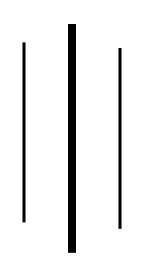
# TAXATION UNDER BUSINESS INCOME IN NEPAL: PAST & PRESENT



#### By: SUDISH KUMAR KUSHAWAHA PATAN MULTIPLE CAMPUS

T.U. Registration No 7-1-237-47-99

A Thesis Submitted to:
Office of the Dean
Faculty of Management
Tribhuwan University

In partial fulfillment of the requirements for the degree of Master of Business Studies (M.B.S.)

Kathmandu, Nepal March, 2009

#### RECOMMENDATION

This is to certify that the Thesis

Submitted by: Sudish Kumar Kushawaha

Entitled

## TAXATION UNDER BUSINESS INCOME IN NEPAL: PAST AND PRESENT

Has been prepared as approved by this Department in the prescribed format of the Faculty of Management. This thesis is forwarded for examination.

Dinesh Malego Supervisor Patan Multiple Campus Shiva Pd. Pokharel Head, Research Department Patan Multiple Campus Krishna Badan Nakarmi Campus Chief Patan Multiple Campus

#### **VIVA-VOCE SHEET**

We have conducted the viva-voce examination of the thesis

Submitted by: Sudish Kumar Kushawaha

# TAXATION UNDER BUSINESS INCOME IN NEPAL: PAST AND PRESENT

And found the thesis to be the original work of the student and written according to the prescribed format. We recommend the thesis to be accepted as the partial fulfillment of the requirements for

#### Master's Degree in Business Studies (M.B.S.).

#### <u>Viva-Voce Committee</u>

•••••	
	•
	••••••

Date:-

#### **DECLARATION**

I hereby declare that the work reported in this thesis entitled "Taxation Under Business Income in Nepal: Past & Present" submitted to Patan Multiple Campus, Faculty of Management, Tribhuwan University, is my original work done in the form of partial fulfillment of the requirements for the Master's Degree in Business Studies (M.B.S.) under the supervision of Mr. Dinesh Malego, Assistant Campus Chief of Patan Multiple Campus

Sincercry,
Sudish Kumar Kushawaha
(Researcher)
Patan Multiple Campus
T.U.Registration No. 7-1-237-47-99
Roll No. 162/061

Date:....

Sincerely

#### **ACKNOWLEDGEMENT**

This study entitled "Taxation Under Business Income in Nepal: Past & Present" is essentially an output of partial requirement for the degree of Master in Business Studies, Tribhuwan University prepared under the supervision of Assistant campus chief Mr. Dinesh Malego, Patan Multiple Campus.

In this study, effort has been made to bring two acts, the present income tax act, 2058 and previous income tax act, 2031, at a place and the differences in the provisions have been tried to locate in one particular part of the whole act.

This study has not happened over day or night; it is indebted to many benevolent creditors who sacrificed their precious time willingly in guiding me, in providing information imperative to study.

I am in truth indebted to respected sir Mr. Dinesh Malego who not only guided me but also directly involved in the subject matter as if he is the researcher of this study. I would like to express my sincere gratitude to Mr. Yuvraj Bhattarai for his valuable guidelines and suggestions in queries made during the study

I would like to express my sincere gratitude to all those respondents related to the different organizations and bodies as tax payers, tax administrators and tax experts who have considerably helped by one or another means in preparing this dissertation

My friends Er. Sunil Kushwaha, Mr. Ravi Roshan Verma, Mr. Subhash Kushwaha and Mr. Mohan sah deserve much of the credits as they have made tremendous effort in favour of this study in different ways. I must thank to all those gentlemen who have been input to my thesis work either by writing or publishing books, research works etc. or by providing needed materials at different time and lace for research purpose.

In spite of genuine efforts made during the preparation period, probability of sampling and human error is always there so may have in this thesis. And I am the person who is solely responsible for this omission if any.

### TABLE OF CONTENTS

Viva-Voce Sheet	i
Recommendation	ii
Declaration	iii
Acknowledgement	iv
List of Tables	v
Acronyms	vi
Title:	Page No.
CHAPTER I: INTRODUCTION	
1.1 General Background	1
1.2 Statement of the problem	8
1.3 Objectives of the Study	10
1.4 Hypothesis	11
1.4 Focus of the study	12
1.5 Rational of the study	12
1.6 Limitation of the study	13
1.6 Organization of the study	14
CHAPTER II: REVIEW OF LITERATURI	E 16
Part A: Review of Act	16

2.1 Introduction	16
2.1.1 Historic Background of Income Tax	16
2.1.2 Meaning and Nature of Business Taxation	18
2.1.3 Definition and Sources of Income	19
2.2 An Overview of Income Tax Act, 2058 (2002)	
2.2.1 Defects of Income tax act, 2031	21
2.2.2 Objectives of income tax act, 2058	22
2.2.3 Features of income tax act, 2058	22
2.2.4 Definition of Related terms	23
2.2.5 Heads of Income	26
2.2.6 Income from Business	26
2.2.7 Inclusions in calculating Income from Business	26
2.2.8 Deductible Expenses	26
2.2.9 Business Exemptions, Exempt Amounts and other	
Concessions	30
2.2.10 Other Provisions Regarding the Business Exemption	31
2.2.11 Common Deductions	32
2.2.12 Provisions of Losses from Business	32
2.2.13 Expenses Not Allowed for Deduction	33
2.2.14 Tax Accounting and Timing	34
2.2.15 Quantification, Allocation and Characterization of Amounts	35
2.2.16 Information about Tax Deduction and Payment	36
2.2.17 International Taxation	37
2.3 An Overview of Income Tax act, 2031	37
2.3.1 Taxable Income under ITA, 2031	38
2.3.2 Non-Taxable Income under ITA, 2031	39
2.3.3 Allowable Deduction	39
2.3.4 Expenses not allowed for Deduction	40
2.3.5 Some other Provisions of the Act	41

