16PAU302 **CORE - DIRECT TAXATION - I**

PROGRAMME OUTCOME

Direct Tax represents the history of Income Tax Act, Computation of Gross Total Income and Total Income. Basis of charge explains the residential status of an Individual, HUF and all other persons. An individual's five heads of income namely Income from Salary, Income from House Property, Profits and Gains of Business or profession, capital gain and income from other sources. This paper gives the assessment procedure and computation Tax Liability of individuals.

LEARNING OUTCOME

- To enlighten knowledge in framework of Taxation system in India.
- To gain knowledge in concepts and their application relating to Direct Tax Laws with a view to integrating the relevance of these laws with Financial planning and management decisions.
- To provide thorough knowledge of Income Tax Law and practice.

UNIT I

Income Tax Act 1961- Definition of Income - Assessment Year - Previous Year - Assessee - Assessee in default - Scope of income - Charge of tax - Residential status of Individual, HUF - Company - Income which do not form part of total income.

UNIT II

Salaries and House Property - Computation of Income from Salaries and Income from House Property.

UNIT III

Business Income - Profits and Gains of Business or Profession - Meaning of Business or Profession - Computation of Profits and Gains of Business or Profession of an Individual - Expenses Expressly Allowed - Expenses Expressly Disallowed.

UNIT IV

Capital Gain - Meaning - Definition of Capital assets - Types - Computation of Capital gain - Income From Other Sources - Various income taxable under this head and Computation of Income from other sources.

UNIT V

Computation of Total Income - Set off and Carry forward of losses - Aggregation of agriculture income with non - agricultural income - Rates of tax for individuals - Income of other persons to be included in Income of Individual.

TEXT BOOKS

1. Gaur., & Narang. (2016). *Income Tax Law and Practice* (14th ed.). Ludhiana : Kalyani Publishers.

REFERENCES

1. Mehrothra. (2016). *Income Tax Law and Practice*. New Delhi: Snow White publications.
2. Jayaprakash Reddy. (2016). *Taxation* (1st ed.). New Delhi: APH Publishing Corporation.
3. Dinkare Pagarae. (2016). *Direct Tax*. New Delhi: Sultan Chand and Sons.
4. Dr. Vasan, M.S. (2016). *Direct Taxation Ready Reckoner* (26th ed.). LexisNexis.

KARPAGAM UNIVERSITY

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DEPARTMENT OF COMMERCE
DIRECT TAXATION - 1

Subject Code : 16PAU302 **Academic Year: 2017 - 2018**
Class : II B.Com PA **Semester: III**

LECTURE PLAN

UNIT-I

SL. No.	Lecture Duration (Hr)	Name of the Topic	Support Materials
1	1	Income Tax Act 1961 ,History of IT act	T: 1/3 - 1/5
2	1	Tax, types of tax	T: 1/6 - 1/7
3	1	Definitions – Agricultural Income, Assessee, Assessment and Previous year,	T: 1/8
4	1	Definitions – Person, Income, Tax treatment of income	R1: 39 - 421/11
5	1	Residential status of an Individual , basic and additional conditions	R1: 43 - 45
6	1	Determination of residential status of an individual	T: 1/36 – 1/47
7	1	Determination of Residential status of an individual – Sums	T: 1/40 – 1/47
8	1	Residential status of a Firm, Company	T: 1/36 – 1/47
9	1	Residential status of AOP and BOI	T: 1/36 – 1/47
10	1	Scope of income or incidence to tax , general format	T: 1/47 - 1/54
11	1	Computation of total income – General format	T: 1/55 - 1/65
12	1	Computation of total income – General format	T: 1/55 - 1/65
13	1	Exempted income u/s 10	T: 1/67 - 1/89
14	1	Exempted income u/s 10	T: 1/67 - 1/89
15	1	Recapitulation and discussion of important questions	
Total no. Hours planned for Unit - I			15

TEXT BOOK
T: V.P.Gaur , D.B.Narang, Puja Gaur, Rajeev Puri,, Income Tax Law and Practice, Kalyani Publishers (2017) , Ludhiana, 44th Revised Edition.
REFERENCES
R1: Bhagawathi Prasad, Income Tax Law and Practice , Wiswaprakasam Publishers , New Delhi.

UNIT II

SL. No.	Lecture Duration (Hr)	Name of the Topic	Support Materials
1	1	Computation of income from salaries – General format, Salary features and general format	T: 2/3 – 2/4
2	1	Allowances – Fully exempted and fully taxable allowances – Sums	T: 2/18 – 2/20
3	1	Partially taxable allowances – provisions and sums	T: 2/21 – 2/25
4	1	Perquisites – Taxable and exempted	T: 2/26 – 2/32
5	1	perquisites and sum	T: 2/33 – 2/40
6	1	Profit in lieu of salary, Gratuity, pension	T: 2/57 – 2/69
7	1	Provident fund and leave encashment	T: 2/57 – 2/69
8	1	Computation of total salary income – Sums	R2 : 161-166
9	1	Income from House Property – Annual value, different types of annual rental value ,	R2: 166 - 170
10	1	Computation of House property income	R2: 171 - 173
11	1	Computation of Annual Rental Value – Sums	T: 2/147 – 2-157
12	1	Let out and self occupied house property –Sums	T: 2/163 – 2/167
13	1	Partly let out and self occupied Deductions - Sums	T: 2/168 – 2/172
14	1	Treatment of unrealised rent , joint expenses – Sums	T: 2/177 – 2/203
15	1	Recapitulation and discussion of important questions	
Total no. Hours planned for Unit - II			15

TEXT BOOK
T: V.P.Gaur , D.B.Narang, Puja Gaur, Rajeev Puri,, Income Tax Law and Practice, Kalyani Publishers (2017) , Ludhiana, 44th Revised Edition.
REFERENCES
R1: Bhagawathi Prasad, Income Tax Law and Practice , Wiswaprakasam Publishers , New Delhi.

UNIT III

SL. No.	Lecture Duration (Hr)	Name of the Topic	Support Materials
1	1	Business income , Meaning and definition	T: 2/205
2	1	general format for computation	T: 2/206- 2/207
3	1	Incomes/ Expenses are expressly allowed and disallowed	T: 2/14- 2/227
4	1	Computation of business income – General format	T: 2/228- 2/232
5	1	Computation of business income – General format-sum	T: 2/232- 2/237
6	1	Professional Income of a doctor - General format	T: 2/255
7	1	Professional Income of a doctor - General	T: 2/256

		format - sums	
8	**1**	**Professional Income of a chartered accountant & lawyer - General format**	**T: 2/260-2/280**
9	**1**	**Professional Income of a chartered accountant & lawyer - sums**	**T: 2/260-2/280**
10	**1**	**Computation of capital gain – General format**	**T: 2/340-2/342**
11	**1**	**Scope of charge , Types of Capital assets ,Exempted capital gain**	**T: 2/342-2/343**
12	**1**	**Income from other sources-meaning and rules**	**T: 2/403 – 2/408**
13	**1**	**Expenses, deductions and Tax Deducted at Source**	**T: 2/403 – 2/408**
14	**1**	**Computation of total income from other sources-Sums**	**T:2/410-2/418**
15	**1**	**Recapitulation and discussion of important questions**	
Total no. Hours planned for Unit - III			**15**

TEXT BOOK
T: V.P.Gaur , D.B.Narang, Puja Gaur, Rajeev Puri,, Income Tax Law and Practice, Kalyani Publishers (2017) , Ludhiana, 44th Revised Edition.
REFERENCES
R1: Bhagawathi Prasad, Income Tax Law and Practice , Wiswaprakasam Publishers , New Delhi.

UNIT IV

SL. No.	Lecture Duration (Hr)	Name of the Topic	Support Materials
1	1	Deduction in respect of certain income u/s 80 –	T: 2/528 – 2/535
2	1	Deduction in respect of certain income u/s 80 –	T: 2/528 – 2/535
3	1	Deduction u/s 80 - sums	R2: 403-409
4	1	Computation of dection u/s -80 -sums	
5	1	Set off and losses – Meaning and provisions	T: 2/449 - 451
6	1	Set off and losses - sums	T: 2/449 - 451
7	1	Set off and carry forward of losses - rules	T: 2/452 - 2/454
8	1	Set off and losses - sums	T: 2/454 - 2/455
9	1	Set off and losses - sums	T: 2/456 - 2/458
10	1	Carry forward of losses – Sums	T: 2/460
11	1	Carry forward of losses – Sums	T: 2/463
12	1	Set off and carry forward of losses – Sums	T: 2/466
13	1	Set off and carry forward of losses – Sums	T: 2/469
14	1	Income from other persons included in assessee's total income	T: 2/472
15	1	Recapitulation and discussion of important questions	
Total no. Hours planned for Unit - IV			15

TEXT BOOK
T: V.P.Gaur , D.B.Narang, Puja Gaur, Rajeev Puri,, Income Tax Law and Practice, Kalyani Publishers (2017) , Ludhiana, 44th Revised Edition.
REFERENCES
R1: Bhagawathi Prasad, Income Tax Law and Practice , Wiswaprakasam Publishers , New Delhi.

UNIT V

SL. No.	Lecture Duration (Hr)	Name of the Topic	Support Materials

1	**1**	**Computation of total income of individuals**	**T: 3/8**
2	**1**	**Computation of total income of individuals – General format**	**T: 3/9**
3	**1**	**Rate of tax for individuals**	**T: 3/3 – 3/4**
4	**1**	**Computation of total income – Sums**	**T: 3/8- 3/15**
5	**1**	**Computation of total income – Sums**	**T: 3/8- 3/15**
6	**1**	**Computation of total income – Sums**	**T: 3/16- 3/22**
7	**1**	**Determination of tax liability – related provisions**	**T: 3/10 T- 3/22**
8	**1**	**Computation of total income and tax liability – Sums**	**T: 3/10 T- 3/22**
9	**1**	**Aggregation of Income**	**T: 3/23 T- 3/25**
10	**1**	**Assessment of Individuals-Introduction**	**T: 3/26 T- 3/28**
11	**1**	**Assessment of Individuals-Sums**	**T: 3/26 T- 3/28**
12	**1**	**Recapitulation and discussion of important questions**	
13	**1**	**Recapitulation and discussion of ESE questions**	
14	**1**	**Recapitulation and discussion of ESE questions**	
15	**1**	**Recapitulation and discussion of ESE questions**	
Total no. Hours planned for Unit - V			**15**

TEXT BOOK
T: V.P.Gaur , D.B.Narang, Puja Gaur, Rajeev Puri,, Income Tax Law and Practice, Kalyani Publishers (2017) , Ludhiana, 44th Revised Edition.

REFERENCES
R1: Bhagawathi Prasad, Income Tax Law and Practice , Wiswaprakasam Publishers , New Delhi.

Income Tax Act 1961: Definition of Income - Assessment Year - Previous Year- Assessee- Assessee in Default- Scope of Total Income – Charge of Tax –Residential status- Exempted Income.

BRIEF HISTORY OF INCOME TAX IN INDIA

In India, Income tax was introduced for the first time in 1860, by Sir James Wilson in order to meet the losses sustained by the Government on account of the Military Mutiny of 1857. Thereafter; several amendments were made in it from time to time. In 1886, a separate Income tax act was passed. This act remained in force up to, with various amendments from time to time. In 1918, a new income tax was passed and again it was replaced by another new act which was passed in 1922.This Act remained in force up to the assessment year 1961-62 with numerous amendments. The Income Tax Act of 1922 had become very complicated on account of innumerable amendments. The Government of India therefore referred it to the law commission in1956 with a view to simplify and prevent the evasion of tax. The law commission submitted its report-in September 1958, but in the meantime the Government of India had appointed the Direct Taxes Administration Enquiry Committee submitted its report in 1956.In consultation with the Ministry of Law finally the Income Tax Act, 1961 was passed. The Income Tax Act 1961 has been brought into force with 1 April 1962. It applies to the whole of India including Jammu and Kashmir.

Income-tax law in India

The income tax law in India consists of the following components:

1. Income tax Acts
2. Income tax rules
3. Finance Act
4. Circulars, notifications etc
5. Legal decision of courts.

Finance Act:

Every year, the Finance Minister of the Government of India presents the Budget to the Parliament. Once the Finance Bill is approved by the Parliament and gets the assent of the

President of India, it becomes the Finance Act.

Income-tax Rules:

The administration of direct taxes is looked after by the Central Board of Direct Taxes (CBDT). The CBDT is empowered to make rules for carrying out the purposes of the Act. For the proper administration of the Income-tax Act, the CBDT frames rules from time to time. These rules are collectively called Income-tax Rules, 1962.

Circulars and Notifications:

Circulars are issued by the CBDT from time to time to deal with certain specific problems and to clarify doubts regarding the scope and meaning of the provisions. These circulars are issued for the guidance of the officers and/or assessees.

Important Definitions

Assessment Year : Section 2(9)

"Assessment year" means the period starting from April 1 and ending on March 31 of the next year. Eg: Assessment year 2017-18 which commences on April 1, 2017 and ends on March 31, 2018. Income of previous year of an assessee is taxed during the assessment year at the rates

Previous year : Section 3

Income earned in a particular year is taxable in the next year. The year in which income is earned is known as previous year and the next year in which income is taxable is known as assessment year. In other words, previous year is the financial year immediately proceeding the assessment year.

Exceptions to the general rule that previous year's income is taxable during the assessment year

In the following situations income of an assessee is liable to be assessed to tax in the same year in which he earns the income:

a. Income of non-residents from shipping;
b. Income of persons leaving India either permanently or for a long period of time;
c. Income of bodies formed for short duration;

d .Income of a person trying to alienate his assets with a view to avoiding payment of Tax;

e. Income of a discontinued business.

Person : Section 2(31)

The term "person" includes:

1. an individual;
2. a Hindu undivided family;
3. a company;
4. a firm;
5. an association of persons or a body of individuals , whether incorporated or not;
6. a local authority; and
7. every artificial juridical person not falling with in any of the preceding categories.

Assessee : Section 2(7)

Every person in respect of whom, any proceeding under the act has been taken for the assessment of his income or of the income of any other person in respect of which he is assessable or of the loss sustained by him or by such other person or the amount of refund due to him or to such other person may be called an assessee.

Deemed Assessee:

A person who is deemed to be an assessee for some other person is called "Deemed Assessee".

Assessee In Default:

When a person is responsible for doing any work under the Income Tax Act and he fails to do it, he is called an "Assessee in default".

Assessment [Section 2(8)]

This is the procedure by which the income of an assessee is determined by the Assessing Officer.

Basis Of Charge Of Income Tax Sec : 4

To know the procedure for charging tax on income, one should be familiar with the following:

1. **Annual tax -** Income-tax is an annual tax on income.
2. **Tax rate of assessment year -** Income of previous year is chargeable to tax in the next following assessment year at the tax rates applicable for the assessment year. This rule is, however, subject to some exceptions
3. **Rates fixed by Finance Act -** Tax rates are fixed by the annual Finance Act and not by the Income-tax Act. For instance, the Finance Act, 2013, fixes tax rates for the Assessment year 2013-14.
4. **Tax on person -** Tax is charged on every person
5. **Tax on total income -** Tax is levied on the "total income" of every assessee computed

INCOME : Section 2 (24)

The definition of the term "Income" in section 2(24) is inclusive and not exhaustive. Therefore, the term "income" not only includes those things that are included in section 2(24) but also includes those things that the term signifies according to its general and natural meaning. Income, in general, means a periodic monetary return which accrues or is expected to accrue regularly from definite sources. However, under the Income-tax Act, 1961, even certain income which do not arise regularly are treated as income for tax purposes e.g. Winnings from lotteries, crossword puzzles.

Section 2(24) of the Act gives a statutory definition of income.

At present, the following items of receipts are included in income:—

(1) Profits and gains.

(2) Dividends.

(3) Voluntary contributions received by a trust/institution created wholly or partly for charitable or religious purposes or by an association or institution

(4) The value of any perquisite or profit in lieu of salary taxable under section 17.

(5) Any special allowance or benefit other than the perquisite included above, specifically granted to the assessee to meet expenses wholly, necessarily and

exclusively for the performance of the duties of an office or employment of profit.

(6) Any allowance granted to the assessee to meet his personal expenses at the place where the duties of his office or employment of profit are ordinarily performed by him or at a place where he ordinarily resides or to compensate him for the increased cost of living.

(7) The value of any benefit or perquisite whether convertible into money or not, obtained from a company either by a director or by a person who has a substantial interest in the company or by a relative of the director or such person and any sum paid by any such company in respect of any obligation which, but for such payment would have been payable by the director or other person aforesaid.

(8) The value of any benefit or perquisite, whether convertible into money or not, which is obtained by any representative assessee mentioned under section 160(1)(iii) and (iv), or by any beneficiary or any amount paid by the representative assessee for the benefit of the beneficiary which the beneficiary would have ordinarily been required to pay.

(9) Deemed profits chargeable to tax under section 41 or section 59.

(10) Profits and gains of business or profession chargeable to tax under section 28.

(11) Any capital gains chargeable under section 45.

(12) The profits and gains of any insurance business carried on by Mutual Insurance Company or by a cooperative society, computed in accordance with Section 44 or any surplus taken to be such profits and gains by virtue of the provisions contained in the first Schedule to the Act.

(13) The profits and gains of any business of banking (including providing credit facilities) carried on by a co-operative society with its members.

(14) Any winnings from lotteries, cross-word puzzles, races including horse races, card games and other games of any sort or from gambling, or betting of any form or nature whatsoever.

(15) Any sum received by the assessee from his employees as contributions to any provident fund or superannuation fund or Employees State Insurance Fund (ESI) or any other fund.

(16) Any sum received under a Keyman insurance policy including the sum allocated by way of bonus on such policy will constitute income. "Keyman insurance policy" means a life insurance policy taken by a person on the life of another person where the latter is or was an employee or is or was connected in any manner what so ever with the former's business.

(17) Any sum referred to clause (va) of Section 28. Thus, any sum, whether received or

receivable in cash or kind, under an agreement for not carrying out any activity in relation to any business; or not sharing any know-how, patent, copy right, trade-mark, licence, franchise, or any other business or commercial right of a similar nature, or information or technique likely to assist in the manufacture or processing of goods or provision of services, shall be chargeable to income tax under the head "profits and gains of business or profession".

(18) Any sum of money or value of property referred to in section 56(2)(vii) or section 56(2)(viia).

(19) Any consideration received for issue of shares as exceeds the fair market value of shares referred to in section 56(2)(viib).

Gross Total Income Sec: 80b (5)

As per section 14, the income of a person is computed under the following five heads:

1. Salaries.
2. Income from house property.
3. Profits and gains of business or profession.
4. Capital gains.
5. Income from other sources.

If the income is not derived from any of the above sources, it is not taxable under the act. The aggregate income under these heads is termed as "gross total income".

Total Income Sec : 2(45)

Total income means the the amount left after making the deductions under section 80C to 80U from the gross total income.

Casual Income

Any receipt which is of a casual and non-recurring nature is called casual income. Casual income includes the following receipts:

1. Winning from lotteries,
2. Winning from crossword puzzles,
3. Winning from races (including horse races),
4. Winning from card games and other games of any sort
5. Winning from gambling or betting of any form or nature.

RATES OF INCOME TAX FOR THE ASSESSMENT YEAR 2017-18

General Rates (Excluding short term capital gains specified in sec:111A, long term capital gains, winning from lottery, cross word puzzle, races, etc.):

Individual- Super senior citizen (80 years or more):
Upto Rs: 5,00,000 : Nil
Rs: 5,00,001 to 10,00,000 : 20%
Above Rs:10,00,000 : 30%

Individual- Senior citizen (60 years or more but less than 80 years):
Upto Rs: 3,00,000 : Nil
Rs: 3,00,001 to 5,00,000 : 10%
Rs: 5,00,001 to 10,00,000 : 20%
Above Rs:10,00,000 : 30%

Other individuals, HUF, AOP, BOI:
Upto Rs: 2,50,000 : Nil
Rs: 2,00,001 to 5,00,000 : 10%
Rs: 5,00,001 to 10,00,000 : 20%
Above Rs: 10,00,000 : 30%

Special Rates:
On short term capital gains specified in Sec. 111A : 15%
On long term capital gains : 20%
On gains from listed shares without indexing the cost of acquisition : 10%
On winnings from lottery, cross word puzzle, horse race, etc. : 30%

Surcharge: Nil
Education Cess: 3% on the amount of income tax.

Agriculture income

Agriculture income is exempt under the Indian Income Tax Act. This means that income earned from agricultural operations is not taxed. The reason for exemption of agriculture income from Central Taxation is that the Constitution gives exclusive power to make laws with respect to taxes on agricultural income to the State Legislature. However while computing tax on non-agricultural income agricultural income is also taken into consideration. As per Income Tax Act income earned from any of the under given three sources meant Agricultural Income;

(i) Any rent received from land which is used for agricultural purpose.

(ii) Any income derived from such land by agricultural operations including processing of agricultural produce, raised or received as rent in kind so as to render it fit for the market, or sale of such produce.

(iii) Income attributable to a farm house subject to the condition that building is situated on or in the immediate vicinity of the land and is used as a dwelling house, store house etc.

Now income earned from carrying nursery operations is also considered as agricultural income and hence exempt from income tax.

In order to consider an income as agricultural income certain points have to be kept in mind:

(i) There must me a land.

(ii) The land is being used for agricultural operations.

(iii) Agricultural operation means that efforts have been induced for the crop to sprout out of the land .

(iv) If any rent is being received from the land then in order to assess that rental income as agricultural income there must be agricultural activities on the land.

(v) In order to assess income of farm house as agricultural income the farm house building must be situated on the land itself only and is used as a store house/dwelling house.

Certain income which is treated as Agriculture Income:

(a) Income from sale of replanted trees.

(b) Rent received for agricultural land.

(c) Income from growing flowers and creepers.

(d) Share of profit of a partner from a firm engaged in agricultural operations.

(e) Interest on capital received by a partner from a firm engaged in agricultural operations.

(f) Income derived from sale of seeds.

Certain income which is not treated as Agricultural Income:

(a) Income from poultry farming.

(b) Income from bee hiving.

(c) Income from sale of spontaneously grown trees.

(d) Income from dairy farming.

(e) Purchase of standing crop.

(f) Dividend paid by a company out of its agriculture income.

(g) Income of salt produced by flooding the land with sea water.

(h) Royalty income from mines.

(i) Income from butter and cheese making.

(j) Receipts from TV serial shooting in farm house is not agriculture income.

Partly agriculture income

Partly agricultural income consists of both the element of agriculture and business, so non agricultural part of the income is taxed. Some examples for partly agricultural income are given below:

1. **Profit of business other than Tea**

This rule applicable to agricultural produce like cotton, tobacco, and sugarcane etc, here the market value of the agricultural produce raised by the Assessee for utilizing it as raw material for his business will be deducted out of the total profit of such Assessee while calculating tax on his income.

2. **Profit from Tea manufacturing**

If a person using his own tealeaves grown by him for his tea manufacturing business, then 60 % of his income will be treated as agricultural income and the remaining 40 % will be treated as business income. So he has to pay tax on that remaining 40% of income.

3. **Income from the manufacturing of centrifuged latex**

If a person manufacturing centrifuged latex by using his own made raw then, 65 % of the income derived from the sale of the same is treated as agricultural income so he has to pay tax remaining part of the income.

4. **Income from the coffee manufacturing**

a) 75% of the income derived from the sale of coffee grown and cured by the seller in India is deemed to be agricultural income 25% is taken as business income.

b) 65% the income derived from the sale of coffee grown, cured, roasted and grounded by the seller in India is deemed to be agricultural income 40% is taken as business income.

