

[English Translation.]

THE FINANCE ACT, 1951..

[ACT NO. XXXIII OF 1951.]

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Finance Act, 1951.

(2) It shall come into force on the first day of October 1951.

2. *Rates at which Income-tax and Super-tax are to be levied.*—

(1) Subject to the provisions of sub-sections (3), (4) and (5), there shall be levied for the year beginning on the first day of October 1951,—

(a) Income-tax at the rates specified in Part I of the Schedule to this Act, and

(b) Super-tax for the purposes of section 55 of the Burma Income-tax Act, at the rates specified in Part II of the Schedule to this Act.

(2) In making any assessment, deduction or refund of tax for the year ending on the thirtieth day of September 1952, there shall be deducted from the total income of an assessee in accordance with the provisions of section 15A of the Burma Income-tax Act, an amount equal to one-tenth of the earned income, if any, included in his total income, but not exceeding in any case two thousand rupees, reduced in the case of a partner in a firm by the amount of the allowance for earned income deducted in making an assessment on the firm which is applicable to his share in the firm's profits.

(3) In making any assessment for the year ending on the thirtieth day of September 1952, where the total income of an assessee includes any income chargeable under the head "Salaries" as reduced by the deduction for earned income appropriate thereto, or any income chargeable under the head "Interest on Securities", the income-tax payable by the assessee on that part of his total income which consists of such inclusions shall be an amount bearing to the total amount of income-tax payable according to the rates imposed by the Finance Act, 1949, on his total income, the same proportion as the amount of such inclusions bears to his total income.

(4) For the purposes of refunds under sub-section (1) or sub-section (3) of section 48 in respect of dividends declared in the year ending on the thirtieth day of September 1951, or of salaries due whether paid or not or of payments made of interest on securities in the said year, the rate representing the average of the rates applicable to the total income of the person claiming refund shall be the rate representing the average of the rates imposed by the Finance Act, 1949.

(5) In cases to which section 17 of the Burma Income-tax Act applies, the tax chargeable shall be determined as provided in that section but with reference to the rates imposed by sub-section (1), and in accordance, where applicable, with the provisions of sub-sections (3) and (4) of this section.

(6) For the purposes of this section and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the

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case may be, in accordance with the provisions of the Burma Income-tax Act, and the expression "earned income" has the meaning assigned to it in clause (6A) of section 2 of that Act.

3. *Business Profits Tax.*—The tax imposed by section 4 of the Business Profits Tax Act, 1948, shall, in respect of any previous year relevant for the assessment under the Burma Income-tax Act for the year ending on the thirtieth day of September 1952, be an amount equal to $16\frac{2}{3}$ per cent of the taxable profits.

4. *Time within which proceedings for assessment or refund may be taken.*—In respect of any assessment or refund to be made for the year ending on the thirtieth day of September 1952, the Burma Income-tax Act shall be construed as if in sections 34, 35 and 50 of that Act for the words "one year" wherever they occur the words "two years" were substituted.

5. *Fixation of Postal Rates.*—For the year beginning on the first day of October 1951, Schedule II to the Burma Finance Act, 1947, shall be inserted in the Burma Post Office Act as the first Schedule to that Act.

SCHEDULE OF RATES OF INCOME-TAX AND SUPER-TAX FOR THE FINANCIAL YEAR 1951-52.

[SECTION 2 (1).]

Part I.

RATES OF INCOME-TAX.

A.—In the case of every individual, Hindu undivided family, unregistered firm and other association of persons not being a case to which paragraph B of this Part applies—

	<i>Rate.</i>
1. On the first Rs. 1,500 of total income ...	<i>Nil.</i>
2. On the next Rs. 3,500 of total income ...	<i>Fifteen pies in the rupee.</i>
3. On the next Rs. 5,000 of total income ...	<i>Two annas and one pie in the rupee.</i>
4. On the next Rs. 5,000 of total income ...	<i>Three annas and six pies in the rupee.</i>
5. On the balance of total income ...	<i>Five annas in the rupee.</i>

Provided that —

- (i) no income-tax shall be payable on a total income which before deduction of the allowance, if any, for earned income, does not exceed Rs. 3,500;
- (ii) the income-tax payable shall in no case exceed half the amount by which the total income (before deduction of the said allowance, if any, for earned income) exceeds Rs. 3,500;
- (iii) the income-tax payable on the total income as reduced by the allowance, for earned income shall not exceed either—
 - (a) a sum bearing half the amount by which the total income (before deduction of the allowance for earned

income) exceeds Rs. 3,500 the same proportion as such reduced total income bears to the unreduced total income, or

(b) the income-tax payable on the income so reduced at the rates specified in this Schedule,

whichever is less.

B.—In the case of every company and registered firm and in every case in which, under the provisions of the Burma Income-tax Act, income-tax is to be charged at the maximum rate—

Rate.

On the whole of total income ... Five annas in the rupee.

Part II.

RATES OF SUPER-TAX.

A.—In the case of every individual, Hindu undivided family, unregistered firm and other association of persons not being a case to which paragraph **B** or **C** of this Part applies—

Rate.

1. On the first Rs. 25,000 of total income ... Nil.
2. On the next Rs. 20,000 of total income ... Three annas in the rupee.
3. On the next Rs. 25,000 of total income ... Five annas in the rupee.
4. On the next Rs. 25,000 of total income ... Six annas in the rupee.
5. On the next Rs. 30,000 of total income ... Six annas and six pies in the rupee.
6. On the next Rs. 75,000 of total income ... Eight annas in the rupee.
7. On the next Rs. 1,00,000 of total income ... Nine annas in the rupee.
8. On the balance of total income ... Ten annas and six pies in the rupee.

B.—In the case of a co-operative society for the time being registered under the Co-operative Societies Act—

Rate.

1. On the first Rs. 25,000 of total income ... Nil.
2. On the balance of total income ... Two annas in the rupee.

C.—In the case of every Company—

Rate.

On the whole of total income ... Three annas in the rupee.