to make rules Repeal and Savings with both and if the offence is a continuing one, with a daily fine not exceeding rupees one thousand during the period the offence continues. (2) No court shall take cognizance of any offence under this Act or the rules made thereunder except with the previous sanction of the prescribed authority. (3) All offences punishable under this Act shall be cognizable and bailable. (4) Notwithstanding anything contained in sub-section (1) the prescribed authority may compound any offence under this Act or the rules made thereunder before or after the institution of proceedings under that sub-section by accepting from the person charged with the offence a sum not exceeding fifty thousand rupees as may be determined by the said authority. In addition to the tax, penalty or interest that may be leviable under the Act, and on payment of the sum so determined together with the amount of tax penalty or interest due, the proceedings before any court or prescribed authority under this section shall abate

21. The State Government may, by notification, set up and erect in such manner as it may deem fit check-posts and barriers at any place in the State at which all persons, vehicles or other means of transporting goods intended for carrying such materials liable to cess under this Act may be detained, intercepted or searched to prevent evasion of cess under this Act.

22. (1) The State Government may make rules in respect of any or all matters referred to in this Act, for carrying out the purposes of this Act. (2) In making any rules, the State Government may direct that a breach thereof shall be punishable with a fine not exceeding rupees fifty thousand and when the offence is a continuing one with a daily fine not exceeding rupees one thousand during the continuance of the offence. (3) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters namely: (a) for all or any of the matters referred to in Section 3; (b) the prescribed authority under sub-section (1) of Section 4 and sub-section (1) of Section 16; (c) the authority to which the application for registration under Section B shall be made: (d) the procedure for and other matters incidental to, the registration of dealers and the granting of certificates of registration and the forms of such certificates under Section 8; (e) the intervals at which, and the manner in which, the tax under this Act shall be payable under Section 9; (f) the returns to be furnished under Section 10 and dates by which, and the authority to which, such returns shall be furnished; (g) the date by which returns for any period are to be furnished and the procedure to be followed for assessment under Section 10; (h) the manner in which, and the authority to which appeals or revisions against any order passed under this Act may be preferred under Section 11; (i) the procedure for, the disposal of appeals and applications for revision and reviews under Section 12: (n) the conditions under which, and the authority by which the offences may be compounded under Section 20; (o) the manner in which, and the time within which, applications shall be made, information furnished and notices served under this Act and (p) any other matter which may be, or is required to be prescribed. 23. (1) On and from the date of commencement of this Act, all laws, notifications or orders issued by the Government relating to collection of environment cess or environment fee, in force in the State, shall be repealed (2) Notwithstanding such repeal, all collections of environment cess or environment fee penalty and interest and all proceedings or assessments made, action taken or orders passed by any authority under any law referred to in sub-section (1) shall be deemed to have been made, done or taken under the corresponding provisions of this Act. SCHEDULE I BIO-DEGRADABLE MATERIALS EXEMPTED FROM CESS 2 3. 4. 5. 6. 7. 8. 10. 11, 12. 13. 14. 15, 16. 17. 18. 19, 20. (See Section 7) All cereals and pulses including broken particles and husk and bran thereof when brought in jute bags or brought for Public Distribution System (PDS) scheme. Wheat flour including atta and sabji when brought in open or in jute bags. Bread Meat which has not been cured or frozen. Fresh

fish. Vegetables, green or dried commonly known as sabji tarkari or sak Gur and molasses. Salt Milic Fresh livestock, including poultry. Cotton Yarn. Texts books and exercise books for educational purpose and such other sacred books as maybe prescribed. Except when sold in plastic packagil or sealed container. Except when sold irl plastic packagil'lg or container. Except when sold in plastic or polythene packaging. Except when sold as tinned or plastic packaging. Ekcept when sold in plastic packaging. Water, but not aerated or mineral waters when sold in bottles or sealed containers, Raw Jute and jute materials. Plain paper and articles made there from. Eggs. Sag and tapioca globules. Cotton. unstitched cotton cloth. Handloom Woven, Gamcnas, Khaddar or Khadi. Garments made of Khaddar or khadi. I-landicraft goods not made from items in Schedule 11. 21. 22, 23. 24