Capital and revenue receipts and expenditure

Receipts which are non-recurring (not received again and again) by nature and whose benefit is enjoyed over a long period are called "Capital Receipts", e.g. money brought into the business by the owner (capital invested), loan from bank, sale proceeds of fixed assets etc. Capital receipt is shown on the liabilities side of the Balance Sheet.

receipts which are recurring (received again and again) by nature and which are available for meeting all day to day expenses (revenue expenditure) of a business concern are known as "Revenue receipts", e.g. sale proceeds of goods, interest received, commission received, rent received, dividend received etc.

Distinction between Capital Receipt and Revenue Receipt:

No.	Revenue Receipt	Capital Receipt
1	It has short-term effect. The benefit is enjoyed within one accounting period.	It has long-term effect. The benefit is enjoyed for many years in future.
2	It occurs repeatedly. It is recurring and Regular in nature.	It does not occur again and again. It is nonrecurring and irregular in nature.
3	It is shown in profit and loss account on the credit side.	It is shown in the Balance Sheet on the liability side.
4	It does not produce capital receipt.	Capital receipt, when invested, produces revenue receipt e.g. when capital is invested by the owner, business gets revenue receipt (i.e. sale proceeds of goods etc.).
5	This does not increase or decrease the value of asset or liability.	The capital receipt decreases the value of asset or increases the value of liability e.g. sale of a fixed asset, loan from bank etc.
6	Sometimes, expenses of capital nature are to be incurred for revenue receipt, e.g. purchase of shares of a company is capital expenditure but dividend received on shares is a revenue receipt.	Sometimes expenses of revenue nature are to be incurred for such receipt e.g. on obtaining loan (a capital receipt) interest is paid until its repayment.

Difference between Capital Expenditure and Revenue Expenditure:

No.	Revenue Expenditure	Capital Expenditure
1	Its effect is temporary, i.e. the benefit is received within the accounting year.	Its effect is long-term, i.e. it is not exhausted within the current accounting year-its benefit is received for a number of years in future.
2	Neither an asset is acquired nor is the value of an asset increased.	An asset is acquired or the value of an existing asset is increased.
3	It has no physical existence because it is incurred on items which are used by the business.	Generally it has physical existence except intangible assets.
4	It is recurring and regular and it occurs repeatedly.	It does not occur again and again. It is nonrecurring and irregular.
5	This expenditure helps to maintain the business.	This expenditure improves the position of the business.
6	The whole amount of this expenditure is shown in trading P & L A/c or income statement.	A portion of this expenditure (depreciation on assets) is shown in trading & P & L A/c and the balance are shown in the balance sheet on asset side.
7	It does not appear in the balance sheet.	It appears in the balance sheet until its benefit is fully exhausted.
8	It reduces revenue (profit) of the business	It does not reduce the revenue of the concern.

Residential Status And Tax Incidence

Tax incidence on an assessee depends on his residential status. The residential status of an assessee is determined with reference to his residence in India during the previous year. Therefore, the determination of the residential status of a person is very significant in order to find out his tax liability. Residence and citizenship are two different things. The incidence of tax has nothing to do with citizenship.

Residential Status of an Individual

As per section 6, an individual may be (a) resident and ordinarily resident in India, (b) resident but not ordinarily resident in India, or(c) non-resident in India. The following are the two sets of conditions for determining the residential status of an individual:

Basic conditions :

He is in India in the previous year for a period of 182 days or more

OR

He is in India for a period of 60 days or more during the previous year and has been in India for a period of 365 days or more during 4 years immediately preceding the previous year.

Note: In the following two cases, an individual needs to be present in India for a minimum of 182 days or more in order to become resident in India:

(a) An Indian citizen who leaves India during the previous year for the purpose of taking employment outside India or an Indian citizen leaving India during the previous year as a member of the crew of an Indian ship.

(b) An Indian citizen or a person of Indian origin who comes on visit to India during the previous year (a person is said to be of Indian origin if either he or any of his parents or any of his grandparents was born in undivided India).

Additional Conditions:

(i) He has been resident in India in at least 2 out of 10 previous years [according to basic condition noted above] immediately preceding the relevant previous year.

AND

(ii) He has been in India for a period of 730 days or more during 7 years immediately preceeding the relevant previous year.

Resident

An individual is said to be resident in India if he satisfies any one of the basic conditions.

(A)Resident And Ordinarily Resident

An individual is said to be resident and ordinarily resident in India if he satisfies any one of the basic conditions and both of the additional conditions.

(B)Resident But Not Ordinarily Resident

An individual is said to be resident but not ordinarily resident in India if he satisfies any one of the basic conditions but not satisfies both of the additional conditions.

Non-Resident

An individual is a non-resident in India if he satisfies none of the basic conditions.

Residential Status Of A Hindu Undivided Family

As per section 6(2), a Hindu undivided family (like an individual) is either resident in India or non-resident in India. A resident Hindu undivided family is either ordinarily resident or not ordinarily resident.

HUF : Resident or Non-Resident

A Hindu undivided family is said to be resident in India if control and management of its affairs is wholly or partly situated in India. A Hindu undivided family is non-resident in India if control and management of its affairs is wholly situated outside India. A resident Hindu undivided family is an ordinarily resident in India if the karta or manager of the family (including successive kartas) satisfies the following two additional conditions as laid down by section 6(6)(b).

Additional condition (i) Karta has been resident in India in at least 2 out of 10 previous years [according to the basic condition mentioned in immediately preceding the relevant previous year) **Additional condition (ii)** Karta has been present in India for a period of 730 days or more during 7 years immediately preceding the previous year.

If the Karta or manager of a resident Hindu undivided family does not satisfy the two additional conditions, the family is treated as resident but not ordinarily resident in India.

Residential Status of Firm and Association of Persons

As per section 6(2), a partnership firm and an association of persons are said to be resident in India if control and management of their affairs are wholly or partly situated within India during the relevant previous year. They are, however, treated as non-resident in India if control and management of their affairs are situated wholly outside India.

Residential Status of a Company

As per section 6(3), an Indian company is always resident in India. A foreign company is resident in India only if, during the previous year, control and management of its affairs is situated wholly in India. However, a foreign company is treated as non-resident if, during the previous year, control and management of its affairs is either wholly or partly situated out of India.

Scope of Total Income (Section 5) :

Resident and ordinarily resident:

Total income of an assessee who is resident and ordinarily resident includes:

(*a*) any income received or deemed to be received in India during the previous year by or on behalf of the assessee ; or

(*b*)any income accrues or arises or deemed to accrue or arise to him in India during the previous year ; or

(*c*) any income accrues or arises to him outside India during such year.

Resident but not ordinarily resident:

(*a*) any income received or deemed to be received in India during the previous year by or on behalf of the assessee ; or

(*b*)any income accrues or arises or deemed to accrue or arise to him in India during the previous year ; or

(*c*) any income accrues or arises to him outside India from a business controlled in or a profession set up in India.

Non- resident:

(*a*) any income received or deemed to be received in India during the previous year by or on behalf of the assessee ; or

(*b*)any income accrues or arises or deemed to accrue or arise to him in India during the previous year.

EXEMPTED INCOME

Income Exempt from Income Tax

The following Income is exempt from Income tax:-

1. Agriculture Income [Sec. 10(1)]
2. Payments received from family income by a member of HUF [Sec. 10(2)]
3. Share of profit from a firm [Sec. 10(2A)]
4. Interest received by a non resident from prescribed securities [Sec. 10(4)]
5. Interest received by a person who is resident outside India on amounts credited in the non-resident (External) account [Sec. 10(4)]
6. Leave travel concession provided by as employer to his Indian citizen employee,Sec. 10(5)]
7. Remuneration received by foreign diplomats of all categories [Sec. 10(6)]
8. Salary received by a foreign citizen as an employee of a foreign enterprise provided his stay in India does not exceed 90 days [Sec. 10(6)(vi)]
9. Salary received by a non-resident foreign citizen as a member of ship's crew provided his total stay in India does not exceed 90 days [Sec. 10(6)(vii)]
10. Remuneration received by an employee, being a foreign national, of a foreign government deputed in India for training in a Government establishment or public sector undertaking [Sec. 10(6)(xi)]
11. Tax paid on behalf of foreign companies [Sec. 10(6A)]
12. Tax paid by Government or an Indian concern in case of a non-resident / foreign company [Sec.10(6B)]
13. Income arising to notified foreign companies from services provided in or outside India in project connected with the security of India [Sec. 10(6C)]
14. Foreign allowance granted by the Government of India to its employees posted abroad [Sec. 10(7)]
15. Remuneration received from a foreign Government by an individual who is in India in connection with any sponsored co-operative technical assistance programme with a foreign Government and the income of the family members of such employee [Sec. 10(8)and(9)]
16. Remuneration / fee received by non-received consultants and their foreign employees [Sec. 10(8A),(8B) and (9)]
17. Death-cum-retirement gratuity [Sec. 10(10)]
18. Commuted value of pension and any payment received by way of commutation of pension

by as individual out of annuity plan of LIC or any other insurer from a fund set up by that corporation or insurer [Sec. 10(10A)]

19. Leave salary [Sec. 10(10AA)]
20. Retrenchment compensation [Sec. 10(10B)]
21. Compensation received by victims of Bhopal gas leak disaster [Sec. 10(10BB)]
22. Compensation from the Central Government or a state Government or a local authority received by an individual or his legal heir on account of any disaster [Sec. 10(10BC)]
23. Compensation received from a public sector company at the time of voluntary retirement or separation [Sec. 10(10C)]
25. Any sum (including bonus) on life insurance policy (not being a keyman insurance policy) [Sec. 10(10D)]
26. Any amount from provident fund paid to retiring employee [Sec. 10(11)]
27. Amount from an approved superannuation fund to legal heirs of the employee [Sec. 10(13)]
28. House rent allowance subject to certain limits [Sec. 10(13A)]
29. Special allowance granted to an employee [Sec. 10(14)]
30. Interest from certain exempted securities [Sec. 10(15)]
31. Payment made by an Indian company, engaged in the business of operation of an aircraft, to acquire an aircraft on lease from a foreign Government or foreign enterprise [Sec. 10(15A)]
32. Scholarship granted to meet the cost of education [Sec. 10(16)]
33. Daily allowance of a member of parliament or state Legislature (entire amount is exempt), any other allowance subject to certain conditions [Sec. 10(17)]
34. Rewards given by the central or state Government for literary, scientific or artistic work or attainment or for service for alleviating or for service for alleviating the distress of the poor, the weak and the ailing, or for proficiency in sports and games or gallantry awards approved by the Government [Sec. 10(17A)]
35. Pension and family pension of gallery award winners [Sec. 10(18)]
36. Family pension received by family members of armed forces [Sec. 10(19)]
37. National property income of any one place occupied by a former ruler [Sec. 10(19A)]
38. Income from local authorities [Sec. 10(20)]
39. Any income of housing boards constituted in India for planning, development or improvement of cities, town or villages [Sec. 10(20A)]
40. Any income of an approved scientific research association [Sec. 10(21)]
41. Income of specified non- agencies [Sec. 10(22B)]

42. Any income (other than interest on securities income from property income received for rendering any specific services and income by way of interest or dividends) of approved professional bodies [Sec. 10(23A)]
43. Any income received by any person on behalf of any regimental fund or non public fund established by the armed forces of the union for the welfare of the past and present members of the such forces or their dependents [Sec. 10(23AA)]
44. Income of funds established for the welfare of employees [Sec. 10(23AAA)]
45. Any income of the pension fund set by LIC or any other insurer approved by the controller of insurance or insurance Regulatory and development authority [Sec. 10(23AAB)]
46. any income (other than business income) of a trust or a society approved by Khadi and village industries commission [Sec. 10(23B)]
47. Income of an authority whether known as Khadi and village industries board or by any other name for the development of Khadi and village industries [Sec. 10(23BB)]
48. Income of the European Economic Community derived in India by way of, interest, dividends or capital gains in certain cases [Section 10(23BBB)]
49. Any income arising to anybody or authority established, constituted or appointed under any enactment for the administration of public religious or charitable trusts or endowments or societies for religious or charitable purposes [Section 10(23BBA)]
50. Income of SAARC Fund for Regional Projects, set up by Colombo Declaration [Section 10(23BBC)]
51. Any income of Secretariat of Asian Organisation of Supreme Audit Institutions [Section 10(23BBD)]
52. Any income received by any person on behalf of specified national funds and approved public charitable trust or institution [Section 10(23C)]
53. Income of Mutual Fund set up by — a public sector bank or a public financial institution [Section 10(23D)]
54. Any income by way of dividend, or long term capital gains of venture capital funds and venture capital companies [Section 10(23F)]
55. Income of a member of Scheduled Tribe, living in Nagaland, Manipur, Tripura, Arunachal Pradesh and Mizoram from any source arising by reason of his employment therein and income by way of dividend and interest on securities [Section 10(26)]
56. Any income accruing or arising to any resident of Ladakh from any source therein or out of India before the assessment year 1989-90, provided that such person was resident in Ladakh in the previous year relevant to the assessment year 1962-63 [Section 10(26A)]
57. Any income of a statutory Central or State corporation or of a body/institution, financed by

the Government formed for promoting the interest of Scheduled Castes/Tribes [Section 10(26B)]

58. Income of co-operative society formed for promoting interests of members of Scheduled Castes/Scheduled Tribes [Section 10(27)]
59. Income by way of subsidy from Tea Board for replanting or replacement of tea bushes or for the purpose of rejuvenation or consolidation of areas used for cultivation of tea in India [Section 10(30)]
60. Subsidy received by planters of Rubber, Coffee, Cardamon [Section 10(31)]
61. Income of a minor child up to Rs. 1,500 in respect of each minor child whose income is includible under section 64(1A) [Section 10(32)]
62. Any income by way of Capital gains on transfer of US-64 units [Section 10(33)]
63. Dividend on or after April, 2003 from domestic companies [Section 10(34)]
64. Income on units of Mutual Funds on or after April 1, 2003 [Section 10(35)]
65. Long term Capital gains on transfer of listed Equity Shares purchased during 1-3-2003 to 29-2-2004 [Section 10(36)]
66. Capital gain to individual/HUF on compensation received on compulsory acquisition of urban agriculture land [Section 10(37)]
67. Long term capital gain in some cases [Section 10(38)]
68. Sum received without consideration from international sporting event held in India [Section 10(39)]
69. Income of Industrial Units situated in trade-free zones, specified technology parks etc. [Section 10A]
70. Income from specified 100% export oriented undertakings [Section 10B]
71. Income from property held for approved charitable or religious purposes [Section 11]
72. Specified Income of Registered political parties [Section 13A7968

Salaries and House Property : Computation of Income from Salaries and Income from house property

I - INCOME FROM SALARIES

Salary (Section 15 – 17)

Salary is the remuneration received by or accruing to an individual, periodically, for service rendered as a result of an express or implied contract. The actual receipt of salary in the previous year is not material as far as its taxability is concerned. According to Income Tax Act there are certain conditions where all such remuneration is chargeable to income tax:

1. When due from the former employer or present employer in the previous year, whether paid or not
2. When paid or allowed in the previous year, by or on behalf of a former employer or present employer, though not due or before it becomes due.
3. When arrears of salary is paid in the previous year by or on behalf of a former employer or present employer, if not charged to tax in the period to which it relates.

Section 17(1) of the Income tax Act gives an inclusive and not exhaustive definition of "Salaries" , which includes:

(i) Wages
(ii) Annuity or pension (iii) Gratuity
(iv) Fees, Commission, allowances perquisites or profits in lieu of salary
(v) Advance of Salary
(vi) Amount transferred from unrecognized provident fund to recognized provident fund
(vii) Contribution of employer to a Recognized Provident Fund in excess of the prescribed limit
(viii) Leave Encashment
(ix)Compensation as a result of variation in Service contract etc.

(x) Contribution made by the Central Government to the account of an employee under a notified

Pension scheme.

Arrears of Salary

Salary in arrears / advance, received in lump sum, is liable to tax in the year of receipt. Relief can be obtained for salary arrears u/s 89(1) of the Income Tax Act.

Pension

Pension is a payment made by the employer after the retirement or death of employee as a reward for past service. It is normally paid as a periodical payment on monthly basis but certain employers may allow an employee to forgo a portion of pension in lieu of lump sum amount. This is known as commutation of pension.

The treatment of these two kinds of pension is as under:

Periodical pension (or uncommuted pension): It is fully taxable in the hands of all employee, whereas government or non-government.

Commuted pension

For employees of government organizations, local authorities and statutory corporations, it is fully exempted from tax, hence not included in gross salary.

For other employees, commuted value of half of the total value of pension is exempted from tax however, the employee is also receiving gratuity (another retirement benefit) along with pension, then one third of the total value of pension is exempted from tax. Amount received in excess of this is taxable, so included in gross salary.

Pension received by employee is taxable under the head “Salaries”. However, family pension received by legal heirs after death of employee is taxable under ‘Income from other sources’ For Central Government Employees joined on or after 1-1-2004, 10% of Salary is compulsory deducted towards Pension with a matching contribution from the Govt. and is Non-Taxable u/s 80CCD. Only Terminal Benefit is charged to tax.

Gratuity

Gratuity is the payment made by the employer to an employee in appreciation of past services rendered by the employee. It is received by the employee on his retirement. Gratuity is exempted up to certain limit depending upon the category of employee. For the purpose of exemption, employees are divided into 3 categories:

(i) Government employees and employees of local authority:

In case of such employees, the entire amount of gratuity received by then is exempted from tax.

Nothing will be added to gross salary.

(ii) Employees covered under Payment of Gratuity Act, 1972

In case of employees who are covered under Payment of Gratuity Act, the minimum of the following amounts are exempted from tax:

1.) Amount of gratuity actually received.

2.)15 days of salary for every completed years of service or part thereof in excess of six months. (15 / 26 x [basic salary + Dearness Allowance] x No. of years of service+1 [if fraction > 6 months]).

3.) Rs.10, 00,000 (amount specified by government).

(iii) Other employees.

In case of employees not falling in the above two categories, gratuity received from the employers is exempt to the extent of minimum of following amounts:

1. Actual amount of gratuity received.
2. Half month average salary for every completed year of service (1/2 x average salary of last 10 months x completed years of service).
3. Rs. 10, 00,000 (amount specified by government).

Salary = 10 months average salary preceeding the month of retirement. = Basic Pay + Dearness Allowance considered for retirement benefits + commission (if received as a fixed percentage on turnover).

Illustration:1

Mr. Ashikh retired in September, 2012 after having put in 42 years of service in a company. His average salary for 10 months preceding Sept. 2016 was Rs:2500 p.m. He received a gratuity of Rs;60,000. Compute his taxable gratuity.

Solution:

Mr.Ashikh is not covered by the Payment of Gratuity Act,1972. He has put in 42 years of completed service. Here, least of the following is exempted:

½ month's salary for every completed years of service (2500x ½ x 42) = **52,500**

Actual amount of gratuity received = Rs: 60,000
Statutory limit = Rs: 10,00,000

Particulars	Rs:
Amount of gratuity received	60,000
Less: amount exempted	52,500
Taxable Gratuity	7500

Computation of taxable Amount of Gratuity

Illustration 2:

Mr. Athul, covered under the Payment of Gratuity Act, 1972, retires on 10th January, 2017 after serving the company for 16 years. At the time of retirement his basic salary was Rs:4,400 p.m. and DA Rs:800 p.m. On retirement he receives Rs:1,00,000 as gratuity. Compute the amount of gratuity exempt U/s 10(10).

Solution :

As Mr. Athul is covered by the Payment of Gratuity Act, 1972, out of the gratuity received by him, the least of the following is exempted u/s 10(10):

15 days salary for every completed years of service:

(4400+800) x 15/26 x 16 years = **48,000**

Actual amount of gratuity received = Rs:

1,00,000 Statutory limit = Rs:10,00,000

Therefore exempted amount = 48,000.

Leave Salary

Employees are entitled to various types of leave. The leave generally can be taken (casual leave/medical leave) or it lapses. Earned leave is a kind of leave which an employee is said to have earned every year after working for some time. This leave can either be availed every year, or get encashment for it. If leave is not availed or encashed, it is allowed to be carried forward. This leave keeps getting accumulated and is encashed by employee on his retirement.

The tax treatment of leave encashment is as under:

(i) **Encashment of leave while in service.** This is fully taxable and so is added to gross salary.

(ii) **Encashment of leave on retirement.** For the purpose of exemption of accumulated leave encashment, the employees are divided into two categories. They are Govt employees and Other employees.

•State or Central Government employees:

Leave encashment received by government employees is fully exempted from tax. Nothing is to be included in gross salary

Other employees:

Leave encashment of accumulated leave at the time of retirement received by other employees is exempted to the extent of minimum of following four amounts:

1. Amount specified by Central Government (3,00,000).
2. Leave encashment actually received.

3.10 months average salary (10 x average salary of 10 months preceeding retirement).

4. Cash equivalent of unavailed leave.

(Leave entitlement is calculated on the basis of maximum 30 days leave every year, cash equivalent is based on average salary of last 10 months).

Salary = Basic Pay + Dearness Allowance (forming a part of salary for retirement benefits) + Commission (if received as a fixed percentage on turnover).

Illustration:3

Mr.Afsal was employed in a company. He took voluntary retirement on 1st December, 2016 after completing 25 years of service. On 1st January, 2017 his salary was Rs: 4,000 p.m. after adding the annual increment. The total leave aviled during service is 10 months and actual amount received is Rs: 1,60,000 on encashment. Compute the amount exempt regarding encashment of earned leave.

Solution:

The exempted amount of leave encashment is least of the following:

Cash equivalent of earned leave (15 months leave x Rs:4,000)	= Rs: 60,000
Ten months average salary (10 months x Rs; 4,000)	= Rs: 40,000
Actual amount of leave salary received	=Rs: 1,60,000
Statutory Limit	=Rs: 3,00,000

Therefore, the exempted amount of leave salary is Rs: 40,000.

Illustration:4

Mr. Abhijith retired on 31st October, 2016 after serving 20 years. He received Rs: 96,000 as leave encashment for 12 months. His average salary at the time of retirement amounted to

Rs: 7,400. He had 2 months leave at his credit. Find the taxable amount of leave encashment.

Solution:

Exempted amount of leave encashment is least of the following:

Cash equivalent of earned leave (2 months leave x Rs:7,400)	= **Rs: 14,800**
Ten months average salary (10 months x Rs; 7,400)	= Rs: 74,000
Actual amount of leave salary received	= Rs: 96,000
Statutory Limit	= Rs: 3,00,000
Therefore, the taxable amount of leave salary = 96,000 – 14,800	= **Rs: 81,200**
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Retrenchment Compensation 10(10B)

Retrenchment compensation is the compensation is received by a workman at the time of (i) closing down of the undertaking.(ii) transfer (irrespective of by agreement/compulsory acquisition) if the following conditions are satisfied:

1. Service of workmen interrupted by transfer
2. Terms and conditions of employment after transfer are less favourable
3. New employer is not under a legal obligation whether under the terms of transfer or otherwise to pay compensation on the basis that the employee's service has been continuous and has not been interrupted by transfer. The exemption is granted to the least of the followings:

(i) Actual amount received

(ii) Amount determined under the Industrial Disputes Act, 1947

(iii) Maximum Limit Rs 5,00,000

Illustration:5

Mr, Adithya Raveendran is employed in a company at Allahabad since 1st October,2016. He is getting a salary of Rs:12,000 p.m. and Rs:2,400 p.m. as DA since 1-1-2011. His service was terminated on account of retrenchment of employees on 1-7-2016 and he was paid Rs:96,000 as compensation. Compute taxable amount of compensation for the AY2017-18.

