

LOK SABHA

FINANCE BILL, 2008

(As introduced in Lok Sabha)

Notice of Amendments

Dated : April 28, 2008

Sl. No.	Name of Member and text of Amendment	Clause No.
SHRI P CHIDAMBARAM :		
1.	Page 6, for lines 5 and 6, substitute - '(aa) after clause (26AAA) as so inserted, the following clause shall be inserted with effect from the 1st day of April, 2009, namely : - "(26AAB) any income of an agricultural produce market committee or board constituted under any law for the time being in force for the purpose of regulating the marketing of agricultural produce;" (b) in clause (29A), after sub-clause (g), the following sub-clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 2002, namely : ,	4
2.	Page 6, after line 10, insert -	New Clause 4A.
Amendment of Section 10A	'4A. In section 10A of the Income-tax Act, in sub-section (1), in the fourth proviso, for the figures "2010", the figures "2011" shall be substituted.'	
3.	Page 6, after line 10, insert -	New Clause 4B.
Amendment of section 10B	'4B. In section 10B of the Income-tax Act, in sub-section (1), in the third proviso, for the figures "2010", the figures "2011" shall be substituted.'	
4.	Page 7, for lines 1 and 2, substitute -	
	'8. In section 40 of the Income-tax Act, in clause (a),-	8
	(a) in sub-clause (ia), with effect from the 1st day of April, 2005, - (i) for the words, brackets and figures "has not been paid during the previous years, or in the subsequent year before the expiry of the time prescribed under sub-section (1) of section 200", the following words, brackets and figures shall be substituted and shall be deemed to have been substituted, namely : - "has not been paid, - (A) in a case where the tax was deductible and was so deducted during the last monty of the previous year, on or before the due date specified in sub-section (1) of section 139; or	

	<p>(B) in any other case, on or before the last day of the previous years ";</p> <p>(ii) for the proviso, the following proviso shall be substituted and shall be deemed to have been substituted, namely : -</p> <p>"Provided that where in respect of any such sum, tax has been deducted in any subsequent year, or has been deducted -</p> <p>(A) during the last month of the previous year but paid after the said due date; or</p> <p>(B) during any other month of the previous year but paid after the end of the said previous year,</p> <p>such sum shall be allowed as a deduction in computing the income of the previous year in which such tax has been paid.";</p> <p>(b) sub-clause (ib) shall be omitted with effect from the 1st day of April, 2009.'.</p>	
5.	Page 7, after line 35, insert	New Clause 10A
Amendment of section 44AB	'10A. In section 44AB of the Income tax Act, in the Explanation, in clause (ii), for the figures, letters and words "31st day of October", the figures, letters and words "30th" day of September" shall be substituted.'	
6.	Page 8, for lines 46 and 47, substitute -	15
	<p>"Provided also that where such undertaking begins refining of mineral oil on or after the 1st day of April, 2009, no deduction under this section shall be allowed in respect of such undertaking unless such undertaking fulfils all the following conditions, namely : -</p> <p>(i) it is wholly owned by a public sector company or any other company in which a public sector company or companies hold at least forty-nine per cent, of the voting rights;</p> <p>(ii) it is notified by the Central Government in this behalf on or before the 31st day of May, 2008; and</p> <p>(iii) it begins refining not later than the 31st day of March, 2012.".</p>	
7.	Page 10, after line 44, insert -	20
	<p>'(aa) in Explanation 1 as so numbered, after clause (vii), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 2001, namely : -</p> <p>"(viii) the amount of deferred tax, if any such amount is credited to the profit and loss account.".</p>	
8.	Page 11. for lines 38 and 39, substitute -	25
	<p>"25. In section 115WE of the Income Tax Act, -</p> <p>(A) for sub-section (1), the following sub-section shall be substituted, namely : - "</p>	
9.	Page 12, after line 32, insert -	
	'(B) in sub-section (2), in the proviso, for the words "twelve months from the end of the month", the words "six months from the end of the financial year" shall be substituted.'	
10.	Page 13, line 26, for "reduced", substitute "adjusted".	29
11.	Page 14, for lines 24 and 25, substitute -	32

