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Role of Tax Amnesty in Ensuring Voluntary Compliance: The Case of Income Tax in Bangladesh

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Abstract

Like many other developing countries, compliance in the field of income tax is a burning issue and poses a formidable challenge for the income tax administration in Bangladesh. One way of ensuring voluntary compliance is to allow a tax amnesty scheme used around the world to improve compliance. Bangladesh also uses this tool to improve voluntary compliance. This paper argues that though tax amnesty temporarily augments revenue collection, in the long turn it does not. Particularly, in Bangladesh, tax amnesty schemes are used, inter alia, for ulterior motive of whitening black money held by politicians and businessmen.

1 Introduction

Tax amnesty constitutes a major aspect of political agendas around the world (Torgler, A. Schaltegger, & Schaffner, 2003). It is allowed as a part of the government's tax reform process. Tax administrations in a variety of countries face the formidable challenge of curbing tax evasion. It is now a transnational issue (Hasseldine, 1998). Every country, whether developed or developing, faces this problem to a greater or lesser extent (Lopez-Laborda & Rodrigo, 2003). To tackle this problem, tax administrations employ different enforcement measures, such as auditing, prosecution and so forth. Tax amnesty is one measure relating to policy issues (Hasseldine, 1998), which complements other tools (Lopez-Laborda & Rodrigo, 2003) to ensure compliance. However, champions of tax amnesty emphasise the short-term success of revenue augmentation, since individual taxpayers take the opportunity to eliminate tax delinquency without penalty. They argue that, if tax amnesty is offered, taxpayers who are not in the tax net might feel encouraged to do so (Alm, Vazquez, & Wallace, 2009). Boise argues that amnesty helps generate revenue, paves the way for future tax compliance by the individuals taking part in the program, and leads to more harsh future enforcement regimes (Lopez-Laborda & Rodrigo, 2003).

In Bangladesh, tax amnesties are conducted frequently in an attempt to curb the problem of the underground economy. However, the purpose of this article is to argue that tax amnesty in Bangladesh is used as a means of 'whitening black money' by politicians, businesspeople and other corrupt sectors of society. As a result, the overall effect of the tax amnesty scheme is not as great as expected. The scheme is perceived to be exploited by corrupt politicians and businesspeople to the prejudice national revenue. It is argued that tax amnesty in Bangladesh encourages taxpayers to be corrupt for it creates an opportunity for the serious tax dodges to go unpunished by taking advantage of the amnesty (Waris & Abdul-Latif, 2014). It is also contended that tax amnesty does not have a positive effect on improving voluntary compliance (Alm, Vazquez, & Wallace, 2007). This article argues that, in Bangladesh, tax amnesty is conducted with political motives rather than as an effective revenue raising tool or part of the tax reform process. Tax amnesty is offered on direct tax, such as income tax, and indirect tax, such as customs duty and value-added tax. The article is structured as follows: Part 2 provides a short literature review along with the meaning of tax amnesty. Part 3 discusses tax amnesty schemes in the field of income tax in Bangladesh. Part 4 discusses whether the very purpose of tax amnesty in Bangladesh is being served. Finally, part 5 offers concluding views.

2 Meaning of Tax Amnesty

Tax amnesty can be defined as an opportunity offered to a tax payer to rectify past errors or omissions in terms of reporting income and the payment of tax thereon. Tax amnesty is a government scheme that allows the defaulting taxpayers to declare to the tax authority any omissions or errors in calculating tax liability in the past and disclose any inaccurate, incorrect or incomplete information from past years. In some countries like Canada and Australia the scheme is known as voluntary disclosure programs. However, tax amnesty can be of various kinds. Some amnesties are offered for the time being, enabling the tax authorities to collect quick

revenue by waiving sanctions and interest and in some cases compromising the principles of taxation (Marchese, 2014). This type of temporary amnesty is also known as extensive tax amnesties (Franzoni, 1994). Tax amnesty can be of standing permanent nature granted for specific period for example where unaudited taxpayers who voluntarily report tax evasion can be granted a standing permanent tax amnesty. Another type is a standard tax amnesty designed to cover recent or past liabilities that still fall within the expiration term of the tax obligation (Marchese, 2014). Tax amnesty can be offered for future as various provisions can be introduced to reduce expected future liabilities. For example, there are amnesties where past tax liabilities are ignored if present reported income is remarkably increased. Portugal granted an amnesty of this type in 1986 (Baer & Borgne, 2008).