Solution:

The exempted amount of retrenchment compensation is least of the following: Actual retrenchment compensation received = Rs: 96,000

15 days salary for every completed years of service= 14x ½ x 14400=Rs:1,00800. Maximum limit Rs: 5,00,000

Sum calculated as per Industrial Dispute Act, 1947 = not given

Therefore, taxable amount of retrenchment compensation= 96,000—96,000 = Nil

Voluntary Retirement Compensation 10(10c)

The following Conditions are to be met for claiming exemption:

(i) An individual, who has retired under the Voluntary Retirement scheme, should not be employed in another company of the same management.

(ii) He should not have received any other Voluntary Retirement Compensation before from any other employer and claimed exemption.

(iii) Exemption u/s 10(10C) in respect of Compensation under VRS can be availed by an Individual only once in his lifetime.

Exemption is allowed to the least of the followings:

(i) Actual amount received

(ii) Maximum Limit Rs 5,00,000

(iii) The highest of the following:

1. Last drawn salary × 3 × No. of fully completed years of service
2. Last drawn salary × Balance of no. of months of service left .

Taxable Value of Allowances

Allowance is a fixed monetary amount paid by the employer to the employee (over and above basic salary) for meeting certain expenses, whether personal or for the performance of his duties. These allowances are generally taxable and are to be included in gross salary unless specific exemption is provided in respect of such allowance. For the purpose of tax treatment, we divide these allowances into 3 categories:

I. Fully taxable cash allowances

II. Partially exempt cash allowances

III. Fully exempt cash allowances.

Fully Taxable Allowances

Dearness Allowance and

Dearness Pay

City Compensatory Allowance

Tiffin / Lunch Allowance

Non practicing

Allowance Warden

Allowance

Deputation Allowance

Overtime Allowance

FixedMedical

Allowance

Servant Allowance

Other allowances:- There may be several other allowances like family allowance, project allowance, marriage allowance, education allowance, and holiday allowance etc. which are not covered under specifically exempt category, so are fully taxable.

Partly Exempted Allowances

House Rent Allowance or H.R.A. [Sec. 10(13A)

Rule 2A] Conditions for claiming exemption:

1.Assessee is in receipt of

HRA.

2. He has to pay rent.

3.Rent paid is more than 10% of salary.

An allowance granted to a person by his employer to meet expenditure incurred on payment of rent in respect of residential accommodation occupied by him is exempt from tax to the extent of least of the following three amounts:

a) House Rent Allowance actually received by the assessee

b) Excess of rent paid by the assessee over 10% of salary due to him

c) An amount equal to 50% of salary due to assessee (If accommodation is situated in

Mumbai,

Kolkata, Delhi, Chennai) ‘Or’ an amount equal to 40% of salary (if accommodation is situated in any other place).

Salary for this purpose includes Basic Salary, Dearness Allowance (if it forms part of salary for the purpose of retirement benefits), Commission based on fixed percentage of turnover achieved by the employee.

While claiming exemption the following points are considered :

1. The exemption shall be calculated on the basis of where the accommodation is situated.
2. If the place of employment is the same for the whole year, then exemption shall be calculated for the whole year.
3. If there is a change in place during the previous year, then it will be calculated on a monthly basis
4. Exemption should be calculated in respect of the period during which rental accommodation is occupied by the employee during the previous year.
5. Salary for the period during which rental accommodation is not occupied shall not be considered.

Illustration:6

Mr. Aswin is entitled to a basic salary of Rs 5,000 p.m. and dearness allowance of Rs 1,000p.m., 40% of which forms part of retirement benefits. He is also entitled to HRA of Rs 2,000 p.m. He actually pays Rs 2,000 p.m. as rent for a house in Delhi. Compute the taxable HRA.

Solution:

Salary for HRA = (5,000 × 12) + (40% × 1,000 × 12) = 64,800

Particulars	Rs:	Rs:
Amount received during the financial year for HRA		24,000
Less: Exemption u/s 10(13A) Rule 2A Least of the followings:		
(a) Actual amount received	24,000	

(b) 50% of Salary of Rs 64,800	32,400	
(c) Rent paid less 10% of Salary [2,000 × 12 – 10% of 64,800]	17,520	17,520

Taxable HRA		6,480

This allowance is first included in gross salary under allowances and then deduction is given to only central and state government employees under Section 16 (ii).

Special Allowances for meeting official expenditure

Certain allowances are given to the employees to meet expenses incurred exclusively in performance of official duties and hence are exempt to the extent actually incurred for the purpose for which it is given. These include travelling allowance, daily allowance, conveyance allowance, helper allowance, research allowance and uniform allowance.

Special Allowances to meet personal expenses:

There are certain allowances given to the employees for specific personal purposes and the amount of exemption is fixed.

i. **Children Education Allowance**: This allowance is exempt to the extent of Rs.100 per month per child for maximum of 2 children (grand children are not considered).
ii. **Children Hostel Allowance**: Any allowance granted to an employee to meet the hostel expenditure on his child is exempt to the extent of Rs.300 per month per child for maximum of 2 children.
iii. **Transport Allowance**: This allowance is generally given to government employees to compensate the cost incurred in commuting between place of residence and place of work. An amount uptoRs.800 per month paid is exempt. However, in case of blind and orthopedically handicapped persons, it is exempt up to Rs. 1600 p.m.
iv. **Running Allowance** (Out of station allowance): An allowance granted to an employee working in a transport system to meet his personal expenses in performance of his duty in the course of running of such transport from one place to another is exempt up to 70% of such allowance or Rs.10000 per month, whichever is less.

v.) Tribal area allowance: Exemption is available as Rs: 200p.m.

vi) Under ground allowance : Exempted up to Rs:800 p.m.

Entertainment Allowance

Fully Exempt Allowances

(i)Foreign allowance: This allowance is usually paid by the government to its employees being Indian citizen posted out of India for rendering services abroad. It is fully exempt from tax. (ii)Allowance to High Court and Supreme Court Judges of whatever nature are exempt from tax. (iii) Allowances from UNO organization to its employees are fully exempt from tax.

Perquisites

Perquisites are defined as any casual emolument or benefit attached to an office or position in addition to salary or wages. . Perquisites are taxable and included in gross salary only if they are

(i) allowed by an employer to an employee, (ii) Allowed during the continuation of employment,

(iii) directly dependent on service, (iv) resulting in the nature of personal advantage to the employee and (v) derived by virtue of employer's authority.

As per Section 17 (2) of the Act, perquisites include:

1. Value of rent free accommodation provided to the employee by the employer.
2. Value of concession in the matter of rent in respect of accommodation provided to the employee by his employer.
3. Value of any benefit or amenity granted free of cost or at a concessional rate in any of the
   a) by a company to an employee who is a director thereof
   b) by a company to an employee who has substantial interest in the company
   c) by any employer to an employee who is neither a director, nor has substantial interest in the company, but his monetary emoluments under the head 'Salaries' exceeds Rs.50, 000.
4. Any sum paid by the employer towards any obligation of the employee.
5. Any sum payable by employer to effect an assurance on the life of assessee.
6. The value of any other fringe benefit given to the employee as may be prescribed

Classification of Perquisites

For tax purposes, perquisites specified under Section 17 (2) of the Act may be classified as follows:

(1) Perquisites that are taxable in case of every employee, whether specified or not

(2) Perquisites that is taxable in case of specified employees only.

(3) Perquisites that is exempt from tax for all employees

Perquisites Taxable in case of all Employees

The following perquisites are taxable in case of every employee, whether specified or not:

1. Rent free house provided by employer
2. House provided at concessional rate

3.Any obligation of employee discharged by employer e.g. payment of club or hotel bills of employee, salary to domestic servants engaged by employee, payment of school fees of employees' children etc.

4. Any sum paid by employer in respect of insurance premium on the life of employee
5. Notified fringe benefits (on which fringe benefit tax is not applicable) – it includes interest free or concessional loans to employees, use of movable assets, transfer of moveable assets.

Perquisites taxable in case of Specified Employees only

Specified Employee:

An Individual will be considered as a Specified Employee if:

- He is a director of a company, or
- He holds 20% or more of equity voting power in the company,
- Monetary salary in excess of 50,000: His income under the head salaries, (from any employer

including a company) excluding non-monetary payments exceeds 50,000. For the above purpose, salary, should be arrived at after making the following deductions:

(a) Entertainment Allowance

(b) Professional Tax.

The following perquisites are taxable in case of such employees:

1. Free supply of gas, electricity or water supply for household consumption
2. Free or concessional educational facilities to the members of employees household
3. Free or concessional transport facilities
4. Sweeper, watchman, gardener and personal attendant

5. Any other benefit or amenity

Perquisites which are tax free for all the employees

This category includes perquisites which are tax free for the employees and also other perquisites on which employer has to pay a tax (called Fringe Benefit Tax) if they are given to the employees and so are not taxable for them.

The following perquisites are exempt from tax in all cases and hence not includible for the purpose of tax deduction at source under section 192 during the financial year 2008-09:

1. Provision for medical facilities subject to limit
2. Tea or snacks provided during working hours
3. Free meals provided during working hours in a remote area or an offshore installation
4. Perquisites allowed outside India by the Government to a citizen of India for rendering service outside India.
5. Sum payable by an employer through a recognized provident fund or an approved superannuation or deposit-linked insurance fund established under the Coal Mines Provident Fund or the Employees Provident Fund.
6. Employer's contribution to staff group insurance scheme.
7. Leave travel concession subject to Sec.10 (5)
8. Payment of annual premium by employer on personal accident policy effected by him on his employee
9. Free educational facility provided in an institute owned/maintained by employer to children of employee provided cost/value does not exceed ` 1,000 per month per child (no limit on no. of children)
10. Interest-free/concessional loan of an amount not exceeding 20,000
11. Computer/laptop given (not transferred) to an employee for official/personal use.
12. Transfer without consideration to an employee of a movable asset (other than computer, electronic items or car) by the employer after using it for a period of 10 years or more.
13. Traveling facility to employees of railways or airlines.
14. Rent-free furnished residence (including maintenance thereof) provided to an Official of Parliament, a Union Minister or a Leader of Opposition in Parliament.

15. Conveyance facility provided to High Court Judges u/s22B of the High Court Judges

(Conditions of Service) Act, 1954 and Supreme Court Judges u/s 23A of the Supreme Court Judges (Conditions of Service) Act, 1958.

16. Conveyance facility provided to an employee to cover the journey between office and residence.
17. Accommodation provided in a remote area to an employee working at a mining site or an onshore oil exploration site, or a project execution site or an accommodation provided in an offshore site of similar nature.
18. Accommodation provided on transfer of an employee in a hotel for not exceeding 15 days in aggregate.
19. Interest free loan for medical treatment of the nature given in Rule 3A.
20. Periodicals and journals required for discharge of work.
21. Tax on perquisite paid by employer [Sec.10 (10CC)]
22. Other Exempted Payments:

i. Bonus paid to a football player after the World Cup victory to mark an exceptional event
ii. Payment made as a gift in appreciation of the personal qualities of the employee.
iii. Payment of proceeds of a benefit cricket match to a great cricket player after he retired from
test match.
iv. Trust for the benefit of employee's children

Valuation of Perquisites

Medical facilities

Medical facilities provided to employee are exempt from tax.

A. Medical benefits within India which are exempt from tax include the following:

a) Medical treatment provided to an employee or any member of his family in hospital maintained by the employer.

b) Any sum paid by the employer in respect of any expenditure incurred by the employee on medical treatment of himself and members of his family :

(i) In a hospital maintained by government or local authority or approved by the government for medical treatment of its employees.

(ii) In respect of the prescribed diseases or ailments in any hospital approved by the Chief Commissioner.

(iii) Premium paid by the employer on health insurance of the employee under an approved scheme.

c) Premium on insurance of health of an employee or his family members paid by employer Limited Exemption: If the ordinary medical treatment of the employee or any member of his family is done at any private hospital, nursing home or clinic, the exemption is restricted to Rs.15, 000.

B. Medical Treatment outside India which is exempt from tax includes the following:

a) Any expenditure incurred by employer on the medical treatment of the employee or any member of his family outside India.

b) Any expenditure incurred by employer on travel and stay abroad of the patient (employee or member of his family) and one attendant who accompanies the patient in connection with such treatment, shall be exempt to the following extent :

(i) The expenditure on medical treatment and stay abroad shall be exempt to the extent permitted by the Reserve Bank of India.

(ii) The expenditure on travel shall be exempt in full provided the gross total income of the employee (including this expenditure) does not exceed Rs.2, 00,000.

Valuation of rent free accommodation

For the purpose of valuation of house, employees are divided into 2 categories:

a) Central and State Government employees: If accommodation is provided by the State or Central Government to their employees, the value of such accommodation is simply the amount fixed by the government (called the licence fees) in this regard.

b): Other Employees: The valuation of accommodation for this category of non government employees depends upon whether the accommodation given to the employee is owned by the employer or taken on lease.

1. **Accommodation owned by employer**

In cities having population exceeding 25 lakhs as per 2001 census

: 15% of Salary Less Rent actually paid by employee

In cities having population exceeding 10 lakhs but not exceeding 25 lakhs as per 2001 census : 10% of Salary Less Rent actually paid by employee

In other places:

7.5% of Salary Less Rent actually paid by employee

2. Accommodation is taken on lease / rent by the employer

Rent paid by the employer or 15% of Salary whichever is lower Less Rent recovered from employee

3. Accommodation in a hotel

24% of salary paid/payable or actual charges paid/payable whichever is lower Less Amount paid or payable by the employee

4. Valuation of accommodation in case of Employees on transfer:

(a) For the first 90 days of transfer: Where accommodation is provided both at existing place of work and in new place, the accommodation, which has lower value, shall be taxable.

(b) After 90 days : Both accommodations shall be taxable.

Valuation of furnished accommodation where the accommodation is furnished, 10% per annum of the original cost of furniture given to the employee shall be added to the value of unfurnished accommodation. If the furniture is taken on rent by employer, then actual hire charges are to be added to the value.

Definition of salary for rent free accommodation:

Basic Salary + Taxable cash allowances + Bonus or Commission + any other monetary payment. (It does not include dearness allowance if it is not forming part of basic salary for retirement
benefit, allowances which are exempt from tax, value of perquisites specified under Section 17(2), employer's contribution to provident fund account of employees).

Sweeper, gardener or watchman provided by the employer

The value of benefit of provision of services of sweeper, watchman, gardener or personal attendant to the employee or any member of his household shall be the actual cost to the employer. The actual cost in such a case is the total amount of salary paid or payable by the employer or any other person on his behalf for such services as reduced by any amount paid by the employee for such services. If the above servants are engaged by the employer and facility of such servants are provided to the employees, it will be a perquisite for specified employees only. On the other hand, if these servants are employed by the employee and wages of such servants are paid / reimbursed by the employer, it will be taxable perquisite for all classes of employees.

Free Supply of Gas, Electricity or Water

The value of these benefits is taxable in the hands of specified employees, if the connection is taken in the name of the employer, and is determined according to the following rules:

a) If the employer provides the supply of gas, electricity, and water from its own sources, the manufacturing cost per unit incurred by the employer shall be the value of perquisite.
b) If the supply is from any other outside agency, the value of perquisite shall be the amount paid
c) Where the employee is paying any amount in respect of such services, the amount so paid shall be deducted from the value of perquisite calculated under (a) or (b).
d) Where the connection for gas, electricity, water supply is in the name of employee and the bills are paid or reimbursed by the employer, it is an obligation of the employee discharged by the employer. Such payment is taxable in case of all employees under Section 17 (2) (iv).

Free Education

a) Cost of free education to any member of employees' family provided in an educational institution owned and maintained by the employer shall be determined with reference to reasonable cost of such education in a similar institution in a nearby locality. For education facilities provided to the children of employee (excluding any other member of house hold), the value shall be nil, if the cost of such education per child does not exceed Rs.1, 000 per month.

b)Where free education facilities are allowed to any member of employees' family in any other educational institution by reason of his being in employment of that employer, the value of perquisite shall be determined as in (a).

c)In any other case: The value of benefit of providing free or concessional educational facilities for any member of the house hold (including children) of the employee shall be the amount of expenditure incurred by the employer.

d) While calculating the amount of perquisite in all in above cases, any amount paid or recovered from the employee in this connection, shall be deducted

Free Transport

The value of any benefit provided by any undertaking engaged in the carriage of passengers or goods to any employee or to any member of his household for private journey free of cost or at concessional rate in any conveyance owned or leased by it shall be taken to be the value at which such benefit is offered by such undertaking to the public as reduced by the amount, if any, paid by or recovered from the employee for such benefit. In case of employees of the Railways and airlines, the value of transport facility shall be exempt.

Use of any movable asset other than computer or laptops or other assets already mentioned

10% of Actual Cost if owned by the employer; or Actual rental charge paid/payable by the employer less Amount recovered from employee.

Leave Travel Concession (LTC)

Leave Travel Concession is a non-taxable perquisite available for salaried class. An Employee with his dependent family members can avail of this facility to travel anywhere in India / native place. Exemption is limited to the amount actually spent. The amount exempt is the value of any travel concession or assistance received or due to the assessee.

1. **Journey by Air:** Economy Class Airfare of India Airlines by the shortest route or the actual amount spent, whichever is lower.

2. **Journey by Rail:** A/C 1st Class rail fare by the shortest route or actual amount

spent, whichever is lower.

2. Where the place of destination is connected by Rail: Air-conditioned first class Rail fare by the shortest route or the actual amount spent for the journey performed by road whichever is lower.

4. Where the place of destination is NOT connected by Rail :

. *If Recognized public transport exists:* First Class or Deluxe Class fare by the shortest route or the actual amount spent whichever is lower.
2. *If No recognized public transport exists:* Air-conditioned first Class Rail fare by the shortest route or the actual amount spent whichever is lower.

These exemptions is available only for 2 journeys performed in a block of 4 calendar years. Family of an Individual means:

- Spouse and children of the individual, and
- Parents, brothers and sisters of the individual or any of them, wholly or mainly dependent on the Individual

Free meals during office hours

Actual cost to the employer in excess of Rs 50 per meal less: amount recovered from the employee. Tea or non-alcoholic beverages and snacks during working hours is not taxable.

Gifts

Value of any gift or voucher or taken other than gifts made in cash or convertible into money (e.g. gift cheques) on ceremonial occasion. In this case if the aggregate value of gift during the previous year is less than Rs 5,000, then it is not a taxable perquisite.

Profit in lieu of salary

Profit in lieu of salary means any amount received by the employee from the employer due to its employee employer relationship other than normal compensation what he receive from
employer.

The amount of any compensation due to or received by an assessee from his employer or former employer at or in connection with the termination of his employment or modification of
his term of employment Any payment from Unrecognized Provident Fund(URPF) or such

other fund to the extent to which it does not consist of contribution by the assessee or interest on such contribution. Any sum received undera keyman insurance policy including the sum allocated by way of bonus on such policy.

Illustraton:7

Mr. Sajad is now working in a private company at Chennai and he gets a monthly salary of Rs: 9,000. He is provided with a rent free unfurnished accommodation for which he pays a monthly rent of Rs:300. Calculate taxable perquisite.

Solution:

15% of salary: 108000 x 15/100	=16,200
Less rent paid by the employee	= 3,600
Therefore, Value of unfurnished accommodation	**= 12,600**

Provident Fund

Provident Fund Scheme is a welfare scheme for the benefit of employees. Under this scheme, certain amount is deducted by the employer from the employee's salary as his contribution to

Provident Fund every month. The employer also contributes certain percentage of the salary of the employee to the Fund. The contributions are invested outside in securities. The interest earned on it is also credited to the Provident Fund Account. At the time of retirement, the accumulated balance is given to the employee.

(i) Statutory Provident Fund

This is set up under the provisions of Provident Fund Act, 1925.

Contribution is made by Employer and Employee.

Assesse's Contribution: will get Deduction u/s

80C Employer's Contribution- Not taxable

Interest credited- Fully exempted

Withdrawal at the time of retirement/resignation/termination, etc- Exempted u/s 10(11)

(ii) Recognized Provident Fund

This is set up under the Employee's Provident Fund and Miscellaneous Provisions Act, 1952 (PF

Act, 1952) and is maintained by private sector employees. Assessee's Contribution- will get

Deduction u/s 80C

Employer's Contribution-Amount exceeding 12% of salary is taxable Interest credited-Exempted up to 9.5% p.a. Any excess is taxable.

Withdrawal at the time of retirement/ resignation/termination, etc-Exempted u/s 10(12) Subject to conditions.

(iii) Unrecognized Provident Fund

If a provident fund is not recognized by the Commissioner of Income Tax, it is known as unrecognized PF.

iv) Public Provident Fund

The Central Government has established the Public Provident Fund for the benefits of general public to mobilize personal savings. Any member of general public (whether salaried or self employed) can participate in this fund by opening a Provident Fund Account at the State Bank of India or its subsidiaries or other nationalized banks. A salaried employee can simultaneously become member of employees provident fund (whether statutory, recognized or unrecognized) and public provident fund. Any amount may be deposited (subject to minimum oRs.500 and maximum of Rs.70, 000 per annum) under this account. The accumulated sum is repayable after

15 years.

Assesse's Contribution: will get Deduction u/s 80C

Interest credited- Fully exempted

Withdrawal at the time of retirement/resignation/termination, etc-Exempted u/s 10(11)

Deductions :

The income chargeable under the head salaries is computed after making the following deductions under Section 16:

government employees (State or Central Government) to the extent of least of following 3 amounts:

(i)Rs.5000

(ii) 0% of basic salary

(iii) Amount of Entertainment Allowance actually received during the year. 2.Professional Tax [Section 16(iii)] of the Act.

Professional tax or tax on employment levied by a State under Article 276 of the Constitution is allowed as a deduction only in the year when it is actually paid. If the professional tax is paid by the employer on behalf of the employee, it is first included in gross salary as a perquisite (since it is an obligation of employee fulfilled by employer) and then the same amount is allowed as deduction on account of professional tax from gross salary.

Illustration:8

Following particulars are furnished by Muhammed Labeeb, a citizen and resident in India: Basic salary after deduction of contribution to RPF Rs: 2,40,000

Own contribution to RPF Rs:20,000

Interest credited to RPF @9.5% Rs:3,600

HRA (house is at Kolar and rent paid amount to Rs:30,000) Rs: 14,400 Unit-linked insurance plan contribution paid by employer Rs: 2,000.

Compute taxable income from salary of Muhammed Labeeb for the A.Y.2017-18

Solution:

Computation of Income from Salary for the assessment year 2017-18

Basic salary (2,40,000+20,000)	2,60,000
HRA (14,400-4,000)	10,400
Ulip paid by employer	2,000
Gross Salary	2,72,400
Less: Deductions	Nil
Taxable Salary	2,72,400

Notes: Least of the following is exempt:

Actual HRA Rs:14,400

Excess of rent paid over 10% of salary (30000-26000) Rs:4,000

Illustration :11

Mr. Justin Kuriakose retired on 31-10-2012 after serving 20 years. He received Rs;96,000 as leave encashment for 12 months. His average salary at the time of retirement amounted to Rs:7,400. He had 2 months leave at his credit. Find out the taxable amount of Leave encashment.

Solution:

The exempted amount of leave salary is least of the following:

10 months average salary (7400 x10)	Rs:74000
Actual amount of leave encashment received	Rs:96,000
Amount of leave salary at his credit (7400x2)	**Rs:14,800**
Maximum limit	Rs:3,00,000

Computation of taxable Amount of Leave Salary

Amount of leave salary received	96,000
Less: amount exempted	14,800
Taxable amount of leave salary	81,200

Illustration:12

From the following particulars calculate the salary income of Mr. Reshin for the assessment year .2017-18

Basic pay Rs: 5500 p.m. HRA Rs:2400 .m.