	'(b) in Explanation 1, - (i) in the proviso, for the brackets, figures, word and letter "(2) and (2A)", the brackets, figures, letter and words "(2), (2A) and (4)" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of June, 2003; (ii) after the proviso, the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st day of June, 2007, namely : -	
12.	Page 15, line 15, for "2003", substitute "2007"	36
13.	Page 15, for lines 37 to 39, substitute -	40
	'40. In section 194C of the Income Tax Act, in sub-section (1), in clause (k), after the words "Hindu undivided family", the words "or an association of persons or a body of individuals, whether incorporated or not, other than those falling under any of the preceding clauses" shall be inserted with effect from the 1st day of June, 2008.'	
14.	Page 16, after line 27, insert -	New Clause 45A
Amendment of section 251	'45A. In section 251 of the Income-tax Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely : -	
	"(aa) in an appeal against the order of assessment in respect of which the proceeding before the Settlement Commission abates under section 245HA, he may, after taking into consideration all the material and other information produced by the assessee before, or the results of the inquiry held or evidence recorded by, the Settlement Commission, in the course of the proceeding before it and such other material as may be brought on his record, confirm, reduce, enhance or annual the assessment.",'	
15.	Page 17, line 9, for "sub-section (1)", substitute "Clause (c) of sub-section (1)".	48
16.	Page 17, line 11, for "sub-section (1)", substitute "the said clause (c)".	48
17.	Page 18, after line 13, insert -	52
	"Provided that nothing contained in this section shall apply where the assessee has raised such objection before the completion of such assessment or reassessment."	
18.	Page 18, line 57, for "sub-section (1)", substitute "clause (c) of sub-section (1)".	58
19.	Page 18, line 59, for "sub-section (1)", substitute "the said clause (c)".	58
20.	Page 19, after line 20, insert	New Clause 59A
Amendment of section 23A	'59A. In section 23A of the Wealth-tax Act, after sub-section (9), the following sub-section shall be inserted, namely :-	
	"(9A) In disposing of an appeal against the order of assessment in respect of which the proceeding before the Settlement Commission abates under section 22HA, he may, after taking into consideration all the material and other information produced by the assessee before, or the results of the inquiry held or evidence recorded by, the Settlement Commission, in the course of the proceedings before it and such other material as may be brought on his record, confirm, reduce, enhance or annual the assessment."	
21.	Page 19, after line 52, insert -	61
	"Provided that nothing contained in this section shall apply where the assessee has raised such objection before the completion of such assessment or reassessment."	
22.	Page 21, for lines 22 and 23, substitute, -	72

