

The
Bangladesh  Gazette

Extraordinary
Published by Authority

MONDAY, JULY 13, 1981

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
CABINET SECRETARIAT

Establishment Division

Implementation Cell.

CORRIGENDUM

Dacca, the 9th July, 1981

No. S.R.O. 236-L/81/ED(IC)SII-18/80-57.—In exercise of the powers conferred by the proviso to article 133 of the Constitution of the People's Republic of Bangladesh, the President, after consultation with the Bangladesh Public Service Commission as required by clause (2) of article 140 of that Constitution, is pleased to make the following further amendment in the Bangladesh Civil Service (Finance: Taxation) Composition and Cadre Rules, 1980, namely :—

Amendment

In the aforesaid Rules, in rule (3), in sub-rule (2), in clause (a), for the words, brackets and figure "the Agricultural Income Tax Officers (Class-I) of the erstwhile Government of East Pakistan" the words "Erstwhile East Pakistan Agricultural Income Tax Service" shall be substituted.

By order of the President
Md. NURUZZAMAN
Additional Secretary.

(2089)

Price: 25 Paise.

MINISTRY OF FINANCE

Internal Resources Division

NATIONAL BOARD OF REVENUE

NOTIFICATION

(Income-tax)

Dacca, the 13th July, 1981.

No. S. R. O. 237-L/81.—The following draft of certain further amendments in the Income-tax Rules which the National Board of Revenue proposes to make in exercise of the powers conferred by sub-section (1) of section 59 of the Income-tax Act, 1922 (XI of 1922), is hereby published for information of all persons who are likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 31st July, 1981. Any objection or suggestion received from any person in respect of the said draft before the date specified will be considered by the Board.

Draft Amendments

(a) In the aforesaid Rules,—

after rule 45, the following new rule shall be *inserted*, namely:—

“45A. Where an assessee not being a—

- (1) limited company registered under the Companies Act, 1913 (VII of 1913);
- (2) director of a limited company registered under the Companies Act, 1913 (VII of 1913);
- (3) partnership firm which has applied for registration under section 26A of the Income-tax Act, 1922 (XI of 1922), but has not yet been registered;
- (4) contractor, supplier or an indenter;

derives income—

- (a) chargeable under the head “Salaries” and such income is more than 80 per cent of his total income;
- (b) (i) chargeable under the head “Salaries” and such income is 80 per cent or less of his total income; or
(ii) chargeable under any head other than “Salaries”; and his total income does not exceed twenty-five thousand Taka; or,
- (c) chargeable under the head “business, profession or vocation” having a capital investment up to Taka 1,00,000 and has not hitherto been assessed shows income which is not less than one-fourth of the capital invested, and

- (i) files a return of his total income and total world income on or before the date specified in sub-section (1A) of section 22 showing income above the exemption limit and upto Taka 25,000 excepting in cases referred to in clause (a);

- (ii) in the case of income from business, profession or vocation, declares at least 10 per cent higher income than that of each preceding assessment year's assessed income;
- (iii) such return is duly verified and found to be correct and complete in all respects;
- (iv) such return is accompanied—
 - (a) where the assessee derives income chargeable under the head profits and gains of business, profession or vocation, by a copy of the Trading and Profit and Loss Account and the Balance Sheet, or
 - (b) where the assessee has not maintained proper books of account, a statement showing the particulars of his income and expenditure as well as assets and liabilities in the form specified in rule 31;
 - (v) such return does not show loss or lesser income than the last assessed income; and
- (vi) the amount of the tax payable (after adjustment of the amount of the tax, if any, already deducted at source or paid by him or on his behalf) is paid by the assessee on or before the date on which the return is filed by him, the Deputy Commissioner of Taxes shall complete the assessment under sub-section (1) of section 23:

(1) Provided that—

where the return filed by the assessee is not duly verified, is incomplete or is not accompanied by any one or more of the statements or documents referred to in clause (iv), or

- (2) there is any mistake in the computation of the total income, the total world income or the tax (including the allowances, deductions or rebates claimed by the assessee),

the Deputy Commissioner of Taxes may, before completing the assessment under sub-section (1) of section 23 as aforesaid, require the assessee, by a notice in writing, to verify or complete the return, or to file the statement or document which has not been filed, or to correct the mistake on or before a date to be specified in the said notice, and where the assessee complies with the terms of the said notice on or before the said date, the Deputy Commissioner of Taxes shall complete the assessment under the said section.”;

- (b) for rule 49A the following shall be substituted, namely:—

“49A. The Collector of Customs or any other appropriate Officer shall for the purpose of making a deduction of tax under sub-section (3BB) of section 18, in the case of any importer of goods, including those under the Wage Earner Scheme, deduct or collect an amount calculated at the rate of 2½% of the c. & f. value of the imported goods exceeding Taka 1,00,000 (Taka one lakh):

Provided that this rule shall not apply in the case of any import of foodgrains, fertilizer, petroleum and petroleum products (POL), plant and machinery and any import under an industrial licence:

Provided further that any deduction or collection made by the Collector of Customs or any other appropriate Officer shall be deemed to be an advance payment of tax by the importer.

49B. The authority making any payment or the Bangladesh Bank or any scheduled bank through which remittance of indenting commission is received shall for the purpose of making a deduction of tax under subsection (3BB) of section 18, deduct or collect an amount calculating at the rate of 10 per cent on the total receipts of commission:

Provided that any deduction or collection made by the authority making any payment or the Bangladesh Bank or any scheduled bank as aforesaid, shall be deemed to be an advance payment of tax made by the indenter."

M. S. CHOWDHURY
Member (Taxes).

**IN THE COURT OF THE SESSIONS JUDGE AND SPECIAL TRIBUNAL
AT RAJSHAHI.
PROCLAMATION**

Whereas it has been made to appear to me that Dudu Mia *alias* Shahjahan, son of Kaloo Mia of Golapnagar, P.S. Bheramara, District Kushtia, accused in Special Powers Act Case No. 15 of 1981 (G. R. Case No. 317/76 arising out of Singra P. S. Case No. 3, dated 14th July 1976, under section, 397, B. P. C. read with Special Powers Act, 1974;

And whereas this Court has reason to believe that the said accused Dudu Mia *alias* Shahjahan, son of Kaloo Mia of Golapnagar, P. S. Bheramara, District Kushtia, is absconding to avoid appearance or arrest for the purpose.

Now, therefore, in exercise of the powers conferred by section 27(6) of the Special Powers Act, 1974 that accused Dudu Mia *alias* Shahjahan of Golapnagar, P.S. Bheramara, District Kushtia, is hereby directed to appear before the said Tribunal at Rajshahi on or before 7th day of September, 1981 at 10 a.m., failing which he will be tried *in absentia*.

Particulars of Accused Person

Dudu Mia *ailas* Shahjahan of Golapnagar, P.S. Bheramara, District Kushtia.

SHAMSUDDIN AHMAD
Sessions Judge
and
Special Tribunal, Rajshahi.