DA Rs: 5,000 p.m.

Entertainment Allowance

Rs:1,200 p.m. CCA Rs: 600 p.m.

Education allowance for 2 children (total) Rs: 800 p.m.

Reshin and his employer (a private company) contribute to RPF @ 14% of salary. He lives in a rented house at Alleppy on a monthly rent f Rs: 3000.

Solution:

Computation of income from salary of Mr. Reshin for the Assessment Year .2017-18

Basic pay	66000
HRA (28800-26400)	2400
D A	60000

Entertainment allowance	14400
CCA	7200

Education allowance (9600-2400)	7200
Employer's contribution toRPF in excess of 12%	1320
Income from Salary	1,58,520

Illustration:13

Mr. Akhildas is employed as an engineer in Indian railways. He is getting Rs:7,000 p.m. as basic pay; Rs:2,500 p.m. as D.A.and Rs:2,500 p.m. as dearness pay. During the year 2016-17, he received the following allowances also:

Rs: 16,500 as running allowance p.m.

Rs; 200 p.m. per child as educational allowance for his 2 children

One of his son is staying in a hostel on which Akhildas is spending Rs:800 p.m. He is getting Rs:500 p.m. for his as hostel allowance for meeting their expenditure.

Rs: 250 p.m. as CCA.

Rs:400 p.m. as uniform allowance , fully spent for employment purposes.

Rs: 1250 p.m. as HRA. He pays Rs:1500 p.m. as rent to house owner. He contributes 10% of his basic pay and DA to SPF and the Indian railway contributes a similar amount.

Compute his taxable salary for the AY .2017-18

.**Solution:**

Computation of taxable salary of Mr.Akhildas for the A Y .2017-18

Basic pay (7500 x 12)		90,000
D A (2500 x 12)		30,000
D P (2500 x 12)		30,000
House Rent Allowance:		
HRA received (1250 x 12)	15,000	
Less: exempted	6,000	9,000
Running Allowance:		
Running allowance received	16,500	
Less: 70% of allowance or Rs:10,000 p.m, whichever is less)	10,000	6500
Education allowance (200x12x2)	4,800	
Less:exemptionfor2children (100x12x2)	2,400	2,400

Hostel allowance (500x12)	6,000	
Less: exempted (300x12)	3,600	2,400

Uniform Allowance (400x12)	4,800	
Less: exempted	4,800	....
CCA (250 x12)		3,000
Gross Salary		1,73,300
Less : Deduction u/s 80C (PF)		12,000
Income from Salaries		1,61,300

Calculation of exempted amount of HRA:
Least of the following is exempted:

HRA received (Rs:1,250 x12) = 15,000
Excess of rent paid over 10% 0f salary (18,000-12,000) = ***6,000***
40% of salary (1,20,000x40%) = 48,000

Illustration :14

Mr.Suhil is a government employee. He draws a monthly salary of Rs;20,000 and Rs: 500 p.m. as entertainment allowance. Find out the amount of deduction for the entertainment allowance.

Solution:

Least of the following is exempted:

Actual Entertainment Allowance received (500x12) = 6,000
Statutory Limit = Rs: 5,000
20% of Salary 2,40,000 x 20%) = Rs: 48,000

Therefore the amount of deduction for the entertainment allowance is Rs: 5,000.

II- INCOME FROM HOUSE PROPERTY

The annual value of a property, consisting of any buildings or lands appurtenant thereto, of which the assessee is the owner, is chargeable to tax under the head 'Income from house property'. However, if a house property, or any portion thereof, is occupied by the assessee, for the purpose of any business or profession, carried on by him, the profits of which are chargeable to income-tax, the value of such property is not chargeable to tax under this head.

Thus, three conditions are to be satisfied for property income to be taxable under this head:

1. The property should consist of buildings or lands appurtenant thereto.
2. The assessee should be the owner of the property.
3. The property should not be used by the owner for the purpose of any business or profession carried on by him, the profits of which are chargeable to income-tax.

Ownership of house property

It is only the owner (or deemed owner) of house property who is liable to tax on income under this head. Owner may be an individual, firm, company, co-operative society or association of persons. The property may be let out to a third party either for residential purposes or for business purposes. Annual value of property is assessed to tax in the hands of the owner even if he is not in receipt of the income. For tax purposes, the assessee is required to be the owner in the previous year only.

Deemed Owner [Section 27]

1. **Owner:** An Individual shall be considered as owner of a property when the document of title to the property is registered in his name.
2. **Deemed Owner:** Under the following circumstances, Income from House Property is taxable in the hands of the Individual, even if the property is not registered in his name —

(a) Where the Property has been transferred to spouse for inadequate consideration other than in pursuance of an agreement to live apart.

(b) Where the Property is transferred to a minor child for inadequate consideration (except a transfer to minor married daughter)

(c) Where the Individual holds an impartible estate.

(d) Where the Individual is a member of Co-operative Society, Company, or other Association and has been allotted a house property by virtue of his being a member, even though the property
is registered in the name of the Society / Company / Association.

(e) Where the property has been transferred to the individual's name as part-performance of a contract u/s 53A of the Transfer of Property Act, 1882. (i.e. Possession of the Property has been transferred to Individual, but the Title Deeds have not yet been transferred).

(f) Where the Individual is a holder of a Power of Attorney enabling the right of possession or enjoyment of the property.

(g) Where the property has been constructed on a leasehold land.

(h) Where the ownership of the Property is under dispute.

(a) **Paid by Owner.** The tax shall be borne by the owner and tie same was paid by him during the previous year.

(i)

(b) **Property let out:** Municipal Tax can be claimed as a deduction only in respect of let out or deemed to be let out properties (i.e. more than one property self occupied).

(j)

(c) **Year of payment**: Municipal Tax relating to earlier previous years, but paid during the current previous year can be claimed as deduction only in the year of payment.

(k)

(d) **Advance Taxes:** Advance Municipal Tax paid shall not be allowed as deduction in the year of payment, but can be claimed in the year in which it falls due.

(l)

(e) **Borne by Tenant:** Municipal taxes met by tenant are not allowed as deduction.

(m)

(n) **Unrealized Rent**

(o) Unrealized Rent means the rent not paid by the tenant to the owner and the same shall be deducted from the Actual Rent Receivable from the property before computing income from that property, provided the following conditions are satisfied:

(p)

1. The tenancy is bonafide
2. The defaulting tenant should have vacated the property
3. The assessee has taken steps to compel the defaulting tenant to vacate the property
4. The defaulting tenant is not in occupation of any other property owned by the assessee
5. The assessee has taken all reasonable steps for recovery of unrealized rent or satisfies the Assessing Officer that such steps would be useless.

(q)

(r) **Deduction from Net Annual Value**

(s) **A.Standard Deduction u/s 24(a):** Standard deduction of 30% of NAV (Net Annual Value) shall be allowed to the assessee.

(t) **B. Interest on Loan u/s 24(b):**

1. **Purpose of loan:** The loan shall be borrowed for the purpose of acquisition, construction, repairs, renewal or reconstruction of the house property.

(e)

2. **Accrual basis:** The interest will be allowed as a deduction on accrual basis, even though it is not paid during the financial year.

3. **Interest on interest:** Interest on unpaid interest shall not be allowed as a deduction.

4. **Brokerage:** Any brokerage or commission paid for acquiring the loan will not be allowed as a deduction.

5. **Prior period interest:** Prior Period Interest shall be allowed in five equal installments commencing from the financial year in which the property was acquired or construction was completed.

(u) ***Note: Prior period interest means the interest from the date of borrowal of the loan up to the end of the financial year immediately preceding the financial year in which acquisition was made or construction was completed***.

6. **Interest on fresh loan to repay existing loan:** Interest on any fresh loan taken to repay the existing loan shall be allowed as a deduction.

7. **Inadmissible interest:** Interest payable outside India without deduction of tax at source and in respect of which no person in India is treated as an agent u/s 163 shall not be an allowable expenditure. [Section25]

8. **Certificate:** The assessee should furnish a certificate from the person from whom the amount is borrowed.

(v)

(w) **Income From Self – Occupied House Property**

(x) The annual value of one self-occupied house property is taken as 'Nil'. From the annual value, only the interest on borrowed capital is allowed as a deduction under section 24. The amount of deduction will be:

1. Either the actual amount accrued or Rs.30,000/- whichever is less
2. When borrowal of money or acquisition of the property is after 31.3.1999 - deduction is Rs.1,50,000/- applicable to A.Y 2002-03 and onwards.

(y) However, if the borrowed is for repairs, renewals or reconstruction, the deduction is restricted to Rs.30, 000. If the borrowal is for construction/acquisition, higher deduction as noted above is available. If a person owns more than one house property, using all of them for self-occupation, he is entitled to exercise an option in terms of which, the annual value of one house property as specified by him will be taken at Nil. The other self occupied house property/is will be deemed to be let-out and their annual value will be determined on notional basis as if they had been let out.

(z) Annual Value of a house property which is partly self – occupied and partly let out: If a house property consists of two or more independent residential units, one of which is self – occupied and the other unit(s) are let out, the income from the different units is to be calculated separately.

(aa)

(ab) **Illustration:1**

(ac)

(ad) Compute Gross annual value: Actual rent Rs: 24,000 p.a. Fair rent Rs:28,000 p.a. Standard rent Rs: 20,000 p.a.

(ae) **Solution:**

(af) Gross Annual Value = ERV or Actual Rent Received for full year, whichever is higher. Here Rent Control Act is applicable.

(ag) FRV =Rs: 28,000 ;
SRV = 20,000 Therefore, ERV
= 20,000.

(ah) Actual
Rent = 24,000
So, GAV =
24,000.

(ai) **Illustration:2**

(aj) Calculate annual rental value from the following particulars for the assessment year 2017-18

(ak) 14.Actual rent Rs: 14,000 p.m.; MRV Rs: 1,20,000 p.a.; FRV (al) Rs:1,32,000 p.a. Standard rent Rs:

(am) 1,38,000. During the P.Y. the assessee is not able to realise two months rent.

(an)

(ao) **Solution:** (ap)

(aq) Expected Rental Value = 1,32,000 (ar)

(as) Actual rent for the full year (14,000x12)= 1,68,000 (at)

(au) Therefore, GAV = 1,68,000. (av)

(aw) Annual Value = 1,68,000 – unrealised rent (ax)

(ay) = 1,68,000 -- 28,000 = 1.40,000. (az)

(ba) =======
= (bb)

(bc) **Illustration:3**

(bd) Compute gross annual value for the AY2013-14:

(be) FRV Rs: 1,32,000 p.a.; Actual rent Rs:12,000 p.m.; MRV Rs:1,20,000 p.a., Standard rent Rs: 1,30,000.

(bf)

(bg) **Solution:** (bh)(bi)

(bl)Rs:

(bk) 1,30,

(bj)Expected Rental Value = 000

(bm) Actual rent for full year (bn) Rs:1,

(12,000 x 12) = 44,000

(bo) Therefore, GAV = (bq)

Rs: 1,44,000. (bp)

(br) =====

===== (bs)(bt)

(bw)

(bu) **Illustration:4** (bv)

(bx) Rinju is the owner of 2 houses. From the following, find out annual value of the houses:

(by)		(bz) **House -1**	(ca) **House-2**
(cb)	Municipal value	(cc) 30,000	(cd) 35,000
(ce)	Actual rent	(cf) 40,000	(cg) 32,000
(ch)	FRV	(ci) 36,000	(cj) 30,000
(ck)	SRV	(cl) 30,000	(cm) 36,000
(cn)	Municipal tax paid	(co) 4,000	(cp) 3,500

(cq) **Solution**:

		(cr)	(cs)
(ct)	MRV or FRV (higher)	(cu) 36,000	(cv) 35,000
(cw)	SRV	(cx) 30,000	(cy) 36,000
(cz)	ERV (Lesser of the above 2)	(da) 30,000	(db) 35,000
(dc)	Actual Rent	(dd) 40,000	(de) 32,000
(df)	**GAV** (higher of 3 and 4)	(dg) **40,000**	(dh) **35,000**
(di)	Less : Municipal Taxes	(dj) 4,000	(dk) 3,500

(dl)Annual Value (dm) 36,000 (dn) 31500
(dp) ===== (dq) =

(do) = =====
(dr)

(ds) **Illustration:5**

(dt)Mr. Abhinand constructed one house in 2010. Half of the portion is let out and the remaining half is used for his residence. The following particulars are available:

(du) MRV Rs: 12,500; Rent received Rs:10,000 ; Municipal taxes Rs:2,500 ; Ground rent Rs;250 ; Repairs Rs:2,000 ; Interest on loan taken for construction Rs: 2,500.

(dv) Compute income from house property of Mr. Abhinand for the AY 2013-14.

(dw)

(dx) **Solution:**

(dy) Computation of Income from house property

(dz) Let out portion:

(ea) GAV (MRV =6250 or Rent received, whichever is higher) : 10,000

(f)
(g) The following information is available in respect of two houses of owned by N eraj.
(h) He let out the first house for a yearly rent of Rs: 11,000. He paid Rs:1,000 as interest on borrowings. He paid Rs: 100 as insurance premium. He let out his second house at a monthly rent of Rs:1,200. It is not rented out for 3 months. The unreaqlised rent for the
(j) past 5 years was Rs: 13,000. Compute the income from house property of Mr. Neeraj for the AY 2013-14.

(i)

(ed) 1

(eb) Less : municipal rent (½) (ec) :,250
(eg)
(ef) (eh) --------------
(ej)

(ei) Net Annual Value (ek) : 8,750
(el) Deductions: (em) (en) (eo)
(er)2,

(eq) 62

(ep) 30% of annual value : 5 (es)
(et) Interest on loan taken for(eu) (ev) (ew)

construction : 1,250
(ez)

-- (fa)

(ex) (ey) : 3,875
(fc)

(fb) Income from let out portion (fd) (fe) 4,875
(ff) Self-occupied portion: (fg) (fh) (fi)
(fl)(fm) Ni

(fj) Net Annual Value (fk) : 1
(fn) Deductions: (fo) (fp) (fq)
(fr) Interest on loan taken for (fs) (ft)(fu) 1

construction : ,250
(fv) (fw) (fx) --------------
(fz) (gb) -

(fy) Income from self occupied portion (ga) -1,250
(gf) -

(gc) (gd) (ge) ----------
(gg) Income from House (gj) **3**

Property (gh) (gi) **,625**
(gk)

(gl)**Illustration:6** (gm) (gn) (go)
(gp)

(gt)

(gq) First House: (gr) (gs) (gu)(gv) (gw) (gx) (gy)
(hc)(hd) 1

(gz) Annual Value (ha)(hb) : 1,000 (he) (hf) (hg)
(hh) Less : Deductions: (hi) (hj) (hk)(hl) (hm) (hn) (ho) (hp)
(hq) Standard deduction(hr) 3

(30%) : ,300 (hs)(ht) (hu) (hv) (hw) (hx)
(hz)(ia) 1 (ib)(ic) 4 (ie) 6,

(hy) Interest on loan :,000 : ,300 (id) 700 (if)
(ij) (il)

(ig) Second House: (ih) (ii) (ik) (im) (in) (io)
(is)(it) 1

(ip) Annual Value (iq) (ir) : 4,400 (iu) (iv) (iw)
(ix) Less : Loss for vacancy (iy)(iz) 3 (ja) (jc)

period :,600 (jb) (jd) (je) (jf)
(jh)(ji) 1 (jj)(jk) (jm) -

(jg) Unrealised rent :3,000 16,600 (jl) -2,200 (jn) (jo) Income from House Property (jp) (jq) (jr) (js) = (jt) 4, 500. (ju)

(jv) =====

(jw)

(k)

PROFITS AND GAINS OF BUSINESS OR PROFESSION

Business : Sec 2 (13)

Business includes any trade, commerce, or manufacture or any adventure or concern in the nature of trade, commerce, or manufacture. Or practical purpose business means the purchase and sale or manufacture of a commodity with a view to make profit. Business includes banking, transport business or any other adventure. Profit of an isolated transaction is also taxable under this head.

The most important head of income is the head 'Profits and gains of Business or Profession'. While the provisions of Sections 28 to 44D deal with the method of computing income under head "Profits and Gains of Business or Profession".

The meaning of the expression 'Business, has been defined in Section 2(13) of the Income-tax Act. According to this definition, business includes any trade, commerce or manufacture or any adventure or concern in the nature of trade, commerce or manufacture. The concept of business presupposes the carrying on of any activity for profit, the definition of business given in the Act does not make it essential for any taxpayer to carry on his activities constituting business for a considerable length of time.

In other words, for even a single or isolated transaction entered into with the idea of making profit would be a business within the meaning of the definition given in Section 2(13). The concept of business presupposes the existence of the assessee's intention to makea profit out of his transactions.

The object to make profit must be inherent in the transaction although the ultimate result of the transaction may be such that the assessee had to incur loss. Thus, the assessability of profits and gains from business under this head does not in any way depend upon the ultimate outcome of the venture or transaction yielding income or loss.

Profession

A profession is a vocation founded upon specialized educational training, the purpose of which is to supply objective counsel and service to others, for a direct and definite compensation, wholly apart from expectation of other business gain. For example the work of lawyer, doctor auditor engineer and so on. Vocation means activities which are performed in order to earn livelihood. For example brokerage, music, dancing etc.

The following items are chargeable under the head income from business or profession. (section28)

The profits and gains of any business or profession, which was carried on by the assessee at any time during the previous year;

Any compensation or other payment, due or received by the following:-

- Any person, by whatever name called, managing the whole or substantially the whole of the affairs of an Indian company, at or in connection with the termination of his management or the modification of the terms and conditions relating thereto;
- Any person, by whatever name called, managing the whole or substantially the whole of the affairs in India of any other company, at or in connection with the termination of his office or the modification of the terms and conditions relating thereto;
- Any person, by whatever name called, holding an agency in India for any part of the activities relating to the business of any other person, at or in connection with the termination of any agency or the modification of the terms and conditions relating thereto;
- Any person, for or in connection with the vesting in the Government, or in any corporation owned or controlled by the Government, under any law for the time being in force, of the management of any property or business;

Income, derived by a trade, professional or similar association from specific services performed for its members;

- Profits on sale of a license granted under the Imports (Control) Order, 1955, made underthe
- Imports and Exports (Control) Act, 1947;
- Cash assistance (by whatever name called), received or receivable by any person against exports under any scheme of the Government of India;
- Any duty of customs or excise repaid or repayable as drawback to any person against exports under the Customs and Central Excise Duties Drawback Rules, 1971;

- The value of any benefit or perquisite, whether convertible into money or not, arising from business or the exercise of a profession;
- Any interest, salary, bonus, commission or remuneration, by whatever name called,

due to, or income from speculative transactions.

Any sum received under a key man insurance policy including bonus.
Any sum whether received or receivable in cash or in kind , under an agreement for :
(a) Not carrying out any activity in relation to nay business or
(b) Not sharing any know how, patent, copyright, trade mark, licence franchise or anylikely to assist in the manufacture or processing of goods or provision of services.

Any sum whether received or receivable in cash or kind, on account of any capital asset (other than land or goodwill or financial instrument) being demolished , discarded or transferred , if the whole of the expenditure on such capital asset has been allowed as deduction under section 35AD.

However, it is provided that where any interest, salary, bonus, commission or remuneration, by whatever name called, or any part thereof has not been allowed to be deducted under Clause (b) of section 40, the income under this clause shall be adjusted to the extent of the amount not so allowed to be deducted.

In the following cases, income from trading or business is not taxable under the head "profits and gains of business or profession":-

- Rent of house property is taxable under the head “Income from house property". Even if the property constitutes stock in trade of recipient of rent or the recipient of rent is engaged in the business of letting properties on rent.
- It is not the ownership of business which is important, but it is the person carrying on a business or profession, who is chargeable to tax.
- Income from business or profession is chargeable to tax under this head only if the business or profession is carried on by the assessee at any time during the previous year. This income is taxable during the following assessment year.

- Profits and gains of different business or profession carried on by the assessee are not separately chargeable to tax i.e. tax incidence arises on aggregate income from all businesses or professions carried on by the assessee. But, profits and loss of a speculative business are kept separately.

- It is not only the legal ownership but also the beneficial ownership that has to be considered.

- Profits made by an assessee in winding up of a business or profession are not taxable, as no business is carried on in that case. However, such profits may be taxable as capital gains or as business income, if the process of winding up is such as to involve the carrying on of a trade.

- Taxable profit is the profit accrued or arising in the accounting year. Anticipated or potential profits or losses, which may occur in future, are not considered for arriving at taxable income. Also, the profits, which are taxable, are the real profits and not notional profits. Real profits from the commercial point of view mean a gain to the person carrying on the business and not profits from narrow, technical or legalistic point of view.

The yield of income by a commercial asset is the profit of the business irrespective of the manner in which that asset is exploited by the owner of the business.

Any sum recovered by the assessee during the previous year, in respect of an amount or expenditure which was earlier allowed as deduction, is taxable as business income of the year in which it is recovered.

Modes of book entries are generally not determinative of the question whether the assessee has earned any profit or loss. The Income tax act is not concerned with the legality or illegality of business or profession. Hence, income of illegal business or profession is not exempt from tax.

Profits and losses of speculation business carried on by an assessee are kept separate. Profits made in winding up of a business by the sale of assets in one lot are nottable as business profit but as capital gain. The profit on the sale of stock in trade will be taxable as business profit, because the sale of goods under any circumstances is a transaction in the nature of trader and hence its profit is taxable as business profit. Tax is levied on the actual profit of the previous year and not on the anticipated profit.

Speculative Transactions and Taxability of Speculation Business

Speculative Transaction [Section 43(5)]: "Speculative Business" means a transaction in which a contract for purchase/sale of any commodity/stocks/ shares is settled otherwise than by the actual delivery or transfer of the commodity or scrips. Transactions not regarded as speculative transaction.

Deduction In Respect Of Losses Incidental to Business

A loss (other than capital loss), which is incidental to the trade, is allowable in computing the business profits on ordinary principles of commercial trading. Such trading losses can be claimed as deduction provided the following conditions are satisfied:

(a) Loss should be real in nature and not notional or fictitious;

(b) It should be a revenue loss and not capital;

c) Loss should have resulted directly from carrying on of business i.e. it should be incidental to business;

(d) Losses should have actually occurred during the previous year;

(e) There should be no direct or indirect restriction under the Act against the deductibility of such loss. E.g. Loss of stock-in-trade on account of fire, embezzlement/theft of cash in course of business, or loss on account of advances/guarantees granted during course of business, are admissible in the computation of taxable income on the basis of common principles of accounting and commercial expediency.

Amounts expressively allowed as deduction [U/s 30 to 37]

Deduction In Respect Of Rent, Rates, Taxes, Repairs and Insurance, etc. for Buildings, Plant and Machinery and Furniture [Section 30 And 31]

The following are allowable as deduction in computing the income under the head 'Profits and Gains of Business or Profession' –

1. Rent of the premises is allowed ad deduction. However, notional rent paid by proprietor is not allowed as deduction. But rent paid by him to its partner for using his premises is allowed as deduction.

2. Current repairs if the assessee bears the cost of repairs are allowed as deduction. However, Capital repairs incurred by the assessee are never allowed as deduction whether premises is

occupied as a tenant or as an owner. Instead the capital repairs incurred shall be deemed to be a building and depreciation shall be claimed.

3. Any sum on account of Land Revenue, Local Taxes or Municipal Taxes subject to section 43B.

4. Insurance charges against the risk of damage or destruction of building is allowed as deduction.

5. In respect of repairs and insurance of machinery, plant & furniture used for the purpose of business or profession the following deductions are allowable:

   i. Amount of expenditure incurred on current repairs of machinery, plant or furniture used in the business is deductible.

   ii. The amount paid for current repairs shall not include any expenditure in the nature of capital expenditure.