Research on the effect of tax amnesty on revenue collection and compliance behavior is considerable. Some researchers found that tax amnesty helps improve compliance and collection of short-term revenue. Again, some researchers argue that in the long run tax amnesty diminishes compliance, as well as revenue. Rakhmindyarto (2011) identifies the factors behind a successful tax amnesty program in Indonesia. Rechberger et al. (2010) study the influence of the perceived justice of tax amnesty on future tax compliance, and find that post-amnesty tax compliance is positively influenced by the perceived justice of tax amnesty. The fairer the tax amnesty was perceived, the more honestly people reported their income in the post-tax amnesty periods.

Luitel and Rusell (2007) argue that tax amnesty augments government revenue and ensures income distribution in society. It creates an opportunity for delinquent taxpayers to change their behaviour and act honestly in terms of tax compliance, which helps alleviate their guilt (Luitel & Rusell, 2007). Baer and Le Borgne (2008) observe that tax amnesty is an efficient tool to generate internal revenue in both the short and long term. Saracoglu and Kasakurlu (2011) contend that, in the short term, tax amnesty increases tax compliance by bringing taxpayers from the informal economy through detection (Boise, 2007). Boise (2007) states that tax amnesty can generally lead to a transition to a new tax enforcement regime that features more stringent enforcement activities. Lederman (2012) contends that increased enforcement necessitates changes in norms, and that amnesty works as a transition relief. Bose and Jetter (2010) find that citizens are motivated to participate in a tax amnesty because the changing circumstances cause taxpayers' previous noncompliance decisions to become inefficient. The new situation inspires taxpayers to consider it wise to comply through participation in the tax amnesty.

In contrast, Alm, Martinez-Vazquez and Wallace's (2009) study on the tax amnesty implemented by the Russian Federation concludes that tax amnesties produce little short- or long-term effects on revenue. They conclude that, as a policy instrument, a tax amnesty for Russia is not helpful (Alm, Vazquez, & Wallace, 2009). A cross-cultural comparative study with data from European and Latin American countries (Torgler, A. Schaltegger, & Schaffner, 2003) reveals that tax compliance increased significantly when people had the opportunity to vote for or against a tax amnesty, independently from whether a tax amnesty was rejected or not. The expectation of further tax amnesties had a negative effect on tax compliance (Torgler et al, 2003). Through a study of Michigan tax amnesty programs, Fisher, Goddeeris and Young (1989) found that amnesty programs could not substantially increase the number of taxpayers. Instead, existing taxpayers took advantage of the program by paying their unpaid tax debts. Joulfaian (1988) noticed the same trend in the Massachusetts tax amnesty programs. Christian, Gupta and Young's (2002) study uses data from Michigan State to ascertain the effect of tax amnesty on subsequent return filing. They found that two-thirds of new taxpayers and nine-tenths of previous taxpayers who filed amended tax returns under the amnesty program filed a state income tax return after the amnesty period was over. Meanwhile, Uchitelle (1989) found that tax amnesties have mixed success. Some programs have failed to widen the tax base, while some have succeeded, and some programs could raise revenue, while others could not (Uchitelle, 1989).

