

The Taxation Tribunal (Undisclosed Wealth) Act, 1953

(ACT NO. XVI OF 1953)

An Act to provide for the setting up of a Tribunal to enquire into the tax liability of undisclosed wealth. ^{1♣♠}

WHEREAS it is expedient to set up a Tribunal to enquire into the liability of undisclosed wealth to taxation and to determine the extent of such liability;

It is hereby enacted as follows:-

Short title, extent and commencement 1. (1) This Act may be called the Taxation Tribunal (Undisclosed Wealth) Act, 1953.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

Definitions 2. In this Act, unless there is anything repugnant in the subject or context,-

(1) “previous year” means-

(a) in relation to any assessment to tax under the Income-tax Ordinance, 1984 (XXXVI of 1984), any period which is or has been determined as the previous year for the purpose of that Act;

(b) in relation to any assessment to tax under the Excess Profits Tax Act, 1940, the chargeable accounting period as defined in that Act; and

(c) in relation to any assessment under the Business Profits Tax Act, 1947, the accounting period as defined in that Act; and

(2) “tax” means any tax chargeable under the Income-tax Ordinance, 1984 (XXXVI of 1984), the Excess Profits Tax Act, 1940 and the Business Profits Tax Act, 1947.

**Constitution
and
functions of
the Tribunal**

3. The Government may constitute a Tribunal to be called the Taxation Tribunal (hereinafter referred to as the Tribunal) to exercise the functions conferred on the Tribunal by this Act.

**Composition
of the
Tribunal**

4. (1) The Tribunal shall consist of a President (being a person who is or has been a Judge of ²[the High Court Division]) and one other member, being an income-tax expert, as hereinafter defined.

(2) The income-tax expert shall be a person who in the opinion of the Government possesses such knowledge of the law of income-tax and has had experience of such a character as render him suitable for appointment to the Tribunal.

(3) The Government may appoint a Registrar to the Tribunal and such other staff as may be necessary.

**Declaration
of assets**

5. (1) On or before a date to be notified by the Government, any person (hereinafter called an assessee) may submit a declaration to the Tribunal of his assets which were not in his opinion liable at any time to tax and assets which have not previously been disclosed in any of the accounts or returns submitted by him, or on his behalf, to the Income-tax Officer or otherwise brought to the notice of the Income-tax Officer.

(2) The declaration shall be in such form as may be prescribed and shall be verified in the prescribed manner.

**Examination
of
declaration
and other
evidence**

6. (1) On receipt of the declaration referred to in section 5, or as soon afterwards as may be, the Tribunal shall examine the material submitted by the assessee or call for such particulars, accounts, documents or evidence as it may require or make such further enquiries as it may consider necessary.

(2) The Tribunal shall give an opportunity to the assessee of being heard.

(3) Notwithstanding anything to the contrary contained in sub-section (1), the Tribunal may direct the Registrar to examine any accounts or documents or to interrogate any person or obtain any statements from any

person as it may consider necessary and the Registrar shall act accordingly.

(4) The Registrar shall, when he acts under sub-section (3) and subject to any direction of the Tribunal in this behalf, have the same powers as the Tribunal under section 14 and any person having charge or custody of accounts or documents required to be examined shall, notwithstanding anything in any law to the contrary, be bound to produce them before the Registrar, and to give him such information in respect thereof as he may require and any person interrogated by the Registrar or called upon by him to make or prepare a statement or furnish information shall, notwithstanding anything in any law to the contrary be bound to comply with his directions and answer all questions relating to the case put to him by the Registrar.

(5) If any person whose case is being examined by the Tribunal refuses or fails to attend in person in compliance with a notice in that behalf duly served upon him or to give any evidence or to answer questions or to produce documents or to prepare and furnish statements when called upon to do so, the Tribunal may, if satisfied that the refusal or failure was wilful, close the examination of the case and make an order to the best of its judgment.

(6) If in any proceeding before the Registrar any person whose case or the points in whose case is or are being examined by the Registrar refuses or fails to attend in person or to produce or cause to be produced accounts or documents or to answer questions or to prepare statements or to furnish information when called upon to do so the Registrar shall report such refusal or failure to the Tribunal and thereupon the provisions of sub-section (5) shall apply as if the refusal or failure took place in the course of the examination by the Tribunal itself.