Depreciation [Section 32]:

In respect of depreciation of-

(i) buildings, machinery, plant or furniture, being tangible assets;

(ii) know-how, patents, copyrights, trademarks, licences, franchises or any other business or commercial rights of similar nature, being intangible assets acquired on or after the 1st day of April, 1998, owned, wholly or partly, by the assessee and used for the purposes of the business or profession

Tea Development account, coffee development account and rubber development account (section 33AB)

Certain deduction is allowed to assessee growing and manufacturing tea or coffee or rubber in India.

For this purpose, the assessee is required to

i. Deposit in a special account with the national bank for Agriculture and rural development in accordance with the scheme approved by the tea board or the coffee board or rubber board or deposit any amount in on an account opened by the assessee (known as deposit account) in accordance with the deposit scheme framed by the tea Board or the Coffee Board or the rubber board as the case may be, with the previous approval of the central government.

ii. The deposit should be made within a period of six months from the end of the previous year or before furnishing the return of income whichever is earlier.

iii. In computing taxable profits from the above business the following deduction will be allowed in respect of the above deposit:

(a) A sum equal to the amount so deposited or

(b) 40% of the profits from such business (before making deduction under this section and before setting off brought forward business losses) whichever is less.

iv. This deduction shall be allowed only if the accounts of such business from the previous year concerned have been audited by a chartered accountant and the audit report is furnished along with the return of income.

Deduction in respect of prospecting for or extraction or production of petroleum or natural gas or both India (Section 33ABA)

(1) Where an assessee is carrying on business consisting of the prospecting for, or extraction or

Government has entered into an agreement with such assessee for such business, has before the end of the previous year—

(a) deposited with the State Bank of India any amount or amounts in an account (hereafter in this section referred to as the special account) maintained by the assessee with that Bank in accordance with, and for the purposes specified in, a scheme (hereafter in this section referred to as the scheme) approved in this behalf by the Government of India in the Ministry of Petroleum and Natural Gas; or

(b) deposited any amount in an account (hereafter in this section referred to as the Site Restoration Account) opened by the assessee.

Expenditure on scientific research (section 35)

The word 'Scientific Research' has been defined as 'an activity for the extension of knowledge in the fields of natural or applied sciences including agriculture, animal husbandry or fisheries'. Such an activity may result in an improved efficiency and thereby increases the productivity of the process. So, in order to encourage people to enhance the productivity, government has provided certain tax incentives under this section for expenditure incurred in respect of Scientific Research. Such Scientific research may be carried out for the purpose of

(a) Extension of business;

(b) Providing medical facilities to the employees. Deduction under this section is allowed in two ways

(A) When assessee takes up scientific research on his own

(B) When assessee contributes amount for scientific research to an approved body. The provisions of both are given below.

(A) When assessee takes up scientific research on his own:

When assessee carries on any scientific research, the expenditure incurred by him for such may be

(a) Revenue expenditure or

(b) Capital expenditure.

The treatment of above is as follows.

(a) Revenue expenditure:

Any revenue expenditure incurred by the assessee in respect of scientific research within **3 years** immediately preceding the year of commencement of business shall be allowed deduction in the year of commencement. Such revenue expenditure may be in respect of salaries (excluding any perquisites) payable to the staff involved in the research; for acquiring the inputs required to carry out the research or any such eligible expenditure.

(b) Capital expenditure:

Any Capital expenditure incurred by the assessee is deductible **100%** in the year it is incurred. (4) Amount contributed to National Laboratory [Section 35(2AA)]:

Any amount contributed by the assessee to a National laboratory* or University or IIT or to a specified person (approved by prescribed authority) with a specific direction that the amount shall be used for the purpose of scientific research, shall be given a weighted deduction of **2 times**.

Any laboratory functioning at national level under the aegis of

(1) Indian Council of Agricultural Research

(2) Indian Council of Medical Research

(3) Council of Scientific and Industrial Research

(4) Defence Research and Development Organisation

(5) Department of Electronics

(6) Department of Bio-technology

(7) Department of Atomic Energy

In all the above cases, deduction shall not be denied on the ground that subsequent to such contribution by the assessee, approval granted to the donee has been withdrawn by the prescribed authorities.Conditions to be fulfilled in order to claim depreciation under section 32.In order to claim depreciation under Section 32, the following conditions are required to be fulfilled: (1)Depreciation is available on 'assets' and 'block of assets': The assets may be tangible(Buildings, Machinery, Plant and Furniture) or intangible (know-how, patents, copyrights, trademarks, licences, franchises, etc.) in nature.

'Block of Assets' means group of assets comprising of tangible or intangible assets in respect of which the same rate of depreciation is prescribed.

CHART SHOWING COMPUTATION OF PROFITS AND GAINS OF BUSINESS OR PROFESSION

Computation of business profits

For computation of business profits, the profit and loss account serves as the basis. The profit and loss account shows certain expenses and losses which are either fully or partly disallowed under the provisions of income tax Act. On the credited side there are certain incomes which are either tax free or are not taxable under this head. The following table can help a person to compute the business income of an assessee:

Balance as per profit and loss account	**xxxxx**
Add : Expenses claimed but not allowed under the Act	xxxx
Less: Any expenditure which is allowable under the Act , but has not been debited to P and L A/c	xxxx
Less: Any income which is either exempt or not taxable under this head	xxxx

Taxable business income	**xxxx**

Balance as per profit and loss account	**xxxxx**
Add : Expenses claimed but not allowed under the Act	xxxxx

- All provisions and reserves
- All taxes
- Rent paid to self
- All capital expenses except on scientific research
- All capital loss
- All charities and donation
- All expenses relating to other head of income
- Cultivation expenses
- Any interest on capital unless the amount is borrowed
- All personal expenses
- Any depreciation if wrongly debited
- Gifts and presents (Non-advertisement)
- Any type of fine or penalty
- Any payment to a partner (In case of firms only by way of salary, interest , bonus , commission or remuneration excess over prescribed limits)
- Any salary or interest payable outside India unless tax is deducted at source it is paid according to the law
- Past losses
- Any other expenditure which is not incurred according to the provisions of law
- Salary paid to self or any other member of family for casual help
- Personal life insurance premiums
- Any amount invested in savings such as NSS , NSC, PPF,
- Rent for residential portion
- Speculation loss
- Bad debt still recoverable
- Legal expenses on criminal case or a personal case of employee

- Legal expenses on curing title of asset
- Loss by theft from residence
- Expense on illegal business
- Employer contribution URPR
- Differences in trial balance
- Difference due to under crediting of stock
- Cost of patents rights being capital expenditure
- Cost of technical know- how being capital expenditure
- Preliminary expense being capital expenditure

Less: Any expenditure which is allowable under the Act , but has not been debited to P and L A/c **xxxx**

- Actual bad debt
- Depreciation
- Any other expenditure incurred according to provision of law
- Differences due to under debiting of stock

Less: Any income which is either exempt or not taxable under this head **xxxx**

a. **Income exempted from tax**
    - Post office savings bank interest
    - Agricultural receipts
    - Gifts from relatives
    - Income tax refund
    - Bad debt recovered – disallowed earlier
    - Life insurance maturity amount
    - Any capital receipt
    - Withdrawal from PPF

b. **Incomes taxable under other heads**
    - Part time salary
    - Interest on securities

- Rent form house property let
- Capital gain
- Dividend
- Bank interest
- Winning from lotteries
- Race course

Taxable business income **xxxx**

COMPUTAION OF PROFESSIONAL INCOME

To compute the professional income , it is easier to take professional receipt of the previous year and deduct out these the professional expenses incurred during that year.

In case of doctor or medical practitioners

Professional receipts

- Consultation fees
- Operation fees
- Visiting fees
- Sale of medicines
- Goft from patients
- Value of any perquisites received by such person
- Examiners fees
- Nursing home fee
- Any other professional receipt

Less: Professional expenses:

- Dispensary expenses
- Cost of medicines
    - If accounts are maintained on cash basis :
    - Cost of actual medicines purchased during the previous year

- If account are maintained on mercantile basis:

    - Opening stock + New purchases - closing stock
- Depreciation on surgical equipment and X- ray machines at prescribed rates
- Cost of books for professional purposes
- Motor car expenses : Depreciation relating to professionl work
- Nursing home expenses
- Any other expense incurred during the year

Professional income

In case of chartered accountant

Professional receipt

- Audit fees
- Income from accountancy work
- Institute fee
- Examiner fee
- Gifts from clients
- Consultancy services
- Any another receipt

Total professional receipt

Less: Professional expenses

- Office expenses
- Institute expenses
- Cost of books
- Motor car expenses relating to professional work
- Membership fees
- Depreciation on office equipment, car etc
- Any other expenditure incurred to increase professional knowledge
- Stipend to trainees
- Subscriptions

Total professional expenses

Professional income

Income of lawyer or an advocate

Professional receipts

- Practicing fees
- Legal fees
- Sepecial commission
- Presents from clients
- Examiners fees
- Any other receipt

Total professional receipts

Less: Professional expenses

- Office expenses
- Salary of staff
- Cost fo books for professional purpose
- Depreciation of office equipment
- Expenditure incurred to increase professional knowledge
- Subscription
- Purchase of stamp paper and court fee
- Travelling expenses
- Total professional expenses

Professional gain

Rates of Depreciation In Case Of Block of Assets

Tangible Assets Rate

(I) Building:

(1) Residential Buildings except hotel and boarding houses .5%

(2)Non-residential Buildings [office, factory, godown, hotels, ..10%
boarding houses but other than (1) above and (3)(i)below]

(3) (i) Buildings for installing Plant and Machinery forming part of water supply or

water

treatment system for infrastructure business u/s 80-India IA (4)(i). (ii) Purely temporary erections such as wooden structures ……………………………….100%

(II) Furniture And Fittings:

(4) Furniture and Fittings including electrical fitting s (“Electrical Fittings” include electrical wiring, switches, sockets, other fittings and fans, etc. …………………………..10 %

(III) Plant And Machinery

(5) Motor Cars not used in business of running them on hire; and Plant & Machinery other than those covered in other Blocks ………………..15%

(6) Ships and vessels ………………….20%

(7) Motor buses, Lorries and taxis used in business of running on hire; Moulds used in rubber and

plastic goods factories; Plant & Machinery used in semi-conductor industry including circuits;

….30%

(9) Glass and Plastic containers used as refills ………………..50%

(10) (i) Computer including computer software (ii) Books (iii) Gas Cylinders including valves and regulators (iv) Glass Manufacture – Melting Furnaces, Mineral Oil Concerns; ……….60%

(11) Flour Mills-Rollers, Rolling Mill rolls in Iron and Steel Industry; Energy renewal and energy saving devices; Rollers in Sugar Works …………..80%

(12) (i) (a) Books (annual publications) owned by assessee carrying on profession; and (b) Books owned by assessee carrying on business in running lending libraries (ii) Plant and Machinery in water supply and treatment system for infrastructure u/s 80IA(4)(i); Wooden part in artificial silk

manufacturing Plant & Machinery; Cinematograph films-Bulbs of studio lights; Wooden Match frames in Match factories; Mines and Quarries-rubs, ropes, lamps, pipes; Salt works – Clay and

salt pans, etc.; Air-pollution, Water-pollution, Solid waste control equipments and Solid waste recycling system. ……….100%

Intangible Assets

(13) Know-how, patents, copyrights, trademarks, licences, franchises, or any other business or commercial rights of similar nature …………25%

Concept of "Written Down Value" (WDV) [Section 43(6)]

WDV in general: In case of assets acquired in previous year, WDV= Actual cost to the assessee. In case of assets acquired before previous year, WDV = Actual cost to assessee less depreciation actually allowed (including unabsorbed depreciation, if any) to the assessee.

WDV in case of Block of Assets:

Written down Value of the block of assets as on 1st day of previous year

Add: Actual Cost of asset falling within the block, acquired during previous year

Less : Moneys payable (including scrap) for asset falling within block which is sold, discarded, demolished, destroyed during the previous year to the extent of (A) + (B) above

WDV of block of assets eligible for depreciation

Carry Forward and Set-Off Of Unabsorbed Depreciation [Section 32(2)]

(1) Amount of depreciation remaining unabsorbed shall be allowed to be carried forward whether or not the business/asset to which it relates exists. It shall be treated as part of current year depreciation.

(2) Return of loss is not required to be submitted to carry forward unabsorbed depreciation.

(3)Brought forward business losses (speculative or non-speculative) under Section 72(2) and 73(3) shall be given priority of set off over unabsorbed depreciation.

(4)While allowing unabsorbed depreciation, the expression 'Profit and Gains Chargeable to Tax'

llustration: 1 The net profit of business of Mr. Baveesh as disclosed by its P&L account was Rs:3,25,000 after charging the following:

Municipal taxes on house property let out
Rs:3,000 Bad debt written off Rs:15,000
Provision for bad and doubtful debts Rs: 16,000
Provision for taxation Rs: 15,000
Depreciation Rs: 25,000

Depreciation allowance as per rule is Rs:20,000.

Compute taxable business profit.

Solution:

Computation of income from busines

Particulars	Rs	Rs
Net profit		3,25,000
Add: Municipal taxes	30000	
Provision for bad debts	16000	
Provision for taxation	15000	
Excess epreciation	5000	39,000
Business Profit		3,64,000

Illustration:2

From the following P&L account, compute income from business:

PROFIT AND LOSS ACCOUNT

To Salaries	14,600	By G/p	1,35,000
To household expense	2000		
To income tax	900		
To Gifts	900		
To business expense	2,200		
To LIC premium	2,100		
To bad debt reserve	800		
To N/P	1,11,500		
	1,35,000		**1,35,000**

Solution:

Computation of income from business for the A Y 2017-18

Net Profit as pe P&L Account		:	1,11,500
Add : Expenses Disallowed:			
Household expenses	2,000		
Income tax	900		
Gift	900		
LIC Premium	2,100		
Bad debt reserve	800	6,700	
Incomefrombusiness		1,18,200	

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Illustration:3

Dr. Biju is a medical practitioner in Mahe. From the following, calculate his income from profession for the AY 2017-18

Gross receipt from dispensary	2,35,000
Gross receipt from consultation	1,65,000
Operation fee	2,50,000
Visiting fee	50,000
Gifts from patients	30,000
Medicines purchased	1,25,000
Closing stock of medicines	35,000
Salaries paid to employees	1,50,000
Surgical equipments purchased	48,000
Dr. Biju wanted to attend a medical seminar in Australia to update the knowledge and spent an amount of	25,000
Medical books purchased	20,000
He owns a house whose MRV is Rs:50,000. Half portion of the house is used for profession. Expenses paid on house are municipal tax=30% of MRV ; Repairs Rs:10,000 ; and renovation expenses Rs:30,000.	

Solution:

Computation of income from profession for the AY 2017-18

Gross receipts from dispensary	2,35,000	
Gross receipts from consultation	1,65,000	
Operation fee	2,50,000	
Visiting fee	50,000	
Gifts from patients	30,000	7,30,000
Less : Expenses :		
Medicines (1,25,000—35,000)	90,000	
Salaries to employees	1,50,000	
Surgical equipments (Depreciation :15%)	7,200	
Visit to Australia to attend a medical	25,000	

seminar		
Medical Books (Depreciation : 60%)	12,000	
Expenses on house used for profession:		
Municipal tax (50,000 x 10% x ½)	2,500	
Repairs (10,000 x ½)	5,000	
Total		2,91,700
Income from profession		4,38,300

Illustration:4

The following is the Receipts and Payments account of Mr. Akhilesh, a practicing Chartered Accountant for the year ended 31-03-2017:

Receipts	Rs:	Payments	Rs:
Audit fee	19,210	Office expenses	10,000
Consultation	10,000	Office rent	5,000
Tribunal appearance	15,000	Salaries and wages	12,050
Miscellaneous	20,000	Printing and Stationeries	1,000
Interest on Govt. security	10,000	subscription	3,000
Rent received	10,000	Purchaseofbooks(annual publication)	1,300
Presents from clients	10,000	Travelling expenses	5,800
		Interest on bank loan	3,000
		Donation to National Defence Fund	5,000

Loan from bank was taken for the construction of the house in which he lives. MRV of the house is Rs: 8,000 and the local taxes Rs: 800 p.a. One-fourth of travelling expenses are not allowable. Compute income from profession for the A Y 2017-18

Solution:

Computation of income from business for the AY 2015-16

Particulars	Rs:	Rs:
Audit Fees	19,210	
Consultation Fee	10,000	
Tribunal appearance	15,000	
Miscellaneous	20,000	
Presents from clients	10,000	74,210
Less: Allowable Expenses:		
Office expenses	10,000	
Office rent	5,000	
Salaries and wages	12,050	
Printing and stationery	1,000	
Subscription	3,000	
Purchase of books (100% depreciation)	1,300	
Travelling expenses (5,800 x ¾)	4,350	36,700
Income from Profession		37,510

Illustration:5

Calculate the amount of depreciation on the assets of a mill: Factory building

W.D.V. on 01-04-2015 Rs: 14,00,000 Additions made on 01-06-2012 Rs: 6,00,000

Rate of depreciation 10%

The part of factory building which was destroyed by fire, for which the insurance company

Solution:

Computation of Depreciation

Factory building : W.D.V on 1-4-2014		Rs: 14,00,000
Additions made on 1-6-2014		Rs: 6,00,000

		Rs: 20,00,000
Less: Amount received from the insurance company	Rs:60,000	
Amountb received from the sale of scrap	Rs:10,000	Rs: 70,000
Written Down Value of factory building for the AY 2015-16		Rs: 19,30,000
Therefore, Depreciation @ 10%		**Rs: 1,93,000**
		==========

Illustration:6

From the following figures, you are required to calculate the depreciation admissible during the previous year:

	Plant & Machinery(Rs:)	Building(Rs:)
W.D.V. at the beginning of the year	3,75,000	15,00,000
Purchased during the year	4,50,000	Nil
Sales during the year	7,75,000	3,00,000

Solution:

Computation of Depreciation

Particulars	Plant & Machinery	Building
	Rate = 15%	Rate = 10%
W.D.V at the beginning of the year	3,75,000	15,00,000
Add: Purchase	4,50,000	Nil
Total	8,25,000	15,00,000
Less: sales	7,75,000	3,00,000

W.D.V.	50,000	12,00,000
Depreciation	7,500	1,20,000

Illustration:7

From the following Profit and Loss Account of a Merchant for the year ending 31st March, 2017. Compute his income from business and his total income for assessment year 2017-18

Profit and Loss Account

` `

To Trade expenses	700	By Gross Profit	35,200
To Salary	2,500	By Dividend from a	
To Rent, Rates and Taxes	2,400	Cooperative Society	3,000
To Income-tax	1,400	By Income from Property	850
To Discount and allowance	300	By Interest from Government	
To Household expenses	2,000	Securities (gross)	2,000
To Life Insurance Premium	1,000		
To Interest on Capital	500		
To Interest on loan	700		
To Advertisement	800		
To Postage and Telegram	50		
To Audit Fee	200		
To Provision for gratuity	4,000		
To Fire Insurance Premium	730		
To Provision for bad debts	2,000		
To Provision for Income-tax	1,800		
To Depreciation	4,000		
To Net Profit	15,970		
	41,050		**41,050**

Computation of Total Income for the Assessment Year 2017-18

Income from house property:

– Income from property	850		
Less: 30% under Section 24	(255)		
Income from house property			595

Income under the head Business

Net Profit		15,970	
Add: Inadmissible items:			
– Income tax	1,400		
– Household Expenses	2,000		
– Life Insurance Premium	1,000		
– Interest on Capital	500		
– Provision for gratuity	4,000		
– Provision for bad debts	2,000		
– Provision for Income-tax	1,800		
Less: Income to be shown separately:			
– Dividends from a cooperative society	3,000		
– Income from property	850		
– Interest from Government Securities	2,000		
Taxable Profits from Business			22,820
Income from other sources:			
Dividends from cooperative society			3,000
Interest from Government Securities			2,000
Income from other sources			5,000
Gross Total Income:			**28,415**

Notes:

1. Provision for gratuity is not admissible. However, payment of actual gratuity is allowed.
2. It is assumed that income from property is by way of rent received and as per the provision of Section 24 of the Act, thirty percent thereof has been deducted as repair allowance.

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CAPITAL GAINS

Profits or gains arising from the transfer of a capital asset made in a previous year are taxable as capital gains under the head "Capital Gains". The capital gain is chargeable to income tax if the following conditions are satisfied:

1. There is a capital asset.
2. Assessee should transfer the capital asset.
3. Transfer of capital assets should take place during the previous year.
4. There should be gain or loss on account of such transfer of capital asset.

Capital Asset: Sec. 2(14): Capital Asset means property of any kind (Fixed, Circulating, movable, immovable, tangible or intangible) whether or not connected with business or profession.

Exclusions —

a. Stock-in-trade
b. Personal effects of the assessee i.e., personal use excluding jewellery, costly stones, silver, gold
c. Agricultural land in a rural area i.e., an area with population more than 10,000.
d. 6½% Gold Bonds, 1977 or 7% Gold Bonds, 1980 or National Defence Bonds, 1980 issued by the Central Government
e. Special Bearer Bonds, 1991 issued by the Central Government.
f. Gold Deposit Bonds issued under Gold Deposit Scheme 2000

Kinds of capital assets

There are two kinds of capital assets

Short-term capital asset: Sec. 2(42A): means a capital asset held by an assessee for not more than thirty six months immediately preceding the date of its transfer. However, in the following cases, an asset, held for not more than twelve months, is treated as short-term capital asset—

a. Quoted or unquoted equity or preference shares in a company
b. Quoted Securities

c. Quoted or unquoted Units of UTI

d. Quoted or unquoted Units of Mutual Funds specified u/s. 10(23D)

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e. Quoted or unquoted zero coupon bonds

Long-term capital asset: Sec. 2(29A)

It means a capital asset which is not a short-term capital asset. Under the existing law, profits and gains arising from the transfer of capital asset made in a previous year is taxable as capital gains. A capital asset is distinguished on the basis of the period of holding. A capital asset, which is held for more than three years, is categorized as a long-term capital asset. However, if the capital asset is in the nature of equity, it is categorized as a long- term capital asset if it is held for more than one year. All capital assets other than long-term

-term capital asset.

Transfer of capital asset

Transfer includes:

- Sale of asset
- Exchange of asset
- Relinquishment of asset (means surrender of asset)
- Extinguishments of any right on asset (means reducing any right on asset)
- Compulsory acquisition of asset.

The definition of transfer is inclusive, thus transfer includes only above said five ways. In other words, transfer can take place only on these five ways. If there is any other way where an asset is given to other such as by way of gift, inheritance etc. it will not be termed as transfer.

Year of chargeability to tax

Capital gains are generally charged to tax in the year in which 'transfer' takes place.

Long term capital gains

Long term Capital gains, if the assets like shares and securities, are held by the assessee for a period exceeding 12 months or 36 months in the case of other assets. Units of UTI and specified mutual funds will now be eligible for treatment as long term capital assets if they are held for a period exceeding 12 months. Long term Capital gains are computed by deducting from the full value of consideration for the transfer of a capital asset the following:

- Expenditure connected exclusively with the transfer;

- The indexed cost of acquisition of the asset, and

The indexed cost of improvement, if any, of that asset.

Differences between Long term capital gains and Short term capital gains

Long Term Capital Gain	Short Term Capital Gain
It arises out of transfer of long term capital assets	It arises out of transfer of short term capital assets
Tax rate is 20%	Rates applicable to all other incomes
Cost of acquisition and cost of improvement are indexed on the basis of CII.	No indexing is done.
If LTCA is acquired before 1-4-1981, then the fair market value of the asset as on 1-4-1981 is taken as the value of acquisition.	No such option is available to STCA.
Long term capital loss can be set off only against long term capital gain.	Short term capital loss can be set off against short term capital gain or long term capital gain.