	<p>'(i) in section 9A, for sub-section (2A), the following sub-section shall be substituted, namely : -</p> <p>'(2A) Notwithstanding anything contained in sub-section (1) and sub-section (2), a notification issued under sub-section (1) or any anti-dumping duty imposed under sub-section (2), shall not apply to articles imported by a hundred per cent, export-oriented undertaking unless, -</p> <p>(i) specifically made applicable in such notifications or such impositions, as the case may be; or</p> <p>(ii) the article imported is either cleared as such into the domestic tariff area or used in the manufacture of any goods that are cleared into the domestic tariff area, and in such cases anti-dumping duty shall be levied on that portion of the article so cleared or so used as was leviable when it was imported into India.</p> <p>Explanation. - For the purposes of this sub-section, the expression "hundred per cent export-oriented undertaking" shall have the meaning assigned to it in Explanation 2 to sub-section (1) of section 3 of the Central Excise Act, 1944; - 1 of 1944</p> <p>(ii) the First Schedule shall be amended in the manner specified in the Second Schedule;</p> <p>(iii) the Second Schedule shall be amended in the manner specified in the Third Schedule.'</p>																																								
23.	Page 42, in line 6, in column (2), for "3,00,000", substitute "2,25,000".	The First Schedule.																																							
24.	Page 47, for lines 3 and 4, the following shall be substituted, namely : -	The Third Schedule																																							
	'In the Second Schedule to the Customs Tariff Act, -																																								
	<p>(i) against heading No. 12, for the entry in column (3), the entry "Rs. 3000 per tonne" shall be substituted;</p> <p>(ii) after heading No. 26 and the entries relating thereto, the following shall be inserted, namely : -</p> <table border="1" data-bbox="219 1134 1425 1810"> <thead> <tr> <th>Heading No.</th> <th>Description of article</th> <th>Rate of duty</th> </tr> <tr> <th>(1)</th> <th>(2)</th> <th>(3)</th> </tr> </thead> <tbody> <tr> <td>"27.</td> <td>Pig iron and spiegeleisen in pigs, blocks or other primary forms</td> <td>20%</td> </tr> <tr> <td>28.</td> <td>Ferrous products obtained by direct reduction of iron ore and other spongy ferrous products, in lumps, pellets or similar forms; iron having minimum purity weight of 99.94%, in lumps, pellets or similar forms</td> <td>20%</td> </tr> <tr> <td>29.</td> <td>Ferrous waste and scrap, remelting scrap ingots of iron of steel</td> <td>20%</td> </tr> <tr> <td>30</td> <td>Granules and powders, of pig iron, spiegeleisen, iron or steel</td> <td>20%</td> </tr> <tr> <td>31</td> <td>Iron and non-allow steel in ingots or other primary forms</td> <td>20%</td> </tr> <tr> <td>32</td> <td>Semi-finished products of iron on-allow steel</td> <td>20%</td> </tr> <tr> <td>33</td> <td>Flat rolled products of iron or non-alloy steel, hot rolled, not clad, plated or coated</td> <td>20%</td> </tr> <tr> <td>34</td> <td>Flat rolled products of iron or non-alloy steel, cold rolled (cold-reduced) not clad, plated or coated</td> <td>20%</td> </tr> <tr> <td>35</td> <td>Flat rolled products of iron or non-alloy steel, plated or coated with zinc</td> <td>20%</td> </tr> <tr> <td>36</td> <td>Bars and rods, hot-rolled, in irregularly wounds coils, of iron or non-alloy steel</td> <td>20%</td> </tr> <tr> <td>37</td> <td>Other bars and rods of iron or non-alloy steel, not further worked than forged, hot-</td> <td>20%</td> </tr> </tbody> </table>	Heading No.	Description of article	Rate of duty	(1)	(2)	(3)	"27.	Pig iron and spiegeleisen in pigs, blocks or other primary forms	20%	28.	Ferrous products obtained by direct reduction of iron ore and other spongy ferrous products, in lumps, pellets or similar forms; iron having minimum purity weight of 99.94%, in lumps, pellets or similar forms	20%	29.	Ferrous waste and scrap, remelting scrap ingots of iron of steel	20%	30	Granules and powders, of pig iron, spiegeleisen, iron or steel	20%	31	Iron and non-allow steel in ingots or other primary forms	20%	32	Semi-finished products of iron on-allow steel	20%	33	Flat rolled products of iron or non-alloy steel, hot rolled, not clad, plated or coated	20%	34	Flat rolled products of iron or non-alloy steel, cold rolled (cold-reduced) not clad, plated or coated	20%	35	Flat rolled products of iron or non-alloy steel, plated or coated with zinc	20%	36	Bars and rods, hot-rolled, in irregularly wounds coils, of iron or non-alloy steel	20%	37	Other bars and rods of iron or non-alloy steel, not further worked than forged, hot-	20%	
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		rolled, hot-drawn or hot-extruded, but including those twisted after rolling		
	38	Other bars and rods of iron or non-alloy steel	20%	
	39	Angles, shapes and sections of iron or non-alloy-steel	20%	
	40	Wire of iron or non-alloy steel	20%	
	41	Tubes and pipes, of iron or steel	20%	
	42	Basmati rice	Rs. 12000 per tonne"	
25.	Page 51, for line 7, insert -			The Seventh Schedule
	<p>'(2) in Chapter 25,</p> <p>(i) in tariff item 2523 10 00, for the entry in column (4), the entry "Rs. 450 per tonne" shall be substitute;</p> <p>(ii) in tariff items 2523 29 10, 2523 29 20, 2523 29 30, 2523 29 40 and 2523 29 90, for the entry in column (4), the entry "Rs. 900 per tonne" shall be substituted against each of them'.</p>			

P.D.T. Achary
Secretary-General