25. Mustard Oil, rape oil and mixtures of mustard and rape oil.Newspapers. Mustard seed and rape seed. Flowers and PlantS, vegetable seeds. Hosiety goods. SCHEDULE Except when sold in plastic packagin•e or sealad container. 2. 3. 4. 5. 6. 7. 8. g. IO. 11 12. 1.3, 14. 15. 16. 17. 18. 19

20. NON-BIO DEGRADABLE MATERIALS (See Sections 5 & 6) Cement including grey and white cernent including all varieties thereof.Iron and steel. articles made from iron and steel, furniture made wholly or pnncipally of iron or steel like safes, almirans, grill, gates, furniture and other similar items made thereof, New Motor Vehicles, including chassis of motor vehicles. Motor tyres and lubes and spare parÄs accessories and component parts of motor vehicles. Motor cycles and cycle combinalions, motor scoolers,, motorettes and tyres, tubes and spare parts accessories and component parts, of motor cycles, motor scooter, and motorettes Bricks and marble, 'Tiarble chips, marble or mosaic floor and wall tiles and articles made of marble or mosaic. granite. tiles of ali kinds. All electrical goods ot general nature including all type of wires, cables, switches of all kinds, poly Pipes for concealed cabling, blubs, tube lights, fancy lights, heaters of all varieties and descriptions and all other electrical gazettes and goods including geysers, mixers, grinders, washing machines, refrigerators, air-conditioners, air-coolers and air-conditioning plants, and spare parts accessories and component pans thereof. Eleclronic goods of all kinds and descriptions including television sets, microwaves Owens. music systems of all descriptions, transistor. radios, accumulators, amplifiers and loudspeakers and spare parts accessories and component parts thereof. Hardware goods of all kinds Inade from plastic and or iron, GI pipes, GCI sheets. All kinds of paints, including acrylic and plastic emulsion paints. Lacquerers, distempers. cement colours of paints, enamels, liquid paints, stiff paste paints powder paints, whether ready for use or not. Varnishes, vegetable paint removers and strainers of all kinds. Bitumen, hard coke, soft coke and all other allotropic forms thereof. Rubber items of atl kinds and goods made there from Wines, liquor, spirit and beer, Glass and glassware of all kinds. Readymade food of all kinds tinned or packaged in poly packs or tetra packs. Cold drinks, aerated drinks and mingral water when bottled in non degradable materials. Aluminum frame and aluminum goods of all kinds, furniture made wholly or principally of aluminum Plastic goods and plastic sheets and all other items made of plastic. Brass, copper and brass wares and cobper wares including all items made there from. All machinery and equlprnents used for generation of electricity in all kinds of hydel power stations. thern19t power stations and other power generating equipments and power transmission lines. 12 22. 23. 24. 25. 26. 27. 28. 29 30. 31. 32, 33. 34. 35. €6. 37, 38. 39. 40. 42. 43. 44. 45. 46. 47. 48

49. Wireless reception and apparatus, radios and radio-gramophones Cinematographic equipment including cameras, projectors and sound recording and reproducing equipment and spare parts accessories and component parts thereof lenses, films and parts and accessories required for use therewith. Photographic and other cameras and enlargers and spare parts accessories and component parts thereof, lenses, films and plates, paper and cloth, and other parts and accessories required for use therewith. All clocks, timepieces and watches and parts thereof. All arms including rifles, revolvers and pistols, and ammunition for the same detonators and trackers Cigarette cases and lighters. Dictaphone and other similar apparatus for recording sound and parts thereof and electro-magnetic recording tapes including cassette tapes whether pre-recorded or not, cells of all kinds and descriptions. Sound transmitting equipment including telephones, mobile phones of all makes, loudspeaker and spare parts thereof. Computers, printers, scanners and hardware connected therewith, CDs, Floppy, printer refills, typewriters, tabulating machines, calculating machines, duplicating machines photocopying machines and printing machines and parts and accessories thereof. Binoculars, telescopes and opera glasses. Gramophones and component parts thereof and records. Cushions, mattresses, pillows and other articles made wholly or partly of artificial foam. Cushions, mattresses, pillows and other article made wholly or partly of artificial or synthetic resin and plastic foam. Vacuum flasks of all kinds and descriptions including refills for such flasks, Utensils made wholly or principally of stainless steel or aluminium and copper. Upholstered wooden furniture, Perambulators including push-chairs babies and spare parts, accessories and component parts thereof. Carpets of all varieties and description except locally produced. Linoleum. Lifts, whether operated by electricity or steam, and spare parts, accessories and component parts thereof. Exhaust fans and air circulators and spare parts, accessories and component parts thereof. Diamond, Precious and synthetic stones other than diamond-real or artificial, Pearls-real, artificial or cultured. Gold or silver jewelry and filigree. Laminated sheet, like