Part B:	<b>Thesis</b>	&	<b>Book</b>	<b>Review</b>
---------	---------------	---	-------------	---------------

Re	source Gap	46
CI	HAPTER III: RESEARCH METHODOLOGY	47
3.1	Research Design	47
3.2	Populations and Sampling	49
3.3	Sources and Data Collection Procedures	49
3.4	Method of Analysis & Presentation	50
3.5	Tools and Techniques of Analysis	50
3.6	Research Variables	50
3.7	Weight of the Choice	50
3.8	Respondents' Profile	51
CI	HAPTER IV: PRESINTATION & ANALYSIS DAT	`A
A.	PRESENTATION AND ANALYSIS OF SECONDARY DATA	52
4.1	Target and collection of income tax (comparative study for 8 years)	52
4.2	Internal revenue collection in FY 2063/064	55
4.3	Tax/GDP ratio	56
4.4	Findings	57
В.	COMPARATIVE STUDY	58
5.1	Background	59
5.2	Comparison in Expenses	59
5.3	Comparison in Income	64
5.4	Comparison between Tax Rates	64
5.5	Computation of Income from Business as per ITA, 2058	
5.6	Computation of Income from Business as per ITA, 2031	66
5.7	Findings	77
C.	EMPIRICAL STUDY	78

0.1	Presenta	nnons and Analysis of Opinion Survey	79	
	6.1.1	Acquaintance with Business provisions of New Act	80	
	6.1.2	Opinion on the appropriateness of capital gain taxation and its pr	ocess	
		Of taxation	81	
	6.1.3	Opinions of appropriateness of taxing foreign income of resident	under	
		New act	83	
	6.1.4	Opinions on the appropriateness new provision on interest expens	ses 84	
	6.1.5	Opinions on whether pollution control cost and research and		
		Development cost have benefited the Organization	85	
	6.1.6	Opinions regarding the pool system of depreciation	86	
	6.1.7	Opinions in the provision of separation of offences from penalty	87	
	6.1.8	Opinions on carry forward of losses of Business globally	88	
	6.1.9	Opinions on whether the business exemption, rebate and concessi	ons	
		Given in the act are enough	89	
	6.1.10	Opinions on whether the present tax structure is appropriate	91	
	6.1.11	Opinions on the appropriateness on new income tax act, 2058 for		
		Effective taxation system in Nepal	92	
6.2	Finding	s on opinion survey	94	
CF	<b>IAPTE</b>	R V: SUMMARY, CONCLUSION &		
RE	ECOMN	MENDATIONS	96	
<b>7.</b> 1	Summary	,	96	
7.2	Conclusio	on	98	
7.3	3 Recommendation			
7.4	Further Area of Research			
Bib	liography	7	105	
Apj	pendix		107	

### **LIST OF TABLES**

Top	pics Page N	0.
2.1	Depreciable Assets and rate of depreciation	30
2.2	Nature of payment and rate of withholding tax	38
3.1	Group of respondents and sample size	49
3.2	Respondents' profile	51
4.1	Comparative study of income tax structure and its collection for 8 years	53
4.2	Internal revenue collection for fiscal year 2063/64	55
4.3	Contribution of tax revenue and income tax revenue in GDP of Nepal	56
6.1	(a) Group of the respondents	
	(b) Respondents' Profile	79
	<b>6.1.1</b> Acquaintance with business provision of new act	80
	<b>6.1.2</b> Appropriateness of capital gain taxation and its process of assessment	nt81
	<b>6.1.3</b> Appropriateness of new provision of interest expenses	84
	<b>6.1.4</b> (a) Provision of pollution control cost and R & D cost and its	
	benefit	85
	(b) Reason of not taking advantage of PC and R & D facility	85
	<b>6.1.5</b> Views in the pool system of depreciation	86
	<b>6.1.6</b> Appropriateness of decision of separating offences from penalty	87
	<b>6.1.7</b> Appropriateness of global carry forward of business loss	88
	<b>6.1.8</b> Opinions on business exemptions and concession given in the act	89
	<b>6.1.9</b> Opinions on tax structure under new act	92
	<b>6.1.10</b> Opinions in the income tax act, 2058	93

#### **ACCRONYMS USED**

**AC** Absorption Costing

**BBS** Bachelor of Business studies

**BTP** Big Tax payer

**CA** Chartered Accountant

CEDA Center for economic development &

administration

**CIT** Citizen Investment trust

CT Column total CTO chief tax officer

**DBM** Diminishing balance method

**FIFO** First in first out **FY** Fiscal year

**GDP** Gross Domestic Product

**IY** Income year

**IRD** Inland revenue department

ITA Income tax act

MBA Master of Business Administration

MBS Master Business Study MOF Ministry of Finance

NAS Nepal accounting standard

NRB
OUP
Oxford University
PCC
Pollution Control Cost
PMC
Patan Multiple Campus
R & D
Research & Development

**RT** Row Total

SLMStraight Line MethodTDSTax Deduction at SourceTRTax Revenue/Total Revenue

TU Tribhuwan University
VAT Value Added Tax
VC Variable Costing
WDV Written Down Value

WTO World Trade Organization