Martinez (1991) notes that states without tax amnesty programs also experienced an increase in revenue and compliance rates like the states having same with amnesty programs by implementing enforcement measures. In an analysis with US data, Alm, McKee and Beck (1990) found that compliance decreased after the tax amnesty period because of the expectation of further amnesty, and that post-amnesty revenue increased if strong enforcement measures were implemented. Alm (1998) argues that tax amnesty produces limited revenue, and there is exaggeration in presenting revenue data collected through amnesty programs. Repeated amnesties are even less effective; consequently, tax amnesty should not be regarded an efficient revenue raising tool. Gupta and Mookherjee's (1995) study in India examined the effect of revenue collection of tax amnesty programs, and founds an insignificant effect of amnesty on revenue collection, except for one sudden boost in revenue collection. Luitel and Sobel (Luitel & Rusell, 2007)(2007) presented evidence regarding state tax amnesty programs indicating that repeated amnesty programs reduce state revenue collection.

Through empirical research, Fox and Murray (2011) found that the tax amnesty programs conducted by US

states over a long period depend largely on economic, fiscal and political factors. They also found that the initial tax amnesty increases revenue collection, while later amnesties produce less revenue. Mikesell and Ross (2012) found tax amnesty programs to be the norm for US state tax collection systems. Jacques Malherbe et al (2010) contend that, as a result of tax amnesty, honest taxpayers might be encouraged to reduce their compliance because they perceive the amnesty to be an unfair tax concession for delinquent taxpayers, and consequently might perceive tax evasion as a profitable activity. Vihanto (2003) argues that the decision of taxpayers to evade tax depends on their perception of the fairness of the tax system and tax amnesty can make the system appear unfair. Hasseldine (1998) argues that tax amnesty reduces tax evasion guilt among the delinquent taxpayers. Torgler, Shaltegger and Schaffner (2003) find that an initial tax amnesty increases tax compliance, while recurring amnesties have a negative effect on the compliance rate.

Stella (1998) suggested that the enforcement capacities of different US states have made amnesty programs successful, while developing countries lack adequate enforcement capabilities. Bayer, Oberhofer and Winner (2015) indicate that the policy of tax amnesty arises first from the government's fiscal necessity, and second from taxpayers' expectation of further amnesties. Since the benefits of tax amnesty remain modest and often below the cost of conducting the programs, governments should consider not offering tax amnesty because it may enhance pressure on future budgets. Under such circumstances, governments should not implement tax amnesty. Rather, appropriate legislation should be introduced to improve compliance. However, Bayer, Oberhofer and Winner (2015) do not indicate what the nature and extent of such legislation should encompass.

3 Tax Amnesty in Bangladesh

In Bangladesh, it is estimated by the NBR that approximately Tk 40,000 crore is lost each year because of tax evasion and avoidance; as a result, the size of the informal economy has increased to an alarming 38.1 per cent (Hassan, 2011). From 21.4 per cent in 1989, the informal economy reached the present state in 2011(Kibria, 2012).

The Government of Bangladesh has undertaken a variety of measures to curb the problem of the underground economy. Tax amnesty is one such measures. In Bangladesh, tax amnesty is generally known as a 'black money whitening' scheme and is highly controversial (Gani, 2006). It is argued that the amnesty projects of the NBR have failed to tap the underground economy—rather than improving compliance, they have caused it to deteriorate, thus encouraging honest taxpayers to indulge in evading practices (Gani, 2006). Repeated tax amnesty programs conducted by the government at different times during different regimes have failed to curb the underground economy to the expected level. In Bangladesh from 1971 to 2013, tax amnesty has been allowed 18 times. However, the experience of tax amnesty programs does not support the aims of the program. Although the amount of black money is appalling, little money has entered the government treasury through the amnesty program (Kar and Freitas, 2012). During the last 40 years, Tk 13884.00 crore has been whitened, while tax of Tk 2268.54 crore has been collected under several tax amnesty programs (Byron & Karim, 2013). This is only a fragment of the estimated amount of black money in the country.