formicat Sunrnica, etc. Ornaments set with diamond or stones (real or artificial) or with pearls (real artificial or cultured). Perfumes. Cosmetics of all varieties, By Ordpr R.K. Purkayastha, Legal Remembrancer - c um- Secretary Law F. No. 16(82) LD/P/20f)5 SIKKIM GOVERNMENT EXTRAORDINARY GAZETTE Gangtok No. 21/LDIP/2008 PUBLISHED BY AUTHORITY Wednesday 6th April, 2008 GOVERNMENT OF:SIKKIM LAW DEPARTMENT GAN6TOK

NOTIFICATION No. 130 Date: 10.04.2008 The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 28th day Of March, 2008 is hereby published for general information:- THE SIKKIM ECOLOGY FUND AND ENVIRONMENT CESS (AMENDMENT) ACT, 2008 ACT NO. 5 OF 2008 ACT further to amend the Sikkim Ecology Fund and Environment Cess Act, 2005. Be it enacted by the Legislature of Sikkim in the Fifty-ninth Year of the- Republic of India as follows:- Short title, extent and 1. (1) commencement Amendment of section 2 (2) (3) 2. This Act may be called the Sikkim Ecology, Fund and Environment Cess (Amendment) Act, 2008; It extends to the whole of Sikkim. Except when specifically provided in this Act for a particular provision, it shall be deemed to have come into force on the 1st day 01 April, 2007, In the Sikkim Ecology Fund and Environment Cess Act, 2005, (hereinafter referred to as the said Act), in Section 2,- in Explanation to clause (h), for the word and figure "Schedule word and figure "Schedule II" shall be substituted, after clause following clause shall be inserted, namely:- "(hh) "person" means and includes any individual, firm, proprietor, Hindu Undivided Family, company or corporation including manufacturing company and corporation, Department of Central and State Governments and of other State Governments, Public Sector Undertaking, Autonomous Body, any authority established under any statute, society, club, association or incorporation of such society, club and association, and contractors engaged in the business of works contract whether under the Central or any of the State Governments or not;" Amendment of section 5 3. (iii) after clause (k), the following clause shall be inserted, namely,- "(kk) "purchase invoice" means an invoice or cash memorandum or a bill showing total cost of the price of the goods specified in Schedule 11, inclusive of all the charges, paid by a person to the selling dealer of any State other than Sikkim, whether registered under any Act of that State or not" , (iv) in clause O), for the word and figure 'Section IO" , the word and figure "Section 8" shall be substituted; (i) in clause (m), after the last words "deferred payment" and before the punctuation the following words shall be inserted, namely:- mark "and includes the transfer of property in goods (whether as goods or in some other form) involved in the execution of a works contract" • (ii) in Explanation 2 to clause (a) the words 'value added tax" appearing after the words and punctuation mark "excise duty," shall be omitted, , (b) the following Provisos shall be inserted to the said Explanation, namely:- "Provided that value added tax and local sales tax payable under any other Acts of the State Government shall not be included in the sale price: Provided further that the above Proviso shall come into force from the date of publication of this Act in the Official Gazette." In the said Act, for the existing section 5, the following shall be substituted, namely:- "5. Environment cess shall be paid by:- (1) (a) Every dealer or person including the person engaged in the business of works contract, whoever brings non-bio degradable materials as specified in Schedule 11 for sale, in Sikkim from outside Sikkim, on the sales turnover of such non-biodegradable materials or goods, from the date of commencement of the said Act: Provided that in the case of persons engaged in the business of works contract, the paying authority of the contractee shall deduct the cess at source on total works bill value or amount at the rate specified in section 6 of this Act, in the manner as prescribed or may be prescribed. (b) Every person or dealer, whoever brings non-bio degradable materials as specified in Schedule 11 in Sikkim from outside Sikkim for own use and consumption or for whatsoever purpose other than making sales in Sikkim, on the purchase invoice value, from the date of commencement of this Act: Provided that the person or dealer whoever is engaged in the business of manufacturing of goods, shall pay the cess at such rate as specified in section 6 of this Act: Provided further that when any person or dealer has paid cess in accordance with the provisions laid down in first Proviso, no such person or dealer shall be liable for cess under this Act for sales of manufactured goods within Sikkim. (c) Every hotel, resort, lodge or motel operating or carrying on business within Sikkim, on the sales turnover. (2) The State Government may by notification, allow payment of composite cess to such dealer or class of dealers having turnover below a specified limit, and in such manner, as prescribed or may be prescribed in the notification: 2 Amendment of section 6 Insertion of new section 6A 4. Provided that the prescribed authority shall verify the veracity of the turnover of the dealer and satisfy himself that the dealer exercising option for composite cess is