Full value of consideration

Full value of consideration means and it includes the whole or complete sale price or exchange value or compensation including enhanced compensation received in respect of capital asset in transfer. The following points are important to note in relation to full value of cosideration.

1. The consideration may be in cash or kind.
2. The consideration received in kind is valued at its fair market value.
3. It may be received or receivable.
4. The consideration must be actual irrespective of its adequacy.

When shares, debentures or warrants are received under employees stock option plan or scheme are transferred under a gift or an irrecoverable trust , the market value on the date of transfer shall be deemed to be the full value of consideration received or accruing as a result of transfer for computation of capital gains.

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UNIT IV **Capital Gain and Income from other sources 2016-2017**

Cost of Acquisition

Cost of Acquisition (COA) means any capital expense at the time of acquiring capital asset under transfer, i.e., to include the purchase price, expenses incurred up to acquiring date in the form of registration, storage etc. expenses incurred on completing transfer. In other words, cost of acquisition of an asset is the value for which it was acquired by the assessee. Expenses of capital nature for completing or acquiring the title are included in the cost of acquisition.

Cost to the previous owner deemed to be the cost of acquisition:

If the asset is acquired by an assessee in the following circumstances the cost of acquisition of the asset shall be deemed to be the cost for which the previous owner of the property acquired it.

1. On any distribution of asset on the total or partial partition of a HUF or
2. Under gift or will
3. By succession , inheritance or devolution or

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4. On any distribution of assets on the dissolution of a firm, body of individuals or other association of persons at any time before 1-04-1987. Or
5. On Any distribution of asset on the liquidation of a company or
6. Under a transfer to a revocable or an irrevocable trust or
7. On transfer by a parent company to its Indian subsidiary company which is wholly owned by a parent company or
8. On the transfer by a subsidiary company to its Indian holding company which owns whole of the share capital of the subsidiary company or
9. On the transfer of capital asset by the amalgamating company to the amalgamated company if the amalgamated company is an Indian company. Or
10. On transfer of shares of an Indian company by amalgamated foreign company to the amalgamated foreign company. Or
11. On the transfer of capital asset in a scheme of amalgamation of a banking company with a banking institution sanctioned and brought into force by the central government or
12. When any members of HUF converts his self acquired property into HUF property or
13. On transfer of capital asset by the predecessor cooperative bank to the successor cooperative bank in a business organization or
14. On transfer of shares in the predecessor cooperative bank in lieu of shares allotted in the successor cooperative bank in a business reorganization or
15. On transfer of capital asset or intangible asset by a firm to a company as a result of succession of the firm by a company or
16. On succession of a sole proprietary concern by a company.

Cost of share or security

If the share or security was acquired before 1st April 1981, the cost of acquisition will be the actual cost or fair market value on 1st April 1981 whichever is beneficial to the assessee. If it is acquired after 31st march 1981, the actual cost is the cost of acquisition.

Cost of bonus shares

The cost of bonus shares or security which is received by the assessee without any payment on the basis of his holding any financial asset will be as under

(a) Where bonus share or security was received prior to 1st April 1981, the fair market value on 1str April 1981.

(b) In any other case- nil

Cost of acquisition of goodwill

If the asset is purchased from the previous owner – purchase price In any other case – Nil

Right issue-cost of acquisition in the case of right issue is amount actually paid to acquire it.

Capital asset acquired before 1st April 1981- total cost of the asset to the assessee or the faire market value on 1st April 1981.

Capital asset acquired by the previous owner before 1st April 1981- total cost of the asset to the previous owner or the faire market value on 1st April 1981.

Cost of acquisition of shares or debentures- shares or debentures acquired in consideration of conversion of debenture, debenture stock or deposit certificate shall be deemed to be the cost of

Cost of Improvement

Cost of improvement is the capital expenditure incurred by an assessee for making any addition or improvement in the capital asset. It also includes any expenditure incurred in protecting or curing the title. In other words, cost of improvement includes all those expenditures, which are incurred to increase the value of the capital asset.

$$\text{Indexed Cost of improvement} = \frac{\text{cost of improvement x CII for the year in which the asset is sold}}{\text{CII for the year in which the improvement To asset took place.}}$$

Any cost of improvement incurred before 1st April 1981 is not considered or it is ignored. The reason behind it is that for carrying any improvement in asset before 1st April 1981, asset should have been purchased before 1st April 1981. If asset is purchased before 1st April we consider the fair market value. The fair market value of asset on 1st April 1981 will certainly include the improvement made in the asset.

Computation of capital gains in case of slump sale: Any gain arising from the slump sale effected in the previous year shall be chargeable as long term capital gains of the previous year in which the transfer take place.

Expenditure on transfer

Expenditure incurred wholly and exclusively for transfer of capital asset is called expenditure on transfer. It is fully deductible from the full value of consideration while calculating the capital gain. Examples of expenditure on transfer are the commission or brokerage paid by seller, any fees like registration fees, and cost of stamp papers etc., travelling expenses, and litigation expenses incurred for transferring the capital assets are expenditure on transfer.

Note: Expenditure incurred by buyer at the time of buying the capital assets like brokerage, commission, registration fees, cost of stamp paper etc. are to be added in the cost of acquisition before indexation.

Exemption from Capital Gains

Capital gain arising on the transfer of property used for residence: -

The exemption u/s 54 relates to the capital gain arising out of transfer of residential house. The exemption is available to only Individual assessee. The exemption relates to the capital gains arising on the transfer of a residential house.

Conditions: Exemption is available if: -

1. House Property transferred was used for residential purpose.
2. House Property was a long term capital asset.
3. Assesses has purchased another house property within a period of one year before or two years after the date of transfer or has constructed another house property within three years of date of transfer i.e. the construction of the new house property should be completed within three years. The date of starting of construction is irrelevant. Where the amount of capital gain is not utilized or before the due date of furnishing the return of income in an account opened under the capital gain account scheme 1988.

Amount of Exemption will be the least of: -

1. Capital Gain
2. Cost of new house.

Withdrawal of exemption: If the newly acquired house property is transferred within three years of acquisition. Thus the earlier exempted capital gain will be charged to tax in the year in which the newly acquired house property is transferred. For that the cost of acquisition of the newly acquired house property will be reduced by the amount of exemption already availed thus the cost will reduce and thus the capital gains on the new house property will be more. Above all the new house property will be a STCA since for withdrawal of exemption it should had been sold within three years of its acquisition thus now the capital gain of the new house property will be STCG which is charged as per the normal rates which may be 30% (a higher rate as compare to the flat rate of LTCG of 20%) in the case of individuals.

Capital gain arising from the transfer of agricultural land (sec 54 B)

Any capital gain arising on the transfer of agricultural land situated in an urban area is exempt subject to the following conditions

1. The agriculture land is owned by an individual or a HUF
2. The agriculture land was , in the two years immediately preceding the date of transfer, being used either by the assessee or his parent or HUF for agriculture purposes.
3. The assessee has purchased within a period of two years from the date of transfer any other land for agricultural purposes.

The amount of deduction is the capital gain arising from the transfer of such agricultural land is exempt to the extent of the cost of the new agricultural land purchased within two years from the date of transfer. If the amount of capital gain is not utilized by the assessee for the acquisition of the new agricultural land before due date of furnishing return of income, it shall be transferred to capital gain account scheme.

The exemption is withdrawn if the assessee transfers the new land within 3 years of its purchase.

Capital gain on compulsory acquisition of land and buildings (sec 54 D)

This exemption is available to all categories of taxpayers. To get exemption the following conditions are to be satisfied.

1. The asset transferred is land or building or any right in land or building which formed part of new industrial undertaking belonging to the tax payer.
2. Asset in question is transferred by way of compulsory acquisition under any law.
3. The asset in question was used for the purpose of industrial undertaking at least for two years immediately before the date of compulsory acquisition.
4. Assessee has purchased any other land or building with in a period of three years from the date of receipt of compensation or constructed a building within such a period.

If the new asset is not acquired by the due date for furnishing the return of income for the relevant assessment year, the unutilized amount of capital gains must be deposited in a Capital Gains Deposit Account.The cost of acquisition of the new asset is reduced by the exemption granted from LTCG for a period of 3 years from its date of acquisition.

Investment in Financial Assets (Section -54 EC)

This exemption is available to all categories of taxpayers. To get exemption the following conditions are to be satisfied.

1. The assessee should transfer a long-term capital asset during the previous year.
2. The assessee should invest the whole or part of capital gain in long term specified assets. The long term specified assets include

I. Bonds redeemable after three years II. Issued on or after 1.4.2007 and III. Issued by

a) National Highway Authority of India (NHAI). Or b) Rural Electrification Corporation Limited (RECL).

The investment made on or after 1.4.2007 in the long term specified asset by an assessee during any financial year shall not exceed fifty lakh rupees. The investment is to be made within six months from the date of transfer of the original capital asset. The bonds should not be transferred or converted into money for a period of three years from the date of acquisition. In case the bonds are transferred within 3 years from the date of their acquisition, the exemption allowed for investment earlier would be taxed in the year of such transfer as capital gains. For this purpose it would be considered as transfer even if the assessee takes any loan or advance on the security of the specified securities. For the investment in the bonds deduction under section 80C will not be available.

Investment into a residential house (Section 54F)

If an individual or a HUF having LTCG arising out of sale of capital asset other than a residential house invests in the purchase or construction of a residential house, then, he/it is eligible for exemption.

$$\text{Amount of exemption} = \frac{\text{Cost of New House X Capital Gains}}{\text{Net Consideration}}$$

Where net consideration = full value of consideration - cost of transfer.

The time available for investment and the method to be followed for investment after the due date for filing of return of income are the same as mentioned in the scheme in (a) above.

In this case, however, cost of the new asset is not changed. But the assessee should not own more than one residential house other than the residential house in which he has invested as on the date of transfer and also, he should not purchase/construct any other residential house for a period of 1/3 years from the date of transfer. In case he owns more than one residential house as on the date of transfer he is not eligible for this deduction.

In case he purchases/constructs a house within 1/3 years from the date of transfer after getting this deduction, the amount allowed as deduction would be taxed as capital gains in the year of such purchase/construction.

g) Transfer of fixed asset of industrial undertaking effected to shift it from urban area -54G

This exemption is available to all categories of taxpayers. The conditions for claiming the exemption are as under:

1.The transfer is affected in the course of or inconsequence of shifting the undertaking from an urban area to any area other than an urban area.

2. Asset transferred is machinery, plant, building, land or any right in building or land used for the business of industrial undertaking in an urban area.

3.The capital gain is utilized within one year before or 3 years after the date of transfer

a) for purchasing new machinery or plant or building or land for tax payer's business in that new area; or
b) shifting of the old undertaking and its establishment to the new area; or
c) incurring of expenditure on such other purposes as specified in the scheme notified for the purpose.

Exemption of LTCG is given to the extent of the outlay for aforesaid asset and activities. The unutilized amount of capital gain as on the date on which return of income for the relevant Assessment Year is due; must be deposited in a Capital Gains Deposit account. The cost of acquisition of the new asset is reduced by the exemption allowed from LTCG for a period of 3 years from its date of acquisition.

h) Shifting of an industrial undertaking from urban area to any Special Economic Zone (Sec54GA) Capital gain arising out of shifting of industrial undertaking from urban area to any Special Economic Zone are exempt of the following conditions were satisfied.

1.The transfer should be a long term or short-term capital asset such as plant, machinery, building or land or right in building or land.

2. Such asset has been used for the purpose of business of industrial undertaking situated in urban area.

3. The transfer should be done in connection with shifting of industrial undertaking in SEZ.

4. The amount of capital gain must be used with in a period of one year before or three years after the date of transfer to purchase machinery or plant, to acquire land, to construct building for the purpose of business in SEZ.

The unutilized amount of capital gain as on the date on which return of income for the relevant

Assessment Year is due; must be deposited in a Capital Gains Deposit account.

Exemption of long term capital gains on transfer of residential property (sec 54 GB)

This exemption is available to an individual or HUF. Capital gain arising out of transfer of a long term capital asset being a residential property (a house or a plot of land) is exempted from tax if the following conditions are satisfied.

1. The assessee utilizes the net consideration for subscription in equity shares of an eligible company before the due date of furnishing the return of income. If he invests less than the net consideration in equity shares, the proportionate capital gains shall be exempt.

2. The company utilizes the money within one year from the date of subscription in equity shares

3. If the company does not utilize the consideration, received for issue of shares to the assessee, for purchase of new plant and machinery before the due date of furnishing return of income by the assessee, the consideration not so utilized shall be deposited in specified banks or institution in notified scheme.

If the amount deposited in specified bank etc is not utilized with the mentioned period of time by the company, the proportionate capital gains shall be chargeable to tax of the assessee of the previous year in which the period of one year from the date of subscription in the equity shares by the assessee expires.

If the assessee sells or otherwise transfers the shares or the company sells or otherwise transfers the new plant or machinery within five years from the date of acquisition , the exempted capital gains shall be deemed to be the capital gains of the previous year in which the new plant and machinery is sold or transferred.

If there is a gain on transfer of shares to the assessee, it shall be chargeable to tax in his hands.

If there is a gain on transfer of plant or machinery to the company, the company shall be liable to pay tax on it.

i) Extension of time for acquiring new asset or depositing or investing amount of capital gain: (Section 54H)

Where the transfer of the original asset (residential house and land appurtenant there to (Section 54), agricultural land (Section 54 B), land and building of an industrial undertaking (Section 54D), any long term capital asset (Section 54 EC) and long term capital asset other than residential house is by way of compulsory acquisition under any law, and the amount of compensation awarded foe such acquisition is not received by the assessee the date of transfer, the period of acquiring the new asset or the period for depositing or investing the amount shall be extended in relation to the amount of compensation as is not received on the date of transfer.

Tax on capital gains on transfer of equity shares in a company or units of an equity oriented fund

In the case of short term capital gains arising from transfer of equity shares in a company or units of an equity oriented fund, the tax payable by the assessee shall be @15% +surcharge of any + education cess 3% on such short term capital gains provided that such a transaction is chargeable to securities transactions tax. Notably, no deduction is available u/s 80C to 80U from above short term capital gains. In case of LTCG on transfer of equity shares or units of equity oriented mutual funds, provided the transaction has been subject to securities transaction tax, the LTCG is not chargeable to tax at all.

If the transaction has not been subjected to securities transaction tax, the LTCG will be taxed @ 10% if no indexing is claimed and @ 20% if cost of acquisition is indexed. The taxpayer has an option to choose from either of the above.

In case the shares / securities are transferred in demat' form, for computing capital gain chargeable to tax, the cost of acquisition and period of holding of any security shall be determined on First in – First - out (FIFO) basis.

Illustration:1

Mr. Vishal sold his residential house for Rs:4,50,000 in November, 2016. Indexed cost of this house was Rs: 1,80,000. He paid 3 % of sale as commission to broker. He purchased another house on 26th January, 2013 for Rs:2,00,000. Compute his capital gains for the AY 2017-18

Solution:

Computation of capital gains for the AY 2017-18

Particulars	Rs:	Rs:
Selling price of the house		4,50,000
Less: Brokerage	13,500	
Indexed cost	1,80,000	1,93,500
Long terrm capital gain		2,56,500
Less: Cost of new house		2,00,000
Taxable Capital Gain		**56,500**

Illustration:2

Mr. Irfan provides you the following information to the sale of residential house. Calculate his capital gain for the AY 2017-18

House purchased in January, 1989 Rs:4,83,000
Sold the house in August, 2015 Rs:30,00,000
Purchased another residential house in November, 2014 Rs:2,00,000
Invested in bond issued by NHAI Bonds u/s 54EC Rs:1,00,000
The Cost Inflation Index in 1988-89 was 161 and for 2016-17 was 1125

Solution:

Computation of capital gains for the AY 2017-18

Particulars	Rs:	Rs:
Sale of asset in August,2012		30,00,000
Less: Indexed cost of acquisition(483000x 852/161)		25,56,000
Capital Gain		4,44,000
Less: Exemption u/s 54 being cost of house purchased within one year	2,00,000	
Exemption u/s 54EC	1,00,000	3,00,000
Taxable Capital Gain		**1,44,000**

Illustration:3

Mr. Anandamurthy showed his block of assets as on 1-4-2012 at a WDV of Rs:1,50,000. He purchased another asset within the block during the year 2012-13 for Rs:40,000.The entire block of assets is sold during the previous year for Rs:2,00,000. Calculate capital gain for the assessment year 2017-18

Solution:

Computation of capital gains for the AY 2017-18

Particulars	Rs:
W.D.V. of assets as on 01-04-2012	1,50,000
Add: Assets purchased during P.Y.	40,000
	1,90,000
Less: Selling Price	2,00,000
Short Term Capital Gain	**10,000**

llustration:4

Mr. Varma purchased a plot in 1986-87 for Rs: 1,40,000. It was sold on 15-1-2013 for Rs:15,80,000 and he paid Rs:1,00,000 as brokerage. He invested Rs:2,00,000 in NHAI bonds on 31-3-2013 and Rs: 3,10,000 in bonds issued by Rural Electrification Corporation Ltd. on 1-8-2013. Compute his taxable capital gain, if the CII for 1986-87 was 140 and for 2016-17 is 1125

Solution:

Computation of capital gains for the AY 2017-18

Particulars	Rs:	Rs:
Selling price of plot		15,80,000
Less: Brokerage	1,00,000	
Indexed cost (1,40,000 x 853/140)	8,52,000	9,52,000
L T C G		6,28,000
Less: Exempt u/s 54EC : NHAI Bonds purchased within 6 months from the date of transfer of LTCA		2,00,000
TaxableCapital Gains		**4,28,000**

Note: *Bonds of Rural Electrification Corporation Ltd. not purchased within 6 months from the date of transfer of LTCA, hence, not entitled to exemption.*

Illustration:5

Agricultural land purchased in 1984-85 for Rs: 75,000 sold for Rs: 7,20,000 on 01-05-2012.

The assessee purchased another piece of agricultural land on 01-08-2012 for Rs:80,000 and deposited Rs:50,000 in Capital Gains Account Scheme, 1988. Compute tha Capital Gain chargeable to tax for the AY 2013-14. CII in 1984-85 was 125 and in 2015-16 is 1029

Solution:

Computation of capital gains for the AY 2017-18

Particulars	Rs:	Rs:
Selling price of agri. land		7,20,000
Less: Indexed Cost (75,000 x 852/125)		5,11,200
LTCG		2,08.800
Less: Cost of new agri. land	80,000	
Deposit in Capital Gains Account	50,000	1,30,000
Income Tax Law and Practice Taxable Capital Gains		78,800

Illustration:6

From the following information of Narayanamurthy, compute the capital gains for the AY 2016-17

Cost of acquisition of residential house in 1983-84 Rs:3,48,000. Sale consideration on 01-07-2012 Rs: 31,00,000.

Cost of acquisition of new house prior to the date of filing the IT return Rs:8,00,000. The CII in 1983-84 and in 2012-13 was 116 and 852 respectively.

Solution:

Computation of capital gains for the AY 2017-18

Particulars	Rs:
Selling price of house	31,00,000
Less: Indexed cost (3,48,000 x 852/116)	25,56,000
LTCG	5,44,000
Less: Cost of new house	8,00,000
Taxable Capital Gains	Nil

Illustration:7

From the following particulars, calculate capital gains: Self-generated goodwill of a business sold for Rs: 14,00,000. Bonus shares in B.Ltd. (not listed) and (being STCA) sold for Rs:8,00,000. Business income Rs: 60,000. LTCl in the transfer of a building Rs: 40,000. Face value of bonus shares sold Rs:6,00,000.

Solution:

Computation of Capital Gains for the AY 2017-18

Particulars	Rs:	
Selling price of self-generated goodwill(assumed LTCA)	14,00,000	
Less: Cost	Nil	
L T C G	14,00,000	
Less: LTCL on sale of building	40,000	
L T C G		13,60,000
Selling price of bonus share	8,00,000	
Less: Cost	Nil	
S T C G		8,00,000
Taxable Capital Gain		21,60,000

INCOME FROM OTHER SOURCES

Under the Income Tax act, income of every kind which is not to be excluded from the total income shall be chargeable to income tax under the head 'Income from other sources', if it is not chargeable to income tax under any of the other heads of income. Thus, income from other sources is a residuary head of income i.e. income not chargeable under any other head is chargeable to tax under this head. All income other than income from salary, house property, business and profession or capital gains is covered under 'Income from other sources'.

The following incomes are chargeable to tax:-

1. Dividend received from any entity other than domestic company. This is because dividend received from a domestic company has been made exempt in the hands of the receiver. Accordingly dividend received from a cooperative bank or dividend received from a foreign company will be taxable as income from other sources.
2. Any pension received by the legal heirs of an employee.
3. Any winnings from lotteries, crosswords, puzzles, races including horse races, card games or other games of any sort or gambling or betting of any form or nature.
4. Income from any plant, machinery or furniture let out on hire where it is not the business of the assessee to do so.
5. Income from securities by way of interest.
6. Any sum received by the assessee from his employees as contribution to any staff welfare scheme. However when the assessee makes the payment of such contribution within the time limit under the scheme of welfare, then the payment will be allowed as a deduction and only the balance amount will be taxable.
7. Income from subletting.
8. Interest on bank deposits
9. Income received under keyman insurance policy including bonus on such policy.
10. An individual or HUF receives in any previous year from any person or persons.

1. Any sum of money, without consideration, the aggregate value of which exceeds Rs 50,000.

Any immovable property (i) without consideration, the stamp value of which exceeds Rs 50,000- the stamp duty is taxable.(ii) for a consideration which is less than the stamp duty value of the property by an amount exceeding Rs 50,000- the stamp duty is taxable

3. Any property other than immovable property :

(i) without consideration, the aggregate fair Market value of which exceeds Rs 50,000- the whole of the aggregate fair market value of such property is included under this head as income.

(ii) for a consideration which is less than the aggregate fair market value of the property by an amount exceeding Rs 50,000- the aggregate fair Market value of such property as exceeds such consideration.

Gift of Cash / Cheque / Draft:

If, through one or more transactions, gift received is up to Rs 50,000 per financial year, then nothing is taxable. If gift is Rs 50,001 or above, then it is fully taxable. For example, if gift of Rs70,000 is received in cash, then taxable amount is Rs 70,000 and not Rs 20,000.

2. **Gift of immovable property :** In this case, if Stamp duty value is up to Rs 50,000 then nothing is taxable. If it is above Rs 50,000, then fully taxable. It is applicable for each individual transaction.

Unlike above, if more than one transaction of Gift, below Rs 50,000, than they shall not be aggregated. Similarly, if there is consideration, may be less or say if difference between the actual selling price and Stamp duty value is more than 50,000, then the above law is not applicable. It is applicable only in case of gift i.e. when property is transferred without consideration.

3. Gift of movable property (one or more transactions): If fair market value of all movable properties gifted in one financial year is up to Rs 50,000, then nothing is taxable. But if it is more than Rs 50,000, then it is fully taxable.