The taxpayers of Bangladesh do not like the idea of repeated tax amnesty programs by the government, with tax amnesty considered an awful system (Waris & Abdul-Latif, 2014), and with economists and members of civil society continuously opposing the amnesty (Zahid, 2013). The trend of allowing tax amnesty programs is more frequent just before a national election. It is argued that only a handful of people have benefited from the tax amnesty program, and that it violates the law and is disrespectful to the people, which is unacceptable (Tax Amnesty, 2012). The program has failed to serve any national interest—rather, tax amnesty in Bangladesh highlights the inability of the government to tackle the black economy, and presents an opportunity to whiten black money (Gani, 2006).

The first tax amnesty program was announced in 1975. The *Martial Law Order No. 6* allowed people to declare any undeclared income until 30 June 1976. However, this period was extended into the 1977-1978 financial year. The amnesty was again offered during the 1981-1982 fiscal year; however, no positive responses were received by the government. During the 1988 to 1989 fiscal year, Tk 250 crore was whitened and tax was collected to the tune of Tk 25 crore. In the following fiscal year, Tk 400 crore was whitened and the government received tax of Tk 40 crore. After the fall of General Ershad's regime, the Bangladesh Nationalist Party (BNP) gained power through popular vote. The then finance minister, Saifur Rahman, said that he would not allow any tax amnesty. Thus, no amnesty occurred during the five-year period of the BNP government. In 1996, the Awami League government came to power and began allowing tax amnesty at different times. During the fiscal year of 1996 to 1997, the government passed a law for amnesty money to be invested in new industries. The amnesty continued until the 2000 to 2001 fiscal years, but few people took advantage of it. At this

time, provision was made to whiten money by paying 10 per cent tax on undeclared income. Only Tk 1,000 crore was whitened at that time; revenue collection was a mere Tk 100 crore.

After the political turmoil at the end of the BNP government, the military-backed caretaker government came to power in 2007 and declared a war against corruption and vowed to punish all corrupt people and tax evaders. A state of emergency was declared. This caretaker government adopted a new way to offer tax amnesty. It stated that undeclared income could be shown on income tax returns, and this would be accepted without question if a tax of seven per cent was paid. At that time, 32,558 people declared income in their returns who had not previously declared. As a result, Tk 3,775 crore was declared, and the government received revenue of Tk 678.43 crore.

After the caretaker government, the Awami League party again came to power and, despite widespread criticism, allowed tax amnesty in its first year, during which 1,923 people whitened black money for a total of Tk 922.98 crore. This government remains in power and continues allowing tax amnesty. In the fiscal year of 2012 to 2013, the government again made provisions for tax amnesty. This created resentment among civil society and honest taxpayers. However, the finance minister defended provisions for legalising undisclosed money in the proposed budget by stating that it generates investment and prevents cash leaving the country (The Daily Star, 2017). Muhith (2012) stated that the amount of undisclosed money in the economy is huge—between 42 and 82 per cent of the country's GDP. He stated about the proposed tax amnesty:

> We have given scope to bring the undisclosed money to the market because we want the undisclosed money invested in the economy. We want to utilise the money. We kept provision for penalty for this scope.

According to the amnesty scheme, individuals can legalise their undisclosed money with a 10 per cent fine, and then must pay regular tax. Transparency International Bangladesh (TIB) has termed the proposed tax amnesty scheme to 'whiten black money' as unconstitutional, immoral and a violation of Article 20(2) of the constitution. As such, it has demanded its immediate withdrawal (The Financial Express, 2012). Article 20(2) of the constitution states that:

> The State shall endeavour to create conditions in which, as a general principle, persons shall not be able to enjoy unearned incomes, and in which human labour in every form, intellectual and physical, shall become a fuller expression of creative endeavour and of the human personality.

Tax amnesty creates a condition where tax evaders can enjoy the benefit of reduced tax, thereby making this saved tax equivalent to unearned income. Clearly, this issue raises questions regarding the constitutional validity of the tax amnesty schemes (The Daily Star, 2011). The following table presents an overview of black money whitening under the tax amnesty schemes conducted at different times by the Bangladesh NBR.

Table 1: Black Money Whitening under Tax Amnesty Schemes over the Years

Financial Year	Disclosed Amount (in Bangladesh Tk Crore)	Amount of Revenue Collected (in Bangladesh Tk Crore)
1976–1977	70	10
1987–1988	200	40
1988–1989	250	25
1989–1990	400	40
2000–2001	1,000	100
2002–2005	1,757	No tax
2005–2006	4,603	345
2006–2007	3,775	687.43
2007–2008	800.03	80.03
2008–2009	70.87	10.08
2009–2010	923	121

Source: NBR Bangladesh

The above table reveals that revenue generation through amnesty programs is not particularly high, which is enough reason NOT to go for amnesty programs in Bangladesh. The percentage of income tax collected as a result of tax amnesty compared to the overall collection in the concerned financial years is not satisfactory—to some extent, it can be said to have had no effect. The following table demonstrates the low effect of tax amnesty on overall revenue collection.

Table 2: Collection through Tax Amnesty Program versus Total Collection

Financial Year	Total Income Tax Collection (in Tk Crore)	Collection of Tax through Tax Amnesty Program (in Tk Crore)	Percentage of Amnesty Tax of Total Income Tax Collection
1976–1977	114.64	10	8.72
1987–1988	664.29	40	6.02
1988–1989	705.93	25	3.54
1989–1990	782.24	40	5.11
2000–2001	3,500.82	100	2.85
2002–2005	14,520.00	No tax	0.00
2005–2006	7,162.01	345	4.81
2006–2007	8,721.24	687.43	7.88
2007–2008	11,744.66	800.03	6.81
2008–2009	13,857.74	100.08	0.72
2009–2010	17,042.28	121	0.70

Source: NBR Bangladesh

It is observed that the tax on undeclared income declared under the tax amnesty programs of the NBR is negligible when compared to the overall collection of income tax. It is to be noted that data regarding black money whitening in Bangladesh are not readily available, and there are no significant studies in this respect. However, considering the volume of collected income tax in different years and the percentage of amnesty tax, it can be deduced that the revenue effect of tax amnesty in Bangladesh is very limited—amnesty seems to have failed to generate revenue to the expected level. In addition, compared to the size of the black economy in Bangladesh, the total amount of amnesty tax of Tk 1,368 crore is negligible. According to Alim (2012), conducting tax amnesty and asking people to declare black money appears to be a futile exercise that offers little revenue returns (Habib, 2012). Rampant corruption, worsening law and order, the use of money and muscle in elections, and the rise of criminality in society are all related to black money. Alim (2012) argues:

> The governments in Bangladesh have so far generally failed to put the 'black money whitening' effort to any good use. The government should not any more run after this chimera. It should instead show zero tolerance to undisclosed money and apply the law more strictly on sources of black money.

It is also argued that amnesty fosters the black economy and criminalises politics (Doza, 2012).

Although data regarding the participants in amnesty programs are not available, it can be seen that the tax net expansion effect is not very positive or significant. This study was able to collect partial data on the effect of an amnesty program in a particular tax zone in Dhaka—Zone 4. In that tax zone in the 2005 to 2006 financial year, 818 taxpayers participated in the amnesty program. In 2006 to 2007, 2,461 participated, and in 2008 to 2009, only 138 participated. Nationally, in 2007 to 2008, 16,664 taxpayers participated, while in 2008 to 2009, 14,254 taxpayers participated (Mala, 2010). These statistics, while incomplete, present a picture of the limited effect of tax amnesty on expanding the tax net.

4 Critical Appraisal of Tax Amnesty Programs in Bangladesh

It is observed in the previous section that tax amnesty in Bangladesh is being used to legalise undeclared money. It is true that through the tax amnesty programs black money is brought within the tax net. This might have a positive impact in the collection of revenue. But it is simultaneously true that because of such amnesty programs, rich people are being privileged to whiten their illegal, undeclared money to the utter despair of the honest taxpayers. It negatively impacts tax morale in the country. Apparently, the programs can produce some positive results temporarily augmenting the collection of revenue but it has been observed earlier that not much revenue has been collected through these repeated amnesty programs. Tax amnesty programs are very popular among the tax administrations around the world, particularly among the states of the USA (Mikesell & Ross, 2012). As of 2016, 38 tax administrations around the world implemented tax amnesty programs (Hermansyah, 2016). The United States of America (The USA) started offshore voluntary disclosure (OVD)

programs in 2014 and after a continuation of four years the Internal Revenue Service (The IRS) declared in 2018 that it is going to close the program (Smith and Murray, 2018). Bangladesh does not have any such OVD programs. In fact, of late, Bangladesh did not conduct any tax amnesty scheme but it might go for further tax amnesty. Such types of tax amnesty programs are out of the box, irregular programs. They do not form permanent part of the Income Tax Ordinance 1984, the main taxing statute in Bangladesh. But there are some amnesties provided by the main tax statute for a considerable period of time. Various exemptions provided for the corporate taxpayers fall in this category. For individual taxpayers there are some exemptions. For example, section 19BBBBB of the ITO 1984 provides for special tax treatment in respect of investment in residential building and apartment. According to the law if the taxpayer builds home property and cannot explain the source of the money invested, then if the taxpayers pays tax measuring the square feet of the house property, the income tax authority does not ask any question regarding the source of fund invested in the construction of the house property. This is an amnesty given to the house property owners which is still in vogue. However, despite repeated and in-box amnesties, compliance does not seem to be remarkable.

The statistics of revenue collection mentioned in the previous section shows the poor picture of revenue collected as a result of the tax amnesty schemes. The author talked to a circle officer of Taxes Zone Comilla regarding tax collected through the application of section 19BBBBB. The Deputy Commissioner of that circle informed the author that there are almost 350 newly constructed house properties in his jurisdictions. The owners of those house properties do not have any income tax file. In the 2017-2018 financial year only twenty house property owners paid tax under section 19BBBBB to the tune of taka 2 crores only. Though not dismal, it is not a very encouraging situation as well. The reason for such poor picture of compliance has been identified as lack of awareness and poor tax payer education.

Taking into consideration the statistics of revenue collected through the tax amnesty programs conducted at different times, it can be argued that tax amnesty schemes in Bangladesh do not seem to be a considerable success in collecting revenue. In fact, the tax amnesty schemes seem to have lost their utility as they encourage the underground economy. Waris and Lyla (2014) argue, "Tax amnesty signifies that the government is actively fostering the black economy, which has been rapidly criminalizing the Bangladeshi politics as well as encouraging the economics of corruption." So, tax administration should not go further with the onshore amnesty schemes. Rather in the face of recent capital flight, the government should strongly consider offshore tax amnesty programs. It has been revealed by Global Financial Integrity Report (2017) that unrecorded capital flow from Bangladesh amounted to $61.63 billion between 2005 and 2014. This huge amount of money is being siphoned off from Bangladesh untapped by the tax administration. Now it is time that the government adopts the off shore tax amnesty scheme to bring back the money to Bangladesh. Off shore tax amnesty programs, however, are no more conducive for revenue collection. Also, the in-box amnesty laws can also be revised taking into consideration the need for revenue.

5 Conclusion

Tax amnesty is a popular tool used by the tax administrations around the world. It is observed that in the short term, tax amnesty might work to shrink the extent of the informal economy, but repeated tax amnesty impedes voluntary compliance and affects the perception of taxpayers about the fairness of the tax administration. Moreover, in developing countries like Bangladesh, tax amnesty schemes are used to launder black money. For Bangladesh it is observed that repeated tax amnesty could not gather revenue to the expected level. Rather than domestic tax amnesty, Bangladesh now can think of offshore tax amnesty to bring back the money siphoned off from Bangladesh.

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