(7) The members of the Tribunal and the Registrar shall be deemed to be public servants within the meaning of section 21 of the ³[* * *] Penal Code, and the Tribunal shall be deemed to be a Civil Court for the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898,

references in the said Chapter to the presiding officer of a Court being deemed to include the President of the Tribunal.

**Determination
of liability
to tax**

7. (1) The Tribunal shall after the examination of the materials furnished by the assessee and after making enquiries as aforesaid make an order declaring whether the assets declared by the assessee, or any part thereof constitutes income, profits or gains which escaped assessment to tax under the Income-tax Ordinance, 1984 (XXXVI of 1984), the Excess Profits Tax Act, 1940, or the Business Profits Tax Act, 1947 and shall also specify the previous year or years in which such income, profits or gains accrued or arose or were received or shall be deemed to have accrued or arisen or to have been received, and where such income, profits or gains have accrued or arisen outside Bangladesh, the previous year or years in which the income, profits or gains accrued or arose or shall be deemed to have accrued or arisen and the previous year or years in which they were brought into, received in or remitted to, or deemed to be brought into, received in or remitted to Bangladesh.

(2) The Tribunal shall further make an order declaring whether any assets declared by the assessee, or any part thereof, did not constitute income, profits or gains and specifying the amount which should not be taxed.

(3) If the members of the Tribunal differ in opinion on any point or points, they shall state the point or points on which they differ and the case shall be referred by the President of the Tribunal to an additional member (being a person who is or has been a Judge of ⁴[the High Court Division]) to be appointed by the Government for the purpose of deciding the point or points

on which there is a difference of opinion and the point or points shall be decided according to the opinion of the additional member.

(4) The Tribunal shall communicate its order to the assessee and to the Government.

(5) The Government shall send a copy of the Tribunal's order to the Income-tax Officer having jurisdiction over the assessee.

Assessment

8. (1) The Income-tax Officer shall give effect to the decision of the Tribunal and for that purpose initiate and complete appropriate proceedings under the Income-tax Ordinance, 1984 (XXXVI of 1984), the Excess Profits Tax Act, 1940, or the Business Profits Tax Act, 1947, for the assessment or re-assessment, as the case may be, of the income, profits or gains declared by the Tribunal to have escaped assessment in any year or years notwithstanding any of the restrictions ⁵[contained in section 93] of the Income-tax Ordinance, 1984 (XXXVI of 1984), section 15 of the Excess Profits Tax Act, 1940, ⁶[* * *] or any other law for the time being in force and notwithstanding any lapse of time or any decision to a different effect given in any proceeding before an income-tax or excess profits tax authority or the Income-tax Appellate Tribunal.

(2) Notwithstanding anything contained in sub-section (1), no proceedings under ⁷[section 124, 125, 126, 128 or 165] of the Income-tax Ordinance, 1984 (XXXVI of 1984), section 16, 23 or 24 of the Excess Profits Tax Act, 1940, or section 15, 21 or 22 of the Business Profits Tax Act, 1947, shall be initiated in respect of any income, profits or gains disclosed by a person to the Tribunal at any stage of the proceedings before the Tribunal.

(3) In all assessment or re-assessment proceedings taken in pursuance of the Tribunal's decision, the findings of the Tribunal on the case or on the point or points raised before it shall, subject to the provisions of sub-sections (4) and (5), be final, but no proceedings taken in pursuance of the Tribunal's decision shall be a bar to the initiation of proceedings under ⁸[section 93] of the Income-tax Ordinance, 1984 (XXXVI of 1984).

(4) In respect of any order made in the course of proceedings taken in pursuance of the Tribunal's order the provisions of ⁹[sections 121, 153, 158, 160, 161 and 162] of the Income-tax Ordinance, 1984 (XXXVI of 1984), and the corresponding provisions of the Excess Profits Tax Act, 1940, and the Business Profits Tax Act, 1947, shall not apply so far as matters declared final by sub-section (3) are concerned.