

The Finance Act, 1981

(ACT NO. XI OF 1981)

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund for the services of the financial year ending on the thirtieth day of June, 1982.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund for the services of the financial year ending on the thirtieth day of the June, 1982;

It is hereby enacted as follows:-

- Short title and commencement** 1. (1) This Act may be called the Finance Act, 1981.
(2) Subject to the Provisional Collection of Taxes Act, 1931 (XVI of 1931), and the declaration made thereunder, this Act shall, except as otherwise provided, come into force on the first day of July, 1981.
- Amendments of Act VII of 1870** 2. In the Court Fees Act, 1870 (VII of 1870), for Schedule I and Schedule II thereto the Schedules set out in the First Schedule to this Act shall be substituted.
- Amendment of Act II of 1899** 3. In the Stamp Act, 1899 (II of 1899), in Schedule I, in entry 54, against item (b) in the first column, in the second column, for the words "Twenty-five Taka" the words "Seventy-five Taka" shall be substituted.
- Amendment of Act XI of 1922** 4. The following amendments shall be made in the Income-tax Act, 1922 (XI of 1922), namely:-
(1) in section 4, in sub-section (3),-
(a) in clause (via), for the words "Taka two thousand" the words "Taka two thousand and five hundred" shall be substituted;

(b) for clause (xvi) the following shall be substituted, namely:-

“(xvi) any interest, not exceeding Taka three thousand, received by an assessee, being an individual, from a scheduled bank, a co-operative bank or a co-operative society on any deposit;” and

(c) in clause (xviii), in the proviso, for the word, brackets and figure “clause (xvii)” the words, brackets and figures “clauses (xvi) and (xvii)” shall be substituted;

(2) in section 7, in sub-section (1), in the third proviso, for the words “three thousand and six hundred Taka”, “one thousand and eight hundred taka” and “one thousand and five hundred Taka” the words “four thousand and two hundred Taka”, “two thousand and four hundred Taka” and “one thousand and eight hundred Taka” shall, respectively, be substituted;

(3) in section 9, in sub-section (1), in clauses (i) and (ii), for the word “one-sixth” the word “one-fifth” shall be substituted;

(4) in section 9A, sub-section (6) shall be omitted;

(5) in section 10, in sub-section (4),-

(a) in clause (d), for the words “fifty thousand Taka” the words “sixty thousand Taka” shall be substituted; and

(b) in clause (f), for the full-stop at the end a semi-colon and word “; or” shall be substituted and thereafter the following new clause (g) shall be added, namely:-

“(g) any allowance in respect of so much of the expenses incurred by an assessee on account of entertainment or services rendered as are not supported by excise stamp or seal in cases of sales and services liable to excise duty.”;

(6) in section 14A,-

(a) in sub-section (2B), in clause (a), for sub-clause (ii) the following shall be substituted, namely:-

“(ii) except in the case of a company or other body corporate under the control of Government or of a corporation the administration and management of which is subject to instruction, direction or control of Government, a subscribed and paid-up capital of not less than Taka one lakh;”;

(b) after sub-section (2B), the following new sub-section (2BB) shall be inserted, namely:-

“(2BB) The provisions of sub-sections (2A) and (2B) shall also apply to an industrial undertaking consisting of an expansion of an existing industrial undertaking if such expansion constitutes-

(a) an identifiable industrial unit for production of similar or other goods or class of goods, or

(b) a similar unit for the carrying out of an identifiable industrial process and such identifiable or similar unit fulfils the conditions laid-down in sub-section (2B),

but nothing contained in this sub-section shall apply to an industrial undertaking which is formed by the splitting up or the reconstruction or reconstitution of any business already in existence or by the transfer to a new business of any machinery or plant used in a business which was being carried on in taxable territories.”;

(7) in section 15,-

(a) in sub-section (3), for the words “thirty thousand Taka” the words “thirty five thousand Taka” shall be substituted; and

(b) after sub-section (3) amended as aforesaid, the following new sub-section (3A) shall be inserted, namely:-

“(3A) The aggregate sum of exemption under sub-section (3), other than the sums exempted under the first proviso to sub-section (1) of section 7, sub-section (1) of section 58F and sub-section (1) of this section, shall be calculated subject to the following limits:-

(a) Where the amount does not exceed Taka five thousand the whole of such amount.

(b) Where the amount exceeds Taka five thousand Taka five thousand plus sixty per cent of the amount exceeding Taka five thousand.

(8) in section 15AA,-

(a) in sub-section (1), after the words and brackets “National Investment (Unit) Trust”, a comma and the words, “, Unit Certificates issued by the Investment Corporation of Bangladesh” shall be inserted;

(b) in sub-section (3), after the words, brackets and comma “National Investment (Unit) Trust,” the words and comma “Unit Certificates issued by the Investment Corporation of Bangladesh,” shall be inserted;

(9) section 15B shall be omitted;

(10) in section 16, in sub-section (1), in clause (b), for the word “super tax” the word “income-tax” shall be substituted and shall be deemed to have been so substituted on and from the first day of July, 1980;

(11) in section, 17, in sub-section (5), in clause (b), in sub-clause (ii), in paragraph (1), in the first column for the words “before five-years” the words “within five years” shall be substituted and shall be deemed to have been so substituted on and from the first day of July, 1980;

(12) in section 18, in sub-section (3BB), after the words “on account of” occurring for the first time, the words and comma “indenting commission”, shall be inserted;

(13) in section 18A,-

(1) in sub-section (1), for the words “twenty thousand taka” the words “twenty-five thousand Taka” shall be substituted; and

(2) in sub-section (3), for the words “Twenty thousand taka” the words “twenty-five thousand Taka” shall be substituted;

(14) in section 22,-

in sub-section (1), in the second proviso, for the words “Taka twenty thousand” the words “Taka twenty-five thousand” shall be substituted;

(15) in section 23, in sub-section (3A),-

(a) for the word "shall" occurring for the first time, the word "may" shall be substituted and shall be deemed to have been so substituted on the from the first day of July, 1980; and

(b) for the words "Taka fifteen thousand and shall" the words "Taka twenty thousand and" shall be substituted;

(16) in section 24, in sub-section (3), for the full-stop at the end a colon shall be substituted and thereafter the following new proviso shall be added, namely:-

"Provided that for the purposes of this section, the Deputy Commissioner of Taxes shall, in computing any loss, deduct any amount received in cash as subsidy from the Government.";

(17) in section 28, in sub-section (1A),-

(1) after the word and figure "section 34", the following words, brackets and letter shall be inserted, namely:-

"or (c) understated the value of any immovable property in connection with sale or transfer with a view to evading tax";

(2) for the word, brackets and letter "clause (b)" the words, brackets and letters "clause (b) and (c)" shall be substituted;

(3) for the words "either case" the words "any case" shall be substituted;

(18) in section 34, in sub-section (2), in the proviso, in clause (iv),-

(1) in sub-clause (a), the word "and" occurring at the end, shall be omitted;

(2) for sub-clause (b) the following shall be substituted and shall be deemed to have been so substituted on and from the 1st day of July, 1980, namely:-

"(b) in the case of any such order made on or after the 1st day of July, 1976, and before the 1st day of July, 1978, within the thirtieth day of June, 1982; and