

The Finance Ordinance, 1984

(Ordinance NO. XLII OF 1984)

An Ordinance to give effect to the financial proposals of the Government and to amend certain laws.

WHEREAS it is expedient to make provisions to give effect to the financial proposals of the Government and to amend certain laws for the purpose hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

Short title and commencement

1. (1) This Ordinance may be called the Finance Ordinance, 1984.
- (2) Except as otherwise provided in this Ordinance, this section and sections 5 and 8 shall come into force at once, and other sections shall come into force on the first day of July, 1984.

Amendment of Act VI of 1898

2. In the Post Office Act, 1898 (VI of 1898), for the First Schedule thereto the Schedule set out in the First Schedule to this Ordinance shall be substituted.

Amendment of Act II of 1899

3. In the Stamp Act, 1899 (II of 1899), in section 28, after sub-section (2), the following new sub-section (2A) shall be inserted, namely:-

“(2A) Notwithstanding anything contained in sub-sections (1) and (2), where any property mentioned in any of these sub-sections is conveyed to the same person in parts by separate instruments executed within twelve months, the conveyance of the last part shall be chargeable with such amount of duty as would make up the ad valorem duty with which the

conveyance for the whole property would be chargeable had it been conveyed by one instrument.”.

**Amendment
of Ben. Act
I of 1932**

4. In the Motor Vehicles Tax Act, 1932 (Ben. Act I of 1932), in the First Schedule, for item 2 the following shall be substituted, namely:-

“2. Vehicles for carrying passengers not plying for hire-

(a) seating not more than two passengers .. Taka three hundred.

(b) seating not more than three passengers .. Taka six hundred.

(c) seating not more than four passengers .. Taka nine hundred.

(d) every additional passenger that can be seated .. Taka one hundred.”.

**Amendment
of Act I of
1944**

5. The following amendments shall be made in the Excises and Salt Act, 1944 (I of 1944), namely:-

(1) after section 3B, the following new section shall be inserted, namely:-

“3C. Principle for determination of tariff classification.- When for any reason, goods are, prima facie, classifiable under two or more headings of the First Schedule, the heading which provides the most specific description shall be preferred to headings providing a more general description.”;

(2) in section 37, in sub-section (3), for the words “two thousand Taka” the words “ten thousand taka” shall be substituted;

(3) The FIRST SCHEDULE shall be amended in the manner set out in the SECOND SCHEDULE to this Ordinance.

**Amendment
of Act XIV
of 1963**

6. The following amendments shall be made in the Gift-tax Act, 1963 (XIV of 1963), namely:-

(1) in section 2,-

(a) in clause (ii), for the words, figure and letter “appointed under section 5A of the Income-tax Act” the words and figure “established under section 11 of the Income Tax Ordinance” shall be substituted;

(b) clause (va) shall be omitted;

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- (c) in clause (vii), for the words, brackets, figures and letter “clause (5A) of section 2 of the Income-tax Act” the words, brackets and figures “clause (20) of section 2 of the Income Tax Ordinance” shall be substituted;
- (d) clause (xiiia) shall be omitted;
- (e) for clause (xiv) the following shall be substituted, namely:-
- “(xiv) “Income Tax Ordinance” means the Income Tax Ordinance, 1984 (XXXVI of 1984);
- (xiva) “income year” has the meaning assigned to it in clause (35) of section 2 of the Income Tax Ordinance;”;
- (f) in clause (xva), for the words, comma, figures and brackets “Income-tax Act, 1922 (XI of 1922)” the words “Income Tax Ordinance” shall be substituted;
- (g) clauses (xx) and (xxiva) shall be omitted;
- (h) in clause (xxvi), for the words, comma, figures and brackets “Income-tax Act, 1922 (XI of 1922)” the words “Income Tax Ordinance” shall be substituted;
- (2) in section 3, for the words “previous year” the words “income year” shall be substituted;
- (3) in section 5,-
- (a) except as otherwise provided-
- (i) for the words “taxable territories”, wherever occurring, the word “Bangladesh” shall be substituted;
- (ii) for the words “previous year” and “pervious years”, wherever occurring, the words “income year” and “income years” shall respectively be substituted;
- (b) in sub-section (1),-
- (i) in clause (ii), in sub-clause (a), the word “ordinarily” shall be omitted;
- (ii) in clause (iv), for the words, figure and letter “section 15D of the Income-tax Act” the words, figure and letter “paragraph 12 of Part B of the Sixth Schedule to the Income Tax Ordinance” shall be substituted;

(c) in the Explanation, for clause (a) the following shall be substituted, namely:-

“(a) an individual shall be deemed to be resident in Bangladesh during the income year in which the gift is made if during that year he is regarded as a resident in Bangladesh within the meaning of the Income Tax Ordinance;”;

(4) in section 7,-

(a) in sub-section (1), for the words, comma, figures and brackets “Income-tax Act, 1922 (XI of 1922)” the words “Income Tax Ordinance” shall be substituted;

(b) in the Explanation, for the words “Income-tax Act” the words “Income Tax Ordinance” shall be substituted;

(5) in section 13,-

(a) in sub-section (1), for the words “a previous year” the words “an income year” shall be substituted;

(b) in sub-section (2), for the words “previous year” the words “income year” shall be substituted;

(6) in section 18, for the words “previous year” the words “income year” shall be substituted;

(7) in section 22, in sub-section (1), in clause (f), for the words, brackets and figures “sub-section (1) of section 46 of the Income-tax Act” the words, brackets and figures “sub-section (1) of section 137 of the Income Tax Ordinance” shall be substituted;

(8) in section 23, in sub-section (11),-

(a) for the words, brackets, figures, comma and letter “sub-sections (5), (7) and (8) of section 5A of the Income-tax Act” the words, figures and comma “sections 12, 13 and 15 of the Income Tax Ordinance” shall be substituted;

(b) for the words “Income-tax Act” occurring at the end the words “Income Tax Ordinance” shall be substituted;

(9) for section 33 the following shall be substituted, namely:-

“33. Mode of recovery.- The provisions of sections 134, 137, 138, 139, 140, 141, 142 and 143 of the Income Tax Ordinance shall apply as if the said provisions were provisions of this Act and referred to gift-tax and sums imposed by way of penalty under this Act, instead of to income tax and sums imposed by way of penalty under that Ordinance, and to Deputy Commissioner of Taxes and Commissioner of Taxes under this Act instead of to Deputy Commissioner of Taxes and Commissioner of Taxes under that Ordinance.”;

(10) for section 41 the following shall be substituted, namely:-

“41. Prohibition of disclosure of information.-(1) subject to the provisions contained in sub-section (2), the provisions of sections 163, 168 and sub-section (1) of section 169 of the Income Tax Ordinance shall apply to all accounts or in relation to statements, documents, evidence or affidavits given, produced or obtained in connection with or in the course of any proceeding under this Act as they apply to or in relation to similar particulars under that Ordinance.

(2) Nothing contained in sections 163 and 168 of the Income Tax Ordinance shall apply to the disclosure of any such particulars as are referred to in sub-section (1) to any person acting in the execution of this Act or the Income Tax Ordinance or the Wealth-tax Act, 1963 (XV of 1963), where it is necessary or desirable to disclose the same to him for the purpose of this Act or of the other Act and the Ordinance aforesaid.”;

(11) for section 45 the following shall be substituted, namely:-

“45. Act not to apply in certain cases.- The provisions of this Act shall not apply to gifts made by-

(a) a corporation established by or under any law for the time being in force;

(b) any institution or fund the income whereof is exempt from income tax under paragraph 1 of Part A of the Sixth Schedule to the Income Tax Ordinance.”.