eligible as such. (3) On entry in Sikkim of such categories of vehicles, at such rates, and on such terms and conditions as may be specified by notification by the State Government. (4) On any such other item having impact on environment directly or indirectly, at such rate or rates and on such conditions as may be prescribed by the State Government by notification.

In the said Act, for the existing section 6, the following shall be substituted, namely:- " 6. (1) The cess payable under the said Act shall be levied at the following rates, namely:- (i) in respect of the sale of goods specified in Schedule 11, by the persons specified in clause (a) of sub-section (1) of section 5, other than the persons engaged in the business of works contract, at the rate of one percent on total turnover of sales; (ii) in respect of the goods or materials transferred in execution of works contract, at the rate of 0.50% on the gross value of the works bill: Provided that this clause shall come into force from the date of publication of this Act in the Official Gazette; (iii) in respect of the goods specified in Schedule 11, by the persons and for the purpose specified in clause (b) of sub-section (I) of section 5, other than the persons engaged in the business of manufacturing, at the rate of one percent of the purchase price shown in the valid purchase invoice or on the local market price value if no valid purchase invoice is produced before the prescribed authority: Provided that the prescribed authority may determine the market price at the relevant point of time after such verifications as he deems necessary; (iv) in respect of the persons engaged in the business of manufacturing of goods specified in clause (b) of sub-section (I) of section 5, at the rate of 0.50% on the total purchase invoice value: Provided that this clause shall come into force from the date of publication of this Act in the Official Gazette; (v) In respect of hotel, resort, lodge or motel, at the rate of one percent on the gross sales turnover. (2) The State Government may revise the rate of cess under clause (i), (ii), (iii), (iv) and (v) of sub-section (1) of section 6 from time to time by notification. (3) The State Government may by notification, add to or omit from, or otherwise amend Schedule 11 and thereupon the said Schedule shall be deemed to be amended accordingly."

5. In the said Act, after section 6, the following new Section shall be inserted, namely,- "6A. Point of levy, and remittance of cess in certain cases.- (1) The cess payable on sales of goods specified in Schedule 11 by a registered dealer shall be levied only once at the first stage or point of sales occurred in Sikkim after such goods are brought or imported from outside Sikkim. (2) The persons referred to in clause (b) of sub-section (I) of section 5, but excluding individuals, whoever brings or imports into Sikkim from outside Sikkim goods 3 Amendment of section 8 Amendment of section IO Amendment of section 22 Amendment of Schedule I Amendment of Schedule 11 6. 7. 8. 9. specified in Schedule 11 to the Act; for own use and consumption or for whatsoever purpose other than sales, shall remit the cess to the appropriate Head of Revenue at such stage, within such time and in such manner as prescribed or as may be prescribed." In the said Act, in section 8,- (i) -in sub-section (I) after the words "pay cess" and before the words "under this Act"; the following words and punctuation marks shall be inserted, namely,- "on sales of goods or materials specified in Schedule 11", (ii) in sub-section (2), after the words "pay cess" and before the words "under this Act", the following words and punctuation marks shall be inserted, namely,- "on sales of goods or materials specified in Schedule 11," In the said Act, On clause (a) of sub-section (3) of section IO, for the word and figure "section 11", the word and figure "section 9" shall be substituted, In the said Act; in clause (e) of sub-section (3) of section 22, for the word "tax" the word "cess" shall be substituted. In the said Act, in Schedule I, after serial number 25, the following serial number and item shall be inserted, namely,- "26. Any other biodegradable materials defined in clause (a) of section 2 which is not specified by name in this Schedule." IO, In the said Act, In Schedule 11, after serial number 49, the following serial number and item shall be inserted, namely,- "50. Any other non-biodegradable materials defined in clause (a) of section 2 which is not specified by name in this Schedule," By Order. R.K. PURKAYASTHA (SSJS) LR-cum-Secretary Law Department File No. 16 (82)/ LD/P/2008 . . 130,' Gazette "5b Nos./Dt:- 16.4.2008. S.G.P G SIKKIM GOVERNMENT angto No. I/LD/P/ 2008 EXTRAORDINARY PUBLISHED BY AUTHORITY ues ay 10th arch, 2009