4. **Movable property transferred for inadequate consideration:** If difference between actual consideration and fair market value is more than Rs 50,000, all transactions of one financial year combined together, then the difference is fully taxable. If difference is up to Rs 50,000, than nothing is taxable

Exempted Gifts:

1.Money / property received from a relative or by HUF from its members
2.Money / property received on the occasion of the marriage of the individual 3.Money / property received by way of will/inheritance
4.Money / property received in contemplation of death of the payer. 5.Money / property received from a local authority
6.Money / property received from any fund, foundation, university, other educational institution, hospital, medical institution, any trust, or institution referred to in the section10(23C). 7.Money / property received from a charitable institute registered u/s 12AA.
11. Interest received on compensation or on enhanced compensation shall be deemed to be the income of the previous year in which it is received.
12. With effect from 2013-14 the following shall be treated as income:

Where a closely held company issue shares to a resident person for consideration exceeding the face value of such shares, the deemed income shall be consideration received- fair market value of the shares.

Apart from the above the following incomes are also shall be chargeable under this head. 1. Income from subletting
2. Interest on bank deposits and loans and securities.
3. Agricultural income from a place outside India.

4. Rent of plot of land
5. Mining rent and royalty.

6. Casual income under a will, contract, trust deed.
7. Salary payable to a member of parliament.
8. Income from undisclosed sources.
9. Gratuity paid to a director who is not an employee of a company. 10. Any casual income exceeding Rs. 5,000.
11. Income from markets, ferries and fisheries etc.
12. Income from leasehold property
13. Remuneration received for writing articles in journals.
14. Salary of M.P, member of legislative assembly or council
15. Interest received on securities of cooperative society
16. Family pension received by the widow and heirs of deceased employees. However the following family pensions are exempt:

(i) Pension received by the widow of an employee of the U.N.O (ii) Family pension of gallantry awardee.

(iii) Family pension received by the widow or children or nominated person of a member of the armed forces (including para military force) of the union, where the death of such member occurred in the course of operational duties shall be exempt provided the prescribed conditions are satisfied.

17. Amount withdrawn from deposit in national Savings Scheme 1987 on which deduction u/s80 CCA has been allowed including interest thereon.
18. Directors commission for giving guarantee to bank.
19. Directors commission for underwriting shares of a new company.
20. Insurance commission not chargeable under the head business or profession
21. Gratuity received by a director who is not an employee of the company.
22. Tips received by a waiter or taxi driver not being given by his employer.
23. Tax paid by an Indian company on behalf of a foreigner who was sent to India by a foreign company with whom the collaborating company had entered into agreement was Income Of The Foreigner Taxable Under The Head Income From Other Sources.

Dividend

The dividend is the distribution of divisible profits by a joint stock company to its shareholders by way of return on investments in the shares of the company. Dividend from an Indian company is exempted from tax.

Winnings from lotteries & betting, crossword puzzles, horse races and card games etc. sec. 115 BB.It also includes income through draw of lots, television game shows and similar other games. Taxable at a flat rate of 30% without claiming any allowance or expenditure. Even if income is less than Rs 2,00,000 for the financial year 2012–13, these incomes are fully taxable Income from Units of UTI and Mutual Fund :Income from units of UTI and Mutual Fund is exempt from tax as per section 10(35).

Lottery includes winnings, from prizes awarded to any person by draw of lots or by chance or in any other manner whatsoever, under any scheme or arrangement by whatever na me called. Card game and other game of any sort includes any game show, an entertainment programme on television or electronic mode, in which people compete to win prizes or any other similar game. Deductions u/s 80C to 80U is not available against such incomes. Surcharge & education cess will apply in a usual way.

$$\text{Formula for grossing up} = \frac{\text{Net amount received X 100}}{\text{100--Rate of TDS}}$$

TDS Rate

As per section 194B the TDS rate for lottery, crossword puzzles or card games or other games is 30% [No TDS if lottery etc. up to Rs 10,000–but if amount exceeds Rs 10,000 then TDS on whole amount].

As per section 194BB, the TDS rate for winning from horse races is 30 % [No TDS if winning Up to Rs 5000. But if winnings exceed Rs 5000 then TDS on whole winnings].

Note : No TDS is deducted if Lottery Price is less than Rs.10,000 but still the tax is payable by the assessee. Similarly no TDS in case of Winning from other races, gambling or betting.

Interest on securities

The income from interest on securities shall be chargeable to tax under income from other sources, if it is not taxable under the head income from business or profession.

The following amounts due to an assessee in the previous year shall be chargeable to income tax as interest on securities.

1. Interest on any security of the central or state govts.
2. Interest on debentures or other securities issued by a local authority.
3. Interest on debentures issued by a company (whether Indian or foreign)
4. Interest on debentures or other securities issued by statutory corporation.

Kinds of securities

There are four types of securities.

Tax free government securities: The interest on these securities is fully exempt from tax. The interest on such securities is neither included in total income nor taxed.

Less tax government securities: These securities are issued by central govt or state government. These securities are taxable securities. But no tax is deducted at source on such securities. Therefore the interest on such securities will not be grossed up.

Tax free commercial securities: These securities are issued by local authority or Statuary Corporation or a company in the form of debentures or bonds. Actually the interest is not tax free. Income tax due on this interest is payable by the company or authority or Statuary Corporation. These are called tax free because the assessee is not required to pay tax on it. The interest due to an assessee is grossed up and this grossed up amount is included in the total income.

Less tax commercial securities: These are taxable securities. In this case income tax is deducted at source on the amount of interest calculated at the percentage stated on the securities. In this type of securities, if the net amount of interest is given, it has got to be grossed up. If the rate of percentage of interest is given it is not grossed up.

Bond washing transaction

A bond-washing transaction is a transaction where securities are sold sometime before the due date of interest and reacquired after the due date is over. This practice is adopted by persons in the higher income group to avoid tax by transferring the securities to their relatives/friends in the lower income group just before the due date of payment of interest.

In such a case, interest would be taxable in the hands of the transferee, who is the legal owner of securities. In order to discourage such practice, section 94(1) provides that where the owner of a security transfers the security just before the due date of interest and buys back the same immediately after the due date and interest is received by the transferee, such interest income will be deemed to be the income of the transferor and would be taxable in his hands. In order to prevent the practice of sale of securities-cum-interest, section 94(2) provides that if an assessee who has beneficial interest in securities sells such securities in such a manner that either no income is received or income received is less than the sum he would have received if such interest had accrued from day to day, then income from such securities for the whole year would be deemed to be the income of the assessee.

Grossing up of Interest:

Interest is paid after TDS at following rates:
Govt. Securities: Nil (In case of 8% saving bonds, if amount of interest exceeds Rs 10,000 then there is a TDS @ 10%)
Listed / Non listed securities: 10%

$$\text{grossing up: } = \text{Net amount received} \times \frac{100}{100 - \text{Rate}}$$

Note: No tax is deductible on debentures issued by a widely held company if interest is

Paid /payable to an individual, resident in India and the aggregate amount of such interest paid or payable during the financial year does not exceed Rs 2500.

Expenses deductible from Interest income

The following expenses can be claimed as deductions from grossed up Interest income:

(a) Collection charges: e.g. commission or remuneration to a banker or any other agent/broker for the purpose of realizing the interest.

(b) Interest on loan: Interest on money borrowed for purchasing the securities can be claimed as deduction. This deduction can exceed the amount received by way of interest. If interest is payable outside India, TDS must be done, otherwise deduction is not available.

Basis of charge: Interest on securities is chargeable on receipt basis if the books of accounts of such income are maintained on cash basis. If, however, books of accounts are not maintained or maintained on the basis of mercantile system of accounting, then interest on securities is taxable on accrual basis. Deduction of collection charges, interest on borrowed capital is allowed as per the method of accounting followed by the assessee.

Interest exempt from tax [Sec. 10(15)] Interest on the following is exempt from tax:

1. Interest on notified securities, bonds or certificates:

a. National Defence Gold Bonds, 1980
b. Special bearer bonds, 1991
c. Post office Cash certificates
d. National Plan Certificates
e. National Plan Savings certificates
f. Post Office National Savings Certificates
g. Post Office Savings Bank Account

(i) Individual account – maximum exemption limit Rs 3,500
(ii) Joint account – maximum exemption limit Rs 7,000

2. Interest on National Relief Bonds (only for individual and HUF)
3. 7% Capital Investment Bonds (only for individual and HUF)
4. nterest on notified bonds/ debentures of Public Sector companies
5. Interest on deposits in a specified scheme made by a retired govt./public sector employee out of retirement benefits.

6. Iterest on Gold Deposit bonds
7. Interest received by a non-resident Indian from notified bonds (i.e. NRI

bonds). Standard deduction in the case of family pension [Sec. 57(iia)]

In the case of income in the nature of family pension, the amount deductible is Rs. 15,000 or 33 1/3per cent of such income, whichever is less.

For this purpose "family pension" means a regular monthly amount payable by the employer to a person belonging to the family of an employee in the event of his death.

DEDUCTIONS AGAINST INCOME FROM OTHER SOURCE U/S 57

a. commission or remuneration for realising dividend or interest on securities – Section 57(i)
b. Repairs, depreciation in case of letting out of plant, machinery, furniture, building etc.
c. Standard deduction in case of family pension – 57(iia)
d. Any other expenditure of revenue nature [57(iii)]
e. Interest on borrowed capital [loan taken to invest in shares/ debentures etc.]

Illustration:1

Mr. S.B.Singh, a College Professor, furnished the following particulars. You are required to compute income from other sources:

Examination remuneration Rs: 7,000 Royalty from books and articles Rs: 25,000

Winnings from card games Rs: 6,700 Winnings from State lottery Rs: 30,000

Expenditure on purchase of lottery tickets Rs: 12,000.

Solution:

Computation of Income from Other Sources For the AY 2017-18

Particulars	Rs:
Examination remuneration	7,000
Royalty from books and articles	25,000
Winnings from card games	6,700
Winnings from State lottery	30,000
Income from other sources	68,700

Illustration :2

Compute income from other sources:

Dividend (Gross) Rs:9,600
Expenses incurred for its collection Rs: 500
Receipts from letting of plant and machinery Rs: 10,000
Repairs of Plant and Machinery Rs: 4,000
Insurance premium in respect of plant and machinery Rs: 2,000
Depreciation allowed for letting Rs:4,000

Solution:

Computation of Income from Other Sources For the AY 2017-18

Particulars	Rs:	Rs:
Receipts from letting of P&M		10,000
Less: Admissible expenses:		
Repairs of P&M	4,000	
Insurance premium in respect of P&M	2,000	
Depreciation allowed for letting	4,000	10,000
Income from other sources		Nil

Illustration:3

From the following particulars submitted by Sri. Mani Shankar Iyer, compute his income from other sources for the AY 2017-18

As Director of ABC Ltd. he received Rs: 12,000 p.m. as salary and Rs:1,200 p.m. as entertainment allowance. The company provides him a car for both official and personal use. The personal use is estimated to be 50%. The company incurs an expenditure of Rs:16,000 on running and maintenance of the car {for both official and personal use) and depreciation of the car may be taken as Rs: 14,000. He was also a Director in another company from which he received Rs: 13,000 as Director's fee. Interest received on deposits with a Co-operative bank limited Rs:2,000. Dividend received from a foreign company Rs: 6,000. Received winnings from lottery Rs: 24,500 Income from agricultural land in England Rs: 78,000. Honorarium for delivering lectures in a registered society Rs:1,200.

Solution:

Computation of Income from Other Sources For the AY 2017-18

Particulars	Rs:
Director's fee	13,000
Interest on deposits with Co-operative Bank	2,000
Dividend from a foreign company	6,000
Winnings from lottery (24500 X 100/70)	35,000
Agri. Income from England	78,000
Honorarium for Lectures	1,200
Income from other sources	1,35,200

Illustration:4

Compute income from other sources of Mr. Ajayakumar for the AY 2017-18 His investments are

5% govt. securities Rs: 70,000
7.5% Agra Municipal Bond Rs: 50,000
9% debentures of a company Rs:30,000

Solution:

Computation of Income from Other Sources For the AY 2017-18

Particulars	Rs:
Interest on Govt. Securities (70,000 x 5%)	3,500
Interest on Agra Municipal Bond (5,000 x 7.5 %)	3750
Interest on debentures (30,000 x 9%)	2,700
Interest on Capital Investment Bond	Exempt
Income from Other Sources	9,950

Illustration:5

The following are the details relating to Mr. Siddharth for the P.Y. 2015-16. Compute income from other sources:Income from agriculture in Pakistan Rs: 5,000 Interest on post office savings bank Rs: 1,000 Dividend from foreign company Rs: 700 Dividend from Indian company Rs:1,000Rent from sub-letting house Rs: 26,250 Expenses for sub-letting house Rs: 1,000 Winning from lottery (Net) Rs: 14,000

Solution:

Computation of Income from Other Sources For the AY 2017-18

Particulars		**Rs:**
Income from agriculture		5,000
Interest on P.O.S.B.		Exempt
Dividend from foreign company		700
Dividend from Indian company		Exempt
Rent from sub-letting house	26,250	
Less: Expenses	1,000	25,250
Winnings from lottery (14,000 x 100/70)		20,000
Income from Other Sources		50,950

Computation of Total Income - Set off and Carry forward of losses - Aggregation of agriculture income with non - agricultural income - Rates of tax for individuals - Income of other persons to be included in Income of Individual

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TOTAL INCOME

Total income means Income of other person included in assesse's total income, for example: Income of husband which is shown to be the income of his wife is clubbed in the income of Husband and is taxable in the hands of the husband. Under the Income Tax Act a person has to pay taxes on his income. A person cannot transfer his income or an asset which is his one of source of his income to some other person or in other words we can say that a person cannot divert his income to any other person and says that it is not his income. If he do so the income shown to be earned by any other person is included in the assessee's total income and the assessee has to pay tax on it. Inclusion of other's Incomes in the income of the assessee is called

Total Income and the income which is so included is called Deemed Income. It is as per the provisions contained in Sections 60 to 64 of the Income Tax Act. For example: A purchased a house property in the name of his wife B. A let out this house property. The rental income earned by Ain name of his wife B is taxable in the hands of A.

Total Income takes place in the following cases:

1. **Transfer of income without transfer of Asset**: If any person transfers income without transferring the ownership of the asset, such income will be taxable in the hands of the transferor. Ex. X owns 4000, 14% debentures of A ltd. of Rs. 100 each , he transfers interest income to his friend Y without transferring the ownership of Debentures . In this case although interest will be received by Y but it is taxable in the hands of X.

2. **Revocable transfer of Asset**: If any person transfers any asset to any other

person in such form and condition that such transfer is revocable at any time during the lifetime of the transferee , the income earned through such asset is chargeable to tax as the income of the transferor. For ex. X transfers a house property to A. However , X has right to revoke the transfer during the life time of A . It is a revocable transfer and income arising from the house property is taxable in the hands of X.

3. **Remuneration to Spouse**: An individual is chargeable to tax in respect of any remuneration received by the spouse from a concern in which the individual has *substantial interest. This provision has an exception. If the remuneration is received by spouse by the application of technical or professional knowledge or experience clubbing provisions will not take place. For ex. X has substantial interest in A ltd. and Mrs. X is employed by A ltd. without any technical or professional qualification. In this case salary income of Mrs. X shall be taxable in the hands of X.

5. Income from asset transferred to son's wife: If an individual, directly or indirectly transfers asset , without adequate consideration to son's wife , income arising from such asset is included in the income of the transferor. For ex. Mrs. A transfer's 100 debentures of IFCI to her son's wife without adequate consideration. Interest income on these debentures will be included in the income of Mrs. A.

6. Income from asset transfer to a person for the benefit of spouse/ son's wife: If anindividual , directly or indirectly transfers asset , without adequate consideration to a person or an association of persons for the benefit of his/her spouse /son's wife , income arising from suchasset directly or indirectly is included in the income of the transferor. For Ex. X transfers Government bonds without consideration to an association of persons, subject to the condition that , the interest income from these bonds will be utilized for the benefit of Mrs. X or Mrs. X son's wife . Interest from bonds will be included in the income of X

7. Income of a minor child: All income which arises to the minor shall be clubbed in the income of his parents. Income will be included in the income of that parent whose total income is greater. This case has two exceptions.

(1) Income of minor child suffering from specified disability .

(2) Income of minor child on account of manual work or involving application of his skill/talent etc.

***Substantial Interest**: An individual is deemed to have substantial interest if he beneficially holds equity shares carrying not less than 20% voting powering case of a company or is entitled to not less than 20% of the profits in case of a concern other tan a company , at any time during the previous year.

Some special points to remember:

1. If an individual makes a gift in cash or by cheque to his spouse and that money is utilized by the spouse for purchase of an asset . The income earned by the spouse from that asset will not be clubbed in the income of the individual.
2. In order to invoke clubbing provisions there must be relation of husband and wife. That means if a person transfers asset to his would be spouse before marriage income arising from such asset will not be included in the income of transferor.
3. Negative income is also income. Under the Income Tax Act income does not means positive income only. The term income includes negative income or loss also.
4. Income from accretion to asset is not taxable in the hands of the transferor.
5. Income from saving out of pin money is not included in the income of husband.
6. Income of minor child is clubbed with the income of the parent whose income after excluding the share of minor’s income is greater.
7. If trust is created for the benefit of minor child and income during minority of child is being accumulated and added to corpus of trust and income from increased corpus is given to the child after attaining majority, clubbing provisions are not applicable.

Aggregation of Income

In certain cases, some amounts are deemed as income in the hands of the

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assessee though they are actually not in the nature of income. These cases are contained in sections 68, 69, 69A, 69B, 69C and 69D. The Assessing Officer may require the

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assessee to furnish explanation in such cases. If the assessee does not offer any explanation or the explanation offered by the assessee is not satisfactory, the amounts referred to in these sections would be deemed to be the income of the assessee. Such amounts have to be aggregated with the assessee's income.

Cash credits (sec 68)

Where any sum is found credited in the books of an assessee maintained for any previous year, and the assessee offers no explanation about the nature and source thereof or the explanation offered by him is not, in the opinion of the Assessing Officer, satisfactory, the sum so credited may be charged to income-tax as the income of the assessee of that previous year.

Unexplained investments (sec 69)

Where in the financial year immediately preceding the assessment year the assessee has made investments which are not recorded in the books of account, if any, maintained by him for any source of income, and the assessee offers no explanation about the nature and source of the investments or the explanation offered by him is not, in the opinion of the Assessing Officer, satisfactory, the value of the investments may be deemed to be the income of the assessee of such financial year.

Unexplained money, etc (Sec 69A)

Where in any financial year the assessee is found to be the owner of any money, bullion, jewellery or other valuable article and such money, bullion, jewellery or valuable article is not recorded in the books of account, if any, maintained by him for any source of income, and the assessee offers no explanation about the nature and source of acquisition of the money, bullion, jewellery or other valuable article, or the explanation offered by him is not, in the opinion of the Assessing Officer, satisfactory, the money and the value of the bullion, jewellery or other valuable article may be deemed to be the income of the assessee for such financial year.

Amount of investments, etc., not fully disclosed in books of account(69B.)

Where in any financial year the assessee has made investments or is found to be the owner of any bullion, jewellery or other valuable article, and the Assessing Officer finds that the amount expended on making such investments or in acquiring such bullion, jewellery or other valuable article exceeds the amount recorded in this behalf in the books of account maintained by the assessee for any source of income, and the assessee offers no explanation about such excess amount or the explanation offered by him is not, in the opinion of the Assessing Officer, satisfactory, the excess amount may be deemed to be the income of the assessee for such financial

Unexplained expenditure, etc (69C).

Where in any financial year an assessee has incurred any expenditure and he offers no explanation about the source of such expenditure or part thereof, or the explanation, if any, offered by him is not, in the opinion of the Assessing Officer, satisfactory, the amount covered by such expenditure or part thereof, as the case may be, may be deemed to be the income of the assessee for such financial year :

Amount borrowed or repaid on hundi (69D.)

Where any amount is borrowed on a hundi from, or any amount due thereon is repaid to, any person otherwise than through an account payee cheque drawn on a bank, the amount so borrowed or repaid shall be deemed to be the income of the person borrowing or repaying the amount aforesaid for the previous year in which the amount was borrowed or repaid, as the case may be:

SET OFF, OR CARRY FORWARD AND SET OFF

Set off of loss from one source against income from another source under the same head of income (sec 70.)

(1) Save as otherwise provided in this Act, where the net result for any assessment year in respect of any source falling under any head of income, other than Capital gains, is a loss, the assessee shall be entitled to have the amount of such loss set off against his income from any other source under the same head.

(2) Where the result of the computation made for any assessment year under sections to in respect of any short-term capital asset is a loss, the assessee shall be entitled to have the amount of such loss set off against the income, if any, as arrived at under a similar computation made for the assessment year in respect of any other capital asset.

(3) Where the result of the computation made for any assessment year under

sections to in respect of any capital asset (other than a short-term capital asset) is a loss, the assessee shall be entitled to have the amount of such loss set off against the income, if any, as arrived at under a similar computation made for the assessment year in respect of any other capital asset not being a short-

However the following are the exceptions to the general rue.

(1) Loss from speculation business cannot be set off against income from other sources. This loss can be set off only against income from another speculation business.
(2) Loss of specified business cannot be set off against income from other business. This loss can be set off only against income from other specified business.
(3) Long term capital loss cannot be set off against short term capital gain. This loss can be set off only against long term capital gain.
(4) Loss from the activity of owning and maintaining race horses shall be set off against income from owning and maintaining race horses only and not against any other income under the head other sources.

Inter head adjustment [Section 71]

Loss under one head of income can be adjusted or set off against income under another head.

However, the following points should be considered:

(i) Where the net result of the computation under any head of income (other than 'Capital Gains')
is a loss, the assessee can set-off such loss against his income assessable for that assessment year under any other head, including 'Capital Gains'.

(ii) Where the net result of the computation under the head "Profits and gains of business or profession" is a loss, such loss cannot be set off against income under the head "Salaries".

(iii) Where the net result of computation under the head 'Capital Gains' is a loss, such capital loss
cannot be set-off against income under any other head.

(iv) Speculation loss and loss from the activity of owning and maintaining race horses cannot be set off against income under any other head.

Carry forward and set off losses

If it is not possible to set off the losses during the same assessment year in which they occurred, so much of the loss as he has not been so set off out of the following losses can be carried forward for being set off against his income in the succeeding years provided the losses have been determined in pursuance of a return filed by the assessee within the time allowed u/s 139(i) and it is the same assessee who sustained the loss.

(i) Loss under the head income form house property.

(ii) Loss of non speculation business or rofession.

(iii) Loss of speculation business.

(iv)Loss of specified business

(v) Short term capital loss or long term capital loss.

(vi)Loss from activity of owning and maintaining race horses.

Set-off and carry forward of loss from house property [Section 71B]

(i) In any assessment year, if there is a loss under the head 'Income from house property', such

Loss will first beset-off against income from any other head during the same year.

(ii) If such loss cannot be so set-off, wholly or partly, the unabsorbed loss will be carried forward to the following assessment year to be set-off against income under the head 'Income from house property'.

(iii) The loss under this head is allowed to be carried forward up to 8 assessment years immediately succeeding the assessment year in which the loss was first computed.

(iv) For example, loss from one house property can be adjusted against the profits from another house property in the same assessment year. Any loss under the head 'Income from house property' can be set off against any income under any other head in the same assessment year. However, if after such set off, there is still any loss under the head "Income from house property",

and then the same shall be carried forward to the next year.

(v) It is to be remembered that once a particular loss is carried forward, it can be set off only against the income from the same head in the forthcoming assessment years.

Carry forward and set-off of business losses [Sections 72 & 80]

Under the Act, the assessee has the right to carry forward the loss in cases where such loss cannot be set-off due to the absence or inadequacy of income under any other head in the same year. The loss so carried forward can be set-off against the profits of subsequent previous years.

Section 72 covers the carry forward and set-off of losses arising from a business or profession. The assessee's right to carry forward business losses under this section is, however, subject to the following conditions:-

(i) The loss should have been incurred in business, profession or vocation.

(ii) The loss should not be in the nature of a loss in the business of speculation.

(iii) The loss may be carried forward and set-off against the income from business or profession though not necessarily against the profits and gains of the same business or profession in which the loss was incurred. However, a loss carried forward cannot, under any circumstances, be set-off against the income from any head other than "Profits and gains of business or profession".

(iv) The loss can be carried forward and set off only against the profits of the assessee who incurred the loss. That is, only the person who has incurred the loss is entitled to carry forward or set off the same. Consequently, the successor of a business cannot carry forward or set off the losses of his predecessor except in the case of succession by inheritance.

(v) A business loss can be carried forward for a maximum period of 8 assessment years immediately succeeding the assessment year in which the loss was incurred.

(vi) As per section 80, the assessee must have filed a return of loss under section 139(3) in order to carry forward and set off a loss. In other words, the non-filing of a return of loss disentitles the assessee from carrying forward the loss sustained by him. Such a return should be filed within the time allowed under section 139(1). However, this condition does not apply to a loss from house property carried forward under section 71B and unabsorbed depreciation carried forward under section 32(2).

Carry forward and set off speculation business losses (section 73)

The loss of a speculation business of any assessment year is allowed to be set off only against the profits and gains of another speculation business in the same assessment year. If a speculation loss could not be set off from the income of another speculation business in the same assessment year, it is allowed to be carried forward for 8 assessment years immediately succeeding the Assessment year for which the loss was first computed.

Also, it can only be set off against the income of only a speculation business. It may be observed that it is not necessary that the same speculation business must continue in the assessment year in which the loss is set off. However, filing of return before the due date is necessary for carry forward of such a loss.

The following are the other important points regarding carry forward of business losses.

1. Losses of discontinued business of an industrial undertaking after reestablishment or revival. If on account of natural calamities the business of an industrial undertaking is discontinued; but revived within 3 years thereafter, the unabsorbed losses of the undertaking shall be carried forward and set off against the profit of the revived business or any other business up to a maximum period of 8 years.

2. Treatment of losses after succession takes place by inheritance : The loss incurred by the father in the course of carrying on his business can be carried forward and set off by his son , if he succeeds to the business of his father on account of his death.
3. Provisions relating to carry forward and set off of accumulated loss and unabsorbed depreciation allowance in amalgamation or demerger, etc 72A.

Losses in speculation business (sec 73)

(1) Any loss, computed in respect of a speculation business carried on by the assessee, shall not be set off except against profits and gains, if any, of another speculation business.

(2) Where for any assessment year any loss computed in respect of a speculation business has not been wholly set off under sub-section (1), so much of the loss as is not so set off or the whole loss where the assessee had no income from any other speculation business, shall, subject to the other provisions of this Chapter, be carried forward to the following assessment year, and

(i) it shall be set off against the profits and gains, if any, of any speculation business carried on by him assessable for that assessment year ; and

(ii) if the loss cannot be wholly so set off, the amount of loss not so set off shall be carried forward to the following assessment year and so on.

Losses under the head Capital gains (sec 74)

(1) Where in respect of any assessment year, the net result of the computation under the head Capital gains is a loss to the assessee, the whole loss shall, subject to the other provisions of this Chapter, be carried forward to the following assessment year, and

(a) in so far as such loss relates to a short-term capital asset, it shall be set off against income, if any, under the head Capital gains assessable for that assessment year in respect of any other capital asset;

(b) in so far as such loss relates to a long-term capital asset, it shall be set off against income, if any, under the head Capital gains assessable for that assessment year in respect of any other capital asset not being a short-term capital asset;

(c) if the loss cannot be wholly so set off, the amount of loss not so set off shall be carried forward to the following assessment year and so on.

(2) No loss shall be carried forward under this section for more than eight assessment years immediately succeeding the assessment year for which the loss was first computed.

(3) In respect of allowance on account of depreciation or capital expenditure on scientific research, the provisions of sub-section (2) of section 72 shall apply in relation to speculation
business as they apply inrelation to any other business.

(4) No loss shall be carried forward under this section for more than eight assessment years immediately succeeding the assessment year for which the loss was first computed.

Illustration:1

The business income of an individual for the AY 2017-18 has been determined by the AO at Rs: 3,50,000. Later, it is found that he has not considered the following while determining the income: Depreciation for the current year Rs: 12,000

Unabsorbed depreciation carried forward Rs: 15,000

Unabsorbed business loss carried forward from AY 2011-12

Rs: 3,000 Determine the total income for the AY 2017-18.

Solution:

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Computation of Total Income for the AY 2017-18

Particulars	**Rs:**
Business income as determined by A O	3,50,000
Less: Current year's depreciation	12,000
	3,38,000
Less: Unabsorbed Business Loss of 2011-12	3,000
	3,35,000
Less: Unabsorbed Depreciation	15,000
Total Income	**3,20,000**

Illustration:2

From the following information of a trader, compute the gross total income for the AY 2017-18

1) Income from H.P. Rs: 2,50,000
2) Business Loss Rs: 60,000
3) Current year's depreciation Rs: 10,000
4) Business loss of preceding years Rs: 50,000
5) Unabsorbed depreciation of preceding years Rs: 30,000
6) STCG Rs:40,000
7) LTCG Rs: 50,000

Solution :

Computation of Total Income for the AY 2017-18

Particulars	**Rs:**	**Rs:**
Income from H.P.		2,50,000
Less: Business loss	60,000	
Current depreciation	10,000	
Unabsorbed depreciation	30,000	1,00,000
		1,50,000
LTCG	50,000	
Less: STCG	40,000	10,000
Gross Total Income		**1,60,000**

DEDUCTIONS FROM GROSS TOTAL INCOME

In computing the total income of an assessee, deductions specified under sections 80C to 80U will be allowed from his Gross Total Income. However, the aggregate amount of deductions under this chapter shall not, in any case, exceed the

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gross total income of the assessee.

Total Income =

Gross Total Income – Deductions under sections 80C to 80U.

These deductions are divided into two categories. They are:

A. Deductions in respect of certain payments
B. Deductions in respect of certain incomes.

Deductions in respect of certain payments

SECTION 80C: Deduction in respect of life insurance premia, deferred annuity, contributions to provident fund, subscription to certain equity shares or debentures, etc. Persons Covered: Individual /HUF.

Eligible Amount: Any sums paid or deposited in the previous year by the assessee —

1. As ***Life Insurance premium*** to effect or keep in force insurance on life of (a) self, spouse and any child in case of individual and (b) any member, in case of HUF.

(i).Insurance premium should not exceed 20% of the actual capital sum assured, if the policy is issued before 1-04-2012.

(ii). The qualifying amount of life insurance premium on the insurance policy issued on or after 1-04-2012 shall not exceed 10% of the actual capital sum assured.

(iii). The qualifying amount of life insurance premium on an insurance policy issued on or after 1-04-2013 shall not exceed 15% of the actual capital sum assured if it is on the life of a person who is (a) a person with disability or a person with severe disability or (b) suffering from decease or aliment specified u/s 80DDB.

2. To effect or keep in force ***a deferred annuity contract*** on life of self, spouse and any child in case of individual. Such contract should not contain a provision for cash payment option in lieu of payment of annuity.

3. By way of ***deduction from salary payable by or on behalf of the Government*** to any individual for the purpose of securing to him a ***deferred annuity*** or making provision

for his spouse or children. The sum so deducted does not exceed 1/5th of the salary.

4. As contribution (not being repayment of loan) by an individual to ***Statutory Provident Fund;*** i.e., any provident fund to which the Provident Funds Act, 1925, applies.
5. As contribution to ***Public Provident Fund*** scheme, 1968, in the name of self, spouse and any child in case of individual and any member in case of HUF.
6. As contribution by an employee to a ***recognized provident fund***.
7. As contribution by an employee to an ***approved superannuation fund***.
8. any subscription to any such security of the central government or any such deposit scheme which is notified by the central govt.
9. Any sum deposited in a ***10 year or 15 year account under the Post Office Savings Bank (CTD) Rules, 1959***, in the name of self and as a guardian of minor in case of individual and in the
11. As a contribution to Unit-linked Insurance Plan (ULIP) of UTI or LIC Mutual Fund (Dhanraksha plan) in the name of self, spouse and child in case of individual and any member in case of HUF.
12. To effect or to keep in force a contract for such annuity plan of the LIC (i.e., Jeevan Dhara, Jeevan Akshay and their upgradations) or any other insurer as referred to in by the Central Government.
13. As subscription to ***any units of any Mutual Fund*** referred u/s. 10(23D) ***(Equity Linked Saving Schemes)***.
14. As a contribution by an individual to any ***pension fund*** set up by any Mutual Fund referred u/s 10(23D).
15. As subscription to any such deposit scheme of ***National Housing Bank (NHB)***, or as a contribution to any such pension fund set up by NHB as notified by Central Government.
16. As subscription to ***notified deposit schemes*** of (a) Public sector company providing long-term finance for purchase/construction of residential houses in India or (b) Any authority constituted in India for the purposes of housing or planning, development or improvement of cities, towns and villages.

17. As ***tuition fees*** (excluding any payment towards any development fees or donation or payment of similar nature), to any university, college, school or

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other educational institution situated within India for the purpose of full-time education of any two children of individual.

18. Towards the cost of ***purchase or construction of a residential house property*** (including the repayment of loans taken from Government, bank, LIC, NHB, specified assessee's employer etc.,

and also the stamp duty, registration fees and other expenses for transfer of such house property to the assessee). The income from such house property should be chargeable to tax under the head "Income from house property".

19. As subscription to ***equity shares or debentures*** forming part of any eligible issue of capital of public company or any public financial institution ***approved by Board***.
20. As ***Term Deposit*** (Fixed Deposit) ***for 5 years or more with Scheduled Bank*** in accordance with a scheme framed and notified by the Central Government.
21. As subscription to any notified bonds of National Bank for Agriculture and Rural Development (NABARD).
22. In an account under the **Senior Citizen Savings Schemes Rules, 2004.**
23. As f**ive year term deposit** in an account under the **Post Office Time deposit Rules, 1981**.

Extent of Deduction: 100% of the amount invested or Rs. 1,00,000/- whichever is less. However, as per Section 80CCE, the total deduction the assessee can claim u/ss. 80C, 80CCC and 80CCD(1) shall be restricted in aggregate to Rs. 1,00,000/-.

SECTION 80CCC- Deduction In Respect of Contribution to Certain Pension Funds Persons Covered- Individual.

Eligible Amount- Deposit or payment made to LIC or any other insurer in the approved annuity plan for receiving pension.

Extent of Deduction- Least of amount paid or Rs. 1,00,000/- .

SECTION 80CCD- Deduction In Respect of Contribution to Pension Scheme of Central Government

Persons Covered- Individual in the employment of Central Government or any other employer on or after 1-1-2004 or any other assessee being an individual.

Eligible Amount- Deposit or payment made by the employee and Central Government or individual under a pension scheme notified by the Central Government.

Extent of Deduction-A) Aggregate of (a) Amount paid or deposited by the employee and (b) Amount paid or deposited by the Central Government. The total deduction shall be restricted to maximum 10% of salary.

B) Amount deposited by individual, subject to 10% of total income, in a previous year

80CCE- The aggregate amount of deductions under section 80C, section 80CCC and 80CCD shall not exceed Rs 1, 00,000.

Section 80CCG

Section 80CCG of the Income-tax Act is also called as Rajiv Gandhi Equity Savings Scheme, 2012 (RGESS). Any resident individual with income less than Rs 12 lakhs who uses demat account for the first time to buy notified shares, mutual funds or ETFs can claim 50% deduction on the invested amount. RGESS was introduced to encourage small investors to participate in the equity markets.

Eligibility

1. The assessee should be a new retail investor. This means you should be using a demat account the first time ever for equities. You should be using a new demat account or if you had a demat account you should have never traded in equities using it before.
2. The gross total income should not exceed Rs 12 lakhs.
3. Investment must be done in

(i) Shares belonging to BSE-100, NSE-100, maharatnas, navratnas or miniratnas. FPOs of these companies or IPOs of PSUs with 51% government shareholding are also eligible.

(ii) Mutual funds and ETFs investing in the above shares are eligible for tax saving through RGESS. NFOs of such funds are also eligible for 80 CCG RGESS deduction.

4. NRIs cannot avail this tax benefit. RGESS tax rebate under section 80CCG is applicable only for residents. Investments will have a total lock-in period of three years. The first year will be a fixed lock-in period where the assessee cannot alter the securities on which deduction has been claimed under 80CCG and the next two years will be flexible lock-in period where the assessee can sell the securities while ensuring that value of the portfolio on which tax benefit has been claimed is maintained.

Maximum deduction limit: Maximum investment is capped at Rs 50,000. You can claim only 50% deduction on the amount invested. This deduction can be availed for three consecutive years, based on investments you make in those years, complying with RGESS requirements.

Section 80D- Deductions In Respect Of Medical Insurance Premia

Eligible Amount Premium paid on Mediclaim Policy issued by GIC or any other insurer approved by IRDA (Insurance Regulatory and Development Authority).

Extent of Deduction:

For Individual

A. For taxpayer his/her spouse and dependent children: 100% of premium paid subject to ceiling of (a) Rs. 20,000/- in the case of premium paid in respect of senior citizen (who has attained the age of 65 years or more) and (b) Rs. 15,000/- in other cases.
B. Additional deduction for parents of the taxpayer whether dependent or not 100% of premium paid subject to ceiling of (a) Rs. 20,000/- in the case of premium paid in respect of senior citizen (who has attained the age of 65 years or more) and (b) Rs. 15,000/- in other cases.

From Assessment year 2017-18, the benefit of deduction will be extended to the contribution made to Central Government Health Scheme. However, the aggregate limit for deduction remains the same.

Section 80DD- Deduction In Respect Of Maintenance Including Medical Treatment Of Handicapped Dependant

Persons Covered- Resident Individual/HUF.

Eligible Amount-(a) Expenditure incurred on medical treatment [including nursing], training and rehabilitation of a disabled dependant, or (b) Any payment or deposit made under a scheme framed by LIC or any other insurer or the administrator or the specified company and approved by the Board for payment of lump sum amount or annuity for the benefit of dependant with disability.

Relevant Conditions/Points

1. The concerned assessee must attach a copy of certificate in the prescribed Form and signed by prescribed medical authority along with return of income filed

u/s 139. A fresh medical certificate may be required to be submitted after the expiry of stipulated period depending on the condition of disability as specified in such certificate.

2. Dependant means (a) in case of an individual, the spouse, children, parents, brothers and sisters of such individual and (b) in the case of a Hindu Undivided Family, any member of HUF; and who is dependant wholly or mainly on such individual or HUF for support and maintenance and who has not claimed deduction under section 80U for the assessment year relating to previous year.

Extent of Deduction(a) Rs. 50,000/- in case of normal disability or (b) Rs. 100,000/- in case of severe disability.

Section 80DDB- Deduction In Respect Of Medical Treatment, Etc. Persons Covered- Resident Individual/HUF.

Eligible Amount- Expenditure actually incurred for the medical treatment of such diseases or ailments specified in Rule 11DD (some of the diseases are parkinsons disease, malignant cancers, full blown AIDS, chronic renal failure, thalassaemia etc.) for self or dependant relative (spouse, children, parents, brothers and sisters) in case of individual or any member of HUF in case of HUF.

Relevant Conditions/Points

The concerned assessee must attach a copy of certificate in the prescribed Form No.10-I by a neurologist, an oncologist, a urologist, a haematologist, an immunologist or such other specialist working in government hospital along with return of income of individual or HUF

2. The deduction under this section shall be reduced by the amount received under insurance from an insurer or reimbursed by an employer, for the medical treatment of the concerned person.

Extent of Deduction

100% of the expenses incurred subject to ceiling of (a) Rs. 60,000/- in the case of expenses incurred for senior citizen (who has attained the age of 65 years or more) and (b) Rs. 40,000/- in other cases.

Section 80E- Deduction in Respect of Interest on Loan Taken for Higher Education Persons Covered- Individual.

Eligible Amount- Any amount paid by way of interest on loan taken from any financial institution or any approved charitable institution for his/her higher education or w.e.f. 1-4-2008 for the purpose of higher education of his/her spouse, children and legal guardian of the Individual.

Relevant Conditions/Points

1. Amount should be paid out of income chargeable to tax.
2. All field of studies including vocational studies pursued after passing the Senior secondary examination or its equivalent from any school, board or university recognized by the central govt. or state govt. or local authority or by any other authority authorised by the central govt. or state govt. or local authority to do so.
3. Approved charitable institution means an institution established for charitable purposes and notified by the Central Government u/s. 10(23C) or referred in 80G(2)(a).
4. Financial institution means banking company or financial institution notified by Cetral Government.
5. The deduction is allowed in the initial assessment year (i.e., the assessment year relevant to the previous year, in which the assessee starts paying the interest on loan) and 7 assessment years immediately succeeding the initial assessment year or until the interest is paid in full whichever is earlier.

Extent of Deduction- Entire amount of interest.

Section 80G Deduction In Respect of Donations to Certain Funds, Charitable Institutions, Etc.

Persons Covered-All assessees [except for 80G (2)(c), which is applicable for donations made only by company] to the Indian Olympic Association or to any other Association or Institution for the development of infrastructure for sports & games or the sponsorship of sports & games, in India

Eligible Amount- Any sums paid in the previous year as Donations to certain funds,

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charitable institutions etc. specified u/s. 80G(2).

Relevant Conditions/Points

1. Donation in kind is not eligible for deduction.
2. Donations paid out of another year's income or out of income not includible in the assessment

of current year are also eligible for deduction. Lt. F. No. 45/313/66 – ITJ (61) dt. 2-12-1966.

Extent of Deduction

Without any ceiling of 10% of adjusted Gross Total Income:—

(a) 100% of donation if donation given to

(i)National Defence Fund set up by the Central Government; (ii)Prime Minister's National Relief Fund;

(iii)Prime Minister's Armenia Earthquake Relief Fund; (iv)Africa (Public Contributions — India) Fund; (v)National Foundation for Communal Harmony;

(vii)An approved university/educational institution of National eminence; (viii)The Maharashtra Chief Minister's Relief Fund

(ix) Chief Minister's Earthquake Relief Fund, Maharashtra;

(x) Any fund set up by the State Government of Gujarat exclusively for providing relief to the victims of earthquake in Gujarat;

(xi) any Zila Saksharta Samiti constituted in any district under the chairmanship of the Collector of that district;

(xii) National Blood Transfusion Council or to any State Blood Transfusion Council; (xiii)any fund set up by a State Government for the medical relief to the poor; (xiv)the Army Central Welfare Fund or the Indian Naval Benevolent Fund or the Air Force Central Welfare Fund,

(xv) Andhra Pradesh Chief Minister's Cyclone Relief Fund, 1996;

(xvi) National Illness Assistance Fund;

(xvii) Chief Minister's Relief Fund or Lieutenant Governor's Relief Fund in respect of any State or Union Territory;

(xviii) National Sports Fund;

(xix)National Cultural Fund;

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(xx) Fund for Technology Development and Application;

(xxi) National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental

Retardation and Multiple Disabilities;

(xxii) Any trust, institution or fund to which Section 80G(5C) applies for providing relief to the victims of earthquake in Gujarat **or b) 50% of donation if donation given to:**

Jawaharlal Nehru Memorial Fund; Prime Minister's Drought Relief Fund; National Children's Fund(deduction shall be allowed 100% w.e.f.A.Y 2014- 15) ; Indira Gandhi Memorial Trust; Rajiv Gandhi Foundation.

With ceiling of 10% of adjusted Gross Total Income:— Where the aggregate of sums exceed 10% of adjusted gross total income, then such excess amount is ignored for computing such aggregate.

(a) 100% of qualifying amount, if donation given to Government or any approved local authority, institution or association to be utilised for the purpose of promoting family planning; Donation by a Company to the Indian Olympic Association or to any other notified association or institution established in India for the development of infrastructure for sports and games in India

or the sponsorship of sports and games in India.

(b) 50% of qualifying amount if donation given to any other fund or any institution which satisfies conditions mentioned in Section 80G(5); Government or any local authority to be utilised for any charitable purpose other than the purpose of promoting family planning, Any authority constituted in India for the purpose of dealing with and satisfying the need for housing accommodation or for the purpose of planning, development or improvement of cities, towns, villages or both; Any corporation referred in Section 10(26BB) for promoting interest of minority community; For repairs or renovation of any notified temple, mosque, gurudwara, church or other place.

Section 80GG Deduction in Respect of Rent Paid

Persons Covered Any assessee other than assessee having income falling u/s 10(13A) (i.e., House Rent Allowance).

Eligible Amount Any expenditure incurred by him on payment of rent (by whatever name called) in respect of any furnished or unfurnished accommodation in excess of 10% of his total income, before making any deduction under this section.

Extent of Deduction- Lower of (a) Rs. 2,000 per month, or (b) 25% of the total income (after allowing all deductions except under this section), or (c) Expenditure incurred in excess of 10% of the total income (after allowing all deductions except under this section).

Section 80GGA Deduction In Respect Of Certain Donations For Scientific Research Or Rural Development

Persons Covered- All assessees:

Eligible Amount-

1. Any sum paid to a scientific research association or to a university, college, or other institution to be used for ***scientific research*** [approved u/s. 35(1) (ii)];
2. Any sum paid to a university, college, or other institution to be used for ***research in social science or statistical research*** [approved u/s. 35(1)(iii)];
3. Any sum paid to an association or institution for any ***programme of rural development*** [approved u/s. 35CCA];
4. Any sum paid to an association or institution for ***training of persons for implementing rural development programmes*** [approved u/s. 35CCA];
5. Any sum paid to a public sector company or local authority or to an association or institution approved by National Committee for carrying out ***any eligible project or scheme*** [approved u/s. 35AC];
6. Any sum paid to a ***rural developemt fund*** set up and notified by Central Government for the purposes of Section 35CCA(1)(a);
7. Any sum paid to a ***National Urban Poverty Eradication Fund*** set up and notified by Central Government for the purposes of Section 35CCA(1)(d).

Extent of Deduction-100% of the amount paid as donation/contribution.

Section 80GGB Deduction in Respect of Contribution Given by Companies to Political Parties or an Electoral Trust"

Persons Covered- Indian company.

Eligible Amount- Contribution given by Indian companies to any political parties or an electoral

Extent of Deduction-100% of the amount paid as contribution.

Section 80GGC- Deduction In Respect of Contribution Given by any Person to Political Parties or an Electoral Trust"

Persons Covered- Any assessee (except local authority and every artificial juridical person wholly or partly funded by the Government).

Eligible Amount- Contribution given by assessee to political parties or an electoral trust. **Extent of Deduction-**100% of the amount paid as contribution.

Illustration:1

Ram Prakash (70 years of age) gives the following information. Compute deductible amount under sec.80C for the A.Y. 2017-18

1. Payment of LIC premium for his own life (policy amount Rs: 60,000) Rs: 13,000.
2. Payment of LIC premium on life of his wife Rs: 5,000 (paid out of agricultural income)
3. Contribution to URPF Rs: 24,000
4. Contribution to PPF Rs: 15,000
5. Interest accrued on NSC (VIII issue) including 6th year's interest of Rs: 1,500 is Rs:8,000
6. Repayment of loan taken for construction of a residential flat from Housing Development Finance Corporation (includes interest Rs: 34,000) Rs: 80,000.

Solution :

Computation of Deduction under section 80 C for the A.Y.2017-18

Particulars	**Rs:**
LIC Premium ---self (20% of sum insured)	12,000
LIC Premium --- wife	5,000
Contribution to PPF	15,000
Accrued interest to NSC VIII th issue	7,500
Repayment of housing loan (