NOTIFICATION
The 1st June, 1999

No,LGL,45/93/147.--The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XIII OF 1999
(Received the Assent of the Governor on 29th May, 1999)
THE ASSAM TAXATION LAWS (AMENDMENT) ACT, 1999.

AN ACT

further to amend the Assam Taxation (On Specified Lands) Act, 1990 and the Assam Agricultural Income Tax Act, 1939.

Preamble.

Whereas it is expedient further to amend the Assam Taxation (On Specified Lands) Act, 1990 and the Assam Agricultural Income Tax Act, 1939, in the manner hereinafter appearing;

It is hereby enacted in the Fiftieth Year of the Republic of India as follows:-

1. (1) This Act may be called The Assam Taxation Laws (Amendment) Act, 1999.

(2) It shall have the like extent as the respective Acts namely - the Assam Taxation (On Specified Lands) Act, 1990 and the Assam Agricultural Income Tax Act, 1939.

(3) It shall be deemed to have come into force on the 1st day of April, 1999.

CHAPTER - I

Amendment to the Assam Taxation (On Specified Lands) Act, 1990.

2. In the Assam Taxation (On Specified Lands) Act, 1990, after section 12, the following shall be inserted as section 12A, namely:-

12A. If any owner does not pay the full amount of tax as per provision of this Act or the Rules made thereunder, by the date on which it falls due, simple
interest at the rate of two percentum per mensum with
effect from the 1st day of the following month shall
be payable by him on the amount by which the tax
paid falls short of the tax payable. No interest under
this section shall, however, be payable if the amount
of tax is paid by the aforesaid due date is not less
than ninety percentum of the tax payable."

CHAPTER-II

Amendments to the Assam Agricultural Income
Tax Act, 1939.

Amendment
of section 32.

3. In the Assam Agricultural Income Tax Act, 1939,
hereinafter referred to as the principal Act, for the
existing section 32, the following shall be
substituted, namely :

"32. Tax and interest to be calculated to the
nearest multiple of rupees ten. -- In the
determination of the amount of Agricultural
Income Tax, interest or a refund payable under
this Act, if the amount is not a multiple of rupees
ten, it shall be rounded off to the nearest multiple
of ten rupees and, while calculating to achieve this
purpose, if the total tax, interest or refund, as the
case may be, contains a part of rupees ten which
is amounting to rupees five or more, it shall be
rounded off to the next higher multiple of rupees
ten and, if such part is less than rupees five it shall
be ignored."

Amendment
of section 35.

4. In the principal Act, section 35B shall be deleted
and sections 35C, 35D, 35E, 35F, 35G and 35H
shall be renumbered respectively as sections 35B,
35C, 35D, 35E, 35F and 35G.

Insertion of a
new section
35H.

5. In the principal Act, after section 35G as
renumbered, the following new section 35H shall
be inserted, namely :

"35H. Interest for deferment of Advance tax.--

Where, in any financial year, the assessee,
who is liable to pay advance tax under section 35
or 35A, has failed to pay such tax by the
prescribed date, he shall be liable to pay simple interest at the rate of one and half percent per month with effect from the immediate next day of the day as prescribed for payment of advance tax for the respective quarter, on the unpaid amount by which the tax to be paid for that quarter falls short, till the date of full payment of such short fall:

Provided, however, that the provisions of this section shall apply only upto the end of the financial year, after which the provision of section 35C as renumbered, shall apply.

Amendment of section 36. 6. In the principal Act, in section 36, in sub-section (2), the following proviso shall be inserted, namely:-

"Provided that no order of imposition of penalty under this section shall be made unless the assessee has been heard or has been given a reasonable opportunity of being heard."

Amendment of section 39. 7. In the principal Act, in section 39, in sub-section (2), in the last line, for the words, "six percent per annum", the words "twelve percent per annum" shall be substituted.

Amendment of section 39A. In the principal Act, section 39A shall be deleted and section 39B shall be renumbered as section 39A.

M. K. DEKA,
Secretary to the Govt. of Assam,
Legislative Department.