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK NOTIFICATION GAZETTE o. 70 Date: 07.03.2009 The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 2nd day of March, 2009 Is hereby published for general information:- THE SIKKIM ECOLOGY FUND AND ENVIRONMENT CESS (AMENDMENT) ACT, 2009 (ACT NO. 1 of 2009) to amend The Sikkim Ecology Fund and Environment Cess Act, 2005. Be it enacted in the Sixtieth Year Of the Republic Of India as follows:• Short title and commencement Amendment of section 1 (1) This Act may be called the Sikkim Ecology Fund and Environment (Amendment) Act 2009. (2) It shall

come into force on the date of its publication In the Official Gazette. In the Sikkim Ecology Fund and Environment Cess Act, 2005 in Section 13, 2, sub-section (3) shall be omitted. By Order. LR-cum-Secretary Law Department File No: 16 SG.P.G..70'GazetWIOO cpsJ10.03.2009 SIKKIM GOVERNMENT Gangtok No. 4/LD/P/12 EXTRAORDINARY PUBLISHED BY AUTHORITY Thursday 11th October, 2012 LAW DEPARTMENT GOVERNMENT OF SIKKIM GANGTOK NOTIFICATION GAZETTE No.513 Date: 10/10/12 The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 29th day of June, 2012 is hereby published for general information:- THE SIKKIM ECOLOGY FUND AND ENVIRONMENT CESS (AMENDMENT) ACT, 2012 ACT NO. 4 OF 2012 AN ACT further to amend the Sikkim Ecology Fund and Environment Cess Act, 2005. Be It enacted by the Legislature of Sikkim in the Sixty-third Year of the Republic of India as follows:- Short title, extent and 1. commencement. Amendment of Section 2 Amendment of Section 3. 2. 3. (I) This Act may be called then Sikkim Ecology Fund and Environment Cess (Amendment) Act, 2012. (2) It extends to the whole of Sikkim. (3) It shall be deemed to have come into Force on the 2nd day of April, 2007. In the Sikkim Ecology Fund and Environment Cess Act, 2005, (hereinafter referred to as the said Act), in clause (h) of section 2, in the Explanation, for the word and figure "Schedule I", the word and figure "Schedule 11" shall be substituted. In the said Act, in clause (d) of sub-section (2) of section 3, after the words "measures", the words "directly orthrough the regular budgetary Amendment of Section 13. Amendment of Section 14. Amendment of Section 15. procedure or a mix of both as deemed fit by the State Government for carrying out the purposes of the Act in public interest" shall be inserted, 4. In the said Act, in sub-section (3) of section 13, for the word "current", the words "interest bearing" shall be substituted and after the words and the punctuation 'financial year' the words "The interest accrued, thus shall be utilized exclusively for the purpose of this Act" shall be inserted. 5

6. In the said Act, in section 14, after the words "collections to this fund", the words "or through appropriate budgetary allocation or both" shall be inserted.in the said Act, after clause (b) of sub-section (1) of section 15, the following clause shall be inserted, namely;- "(c) deferring the expenditure incurred on people and machinery engaged for the purposes of the Act". R.K. Purkayastha LR-cum-Secretary, Law & Parliamentary Affairs Department. S.G.P.G. • 513/ Gazette/30Nos./Dt:- 11.10.2012