



বঙ্গ

বাকপত্র

ভারত

THE ASSAM GAZETTE

তসাহাৰণ

EXTRAORDINARY

PUBLISHED BY AUTHORITY

নং 62 দিশপুৰ, শুক্ৰবাৰ 6, মে' 1994, 16 বহাগ, 1916 (শক)

No. 62 Dispur, Friday, 6th May, 1994, 16th Vaisatha, 1916 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT: LEGISLATIVE BRANCH

NOTIFICATION

The 6th May, 1994

No. LGL. 174/93/65. -The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO XXVIII OF 1994
(Received the assent of the Governor on 5th May, 1994)

THE ASSAM AGRICULTURAL INCOME TAX
(FIRST AMENDMENT) ACT, 1994

AN

ACT

further to amend the Assam Agricultural
Income Tax Act, 1939.

Preamble. Whereas it is expedient further to amend the Assam Agricultural Income Tax Act, 1939, hereinafter referred to as the principal Act, in the manner hereinafter appearing ;

It is hereby enacted in the Forty-fifth
Year of the Republic of India as follows :—

**Short title,
extent and
commence-
ment.**

1. (1) This Act may be called the
Assam Agricultural Income Tax (First
Amendment) Act, 1994.

(2) It shall have the like extent as the
principal Act.

(3) It shall come into force at once.

**Amendment
of Section
7 of Assam
Act IX of
1939.**

2. In the principal Act, in Section 7
in clause (m), for the existing provision, the
following shall be substituted, namely :—

“(m) any sum actually donated for
charitable purposes if such donation in
aggregate is not more than Rs. 5 lakh
or ten per centum of total agricultural
income, whichever is less, provided that
such sum is actually spent for such purposes
in the State of Assam.”

**Amendment
of Section
8 of Assam
Act IX of
1939.**

3. In the principal Act, in Section 8,

(1) in sub-section (2), in clause (g), for
the existing provision, the following shall be
substituted, namely :—

“(g) any sum actually donated for charitable purposes, if such donation is not more than Rs. 5 lakh or ten per centum of the total agricultural income whichever is less, provided that such sum is actually spent for such purposes in the State.”

(2) In the principal Act, after sub-section (2) of Section 8, the following new sub-section as sub-section (3) and sub-section (4) shall be inserted namely :—

“(3) In determining the net agricultural income, such percentage of total agricultural income of the assessee as may be notified by the State Government from time to time and deposited with the Assam Financial Corporation before furnishing the return of his income in an account (hereinafter referred to as the Plantation Development Account) maintained by the assessee with the Assam Financial Corporation for utilisation for the purposes specified below in clauses (a) to (e) of this sub-section, shall be allowed as deduction to the assessee from the agricultural income provided the same has not already been allowed as deduction under any of the provisions of the Indian Income Tax Act, 1961 :

Central Act
43 of 1961.

Provided further that where such assessee is a firm, or any association of persons or any body of individuals, the deduction under sub-section shall not be allowed in the computation of the income of any partner, or as the case may be, any member of such firm, association of persons or body of individuals :

Provided further that if any withdrawal from the deposit is not utilised for the purpose for which it is sanctioned, it shall be treated as agricultural income of the year of the withdrawal and assessed accordingly.

- (a) Extension of planting, replanting, replacement, rejuvenation or consolidation of areas of plantations or interplanting of planted areas including preparation of land, care and maintenance of such areas and provision of nurseries and shade trees;
- (b) extension of factories and godowns;
- (c) purchase of tractors, trailers power tillers, power trollies for the purpose of expansion of plantation;
- (d) purchase of spraying equipment for weed control and plant protection measures;
- (e) measures for controlling floods, soil erosion and water logging including drainage.

(4) Any amount as may be notified in this behalf by the State Government invested for setting up of industries other than, tea plantation and manufacturing within the State of Assam."

Amendment
of the
Schedule.

4. In the principal Act, for the existing Schedule, the following shall be substituted.

SCHEDULE

[See section 2 (a), 3 and 6]

A. In the case of every company—

- (a) The total income of : Fifty two paise which does not exceed in the Rupee. Rs. 1,00,000.00 on the whole of total income.

(b) The total income of : Sixty paise in
which exceeds Rs. 1,00, the Rupee.
000.00 on the whole
of total income.

B. In the case of persons other than
companies—

(a) On the first Rs. 1000 : Nil
of the total income.

(b) On the next Rs. 5000 : Ten paise in
of the total income the Rupee.

(c) On the next Rs. 5000 : Fifteen paise in
of the total income the Rupee.

(d) On the next : Thirty paise in
Rs. 10,000 of the the Rupee.
total income.

(e) On the next Rs. 25,000 : Forty five paise
of the total income. in the Rupee.

(f) On the balance of : Sixty paise in
the total income. the Rupee.

Provided that—

(i) No agricultural income tax shall
be payable on total agricultural
income which does not exceed
Rs. 12,000 in case of assesseees
other than companies :

(ii) In respect of paragraph A, the re-
sidual income shall not fall
short of the following limit, and
in any case where the residual
income falls short of the said
limit, the agricultural income
tax payable shall be so reduced
as to have a residual not fall-
ing short of such limit.

(a) Rupees forty-eight thousand increased by one percent of the excess of the total agricultural income which exceeds Rs. 1,00,000.

EXPLANATION :—

In the clause "residual income" in relation to any company means the total agricultural income reduced by the agricultural income tax payable in respect thereof.

(iii) In respect of paragraph B, the agricultural income tax payable shall not exceed one half the amount by which the total agricultural income exceeds Rs. 12,000 in cases where the total agricultural income does not exceed Rs. 17,000.

Repeal and Saving.

5.(1) The Assam Agricultural Income Tax (amendment) Ordinance, 1994 is hereby repealed. Assam Ordinance III of 1994.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act had come into force on the date the said Ordinance came into force.

K. LASKAR,
Secretary to the Government of Assam,
Legislative Department.