

The Finance Ordinance, 1983

(Ordinance NO. XXVII OF 1983)

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 Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

Short title and

1. (1) This Ordinance may be called the Finance Ordinance, 1983.

commencement

(2) Except as otherwise provided in this Ordinance, this section and sections 7 and 9 shall come into force at once, section 4 shall come into force on the first day of July, 1984, and other sections shall come into force on the first day of July, 1983.

Amendment of Act I of 1878

2. The following amendments shall be made in the Opium Act, 1878 (I of 1878), namely:-

(1) throughout the Act, for the words "Deputy Commissioner of the District" and "Deputy Commissioner" the words "Deputy Controller" shall be substituted;

(2) in section 3, after the definition of "Magistrate", the following new definition shall be inserted, namely:-

"Deputy Controller" means "the Deputy Controller of Narcotics and Liquor of the Civil Division;".

Amendment of Ben. Act

3. The following amendments shall be made in the Excise Act, 1909 (Ben. Act V of 1909), namely:-

(1) throughout the Act unless otherwise specified-

(a) for the words "Deputy Commissioner" the words "Deputy Controller" shall be substituted;

(b) the words "Commissioner of a Division" shall be omitted;

(2) in section 2,-

(a) in clause (1), after the word "malt" the words "and from coconut water" shall be inserted;

(b) for clause (5), the following shall be substituted, namely:

"(5) "Deputy Controller" means the Deputy Controller of Narcotics and Liquor of a Civil Division;"; (3) in section 8, in sub-section (1), the words and commas "and shall, in such matters as the Government may direct, be subject also to the control of the Commissioner of the Division" shall be omitted;

(4) in section 34,-

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

"(2) The Deputy Controller shall then forthwith submit the said list, as so revised, and the said objections and opinions, and his own opinion to the Controller.";

(b) sub-section (3) shall be omitted;

(5) in section 35, the proviso shall be omitted;

(6) in section 65, in sub-section (1), the words and comma "Deputy Collector, or" shall be omitted.

**Amendments
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, sub-section (3) shall be omitted;

(2) in section 10, in sub-section (2), after clause (xi), the following clause (xi a) shall be inserted, namely:-

"(xi a) in respect of provision for bad and doubtful debt, made by a bank, for overdue agricultural or rural loan, a sum equal to one and a half per

cent of such overdue loan or the amount of actual provision for such bad or doubtful debt in the books of the assessee, whichever is the less:

Provided that if any amount out of the amount so allowed is ultimately recovered, the same shall be deemed to be a profit of the year in which it is recovered;”;

(3) in section 12B, in sub-section (7), for the words “a new industrial undertaking” occurring twice, the words “an industrial undertaking” shall be substituted;

(4) in section 14, in sub-section (3), in clause (b), in sub-clause (ii), in the Explanation, in clause (b), for the word “it” the words and comma “plant, machinery and equipments” shall be substituted;

(5) in section 15, in sub-section (3), for the words and commas “thirty per cent of the total income of the assessee, or thirty-five thousand taka, whichever is the less”, the words “one-third of the total income of the assessee” shall be substituted;

(6) in section 15AA,-

(a) in sub-section (1),-

(i) for the brackets and words “(including Development Loans)” the brackets and words “(including Development Loans or Bonds)” shall be substituted; and

(ii) after the word “behalf ” at the end, a comma and words “, or as is contributed by an individual in any Deposit Pension Scheme sponsored by the Government” shall be inserted;

(b) in sub-section (3), for the brackets and words “(including Development Loans)” the brackets and words “(including Development Loans or Bonds)” shall be substituted;

(7) in section 15C,-

(a) in sub-section (1), after the words “Subject to the provisions of this section”, the words and figures “and sub-section (3) of section 15” shall be inserted;

(b) sub-sections (2) and (2A) shall be omitted; (c) in sub-section (3), in clause (b), after the figure "1913", the comma and words ", and listed in a stock Exchange" shall be inserted;

(8) in section 15D, in sub-section (2), for the words "twenty per cent" the words "thirty per cent" shall be substituted;

(9) in section 15F, after the words and comma "income, profits and gains", the commas and words ", not exceeding three thousand taka;" shall be inserted;

(10) in section 16, in sub-section (1), in clause (a), after the word, figure and letters "section 15DD" the comma, word, figure and letters ", section 15DDD" shall be inserted and shall be deemed to have been so inserted on and from the first day of July, 1982;

(11) in section 18, in sub-section (3BB), for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added with effect from the first day of July, 1983, namely:

"Provided that any person making any collection in full or in part (including collection by way of an advance) from any person on account of such purpose as may be prescribed shall also collect, on account of the tax payable by him, an amount calculated at such rate or rates and in such manner as may be prescribed, and such collections shall also be deemed to be advance payment of tax made by the assessee and shall be given credit for in his assessment."

**Amendment
of the Ben.
Act X of
1932**

5. The following amendments shall be made in the Opium Smoking Act, 1932 (Ben. Act X of 1932), namely:-

(1) throughout the Act, for the words "Deputy Commissioner" the words "Deputy Controller" shall be substituted;

(2) in section 2, for clause (5), the following shall be substituted, namely:

"(5) 'Deputy Controller' means the Deputy Controller of Narcotics and Liquor of the Civil Division."

**Amendment
of Ben. Act**

6. The following amendments shall be made in the Electricity Duty Act, 1935 (Ben. Act X of 1935), namely:- (1) for section 3, the following shall be substituted, namely:-

“3. There shall be charged, levied and paid to the Government on the units of energy consumed, a duty (hereinafter referred to as “electricity duty”) at the rate specified in the Schedule:

Provided that electricity duty shall not be leviable on the units of energy consumed in any-

(i) place of public worship, public burial or burning ground or other place for the disposal of dead;

(ii) premises declared by the Government to be used exclusively for the purposes of public charity;

(iii) vessel, whether sea-going or inland;

(iv) premises in the occupation of foreign diplomatic missions for the purposes of office and residence.”;

(2) section 4 shall be omitted;

(3) in section 5, in sub-section (1), the words “for the purpose of lights and fans” shall be omitted;

(4) in section 9, for the words “fifty taka” the words “one hundred taka” shall be substituted;

(5) in section 11, in sub-section (3), for the words “fifty taka” the words “one hundred taka” shall be substituted;

(6) for the First Schedule and the Second Schedule, the following shall be substituted, namely:-

“THE SCHEDULE
(See section 3)
Rate of Duty
(1) Five poisha for each unit of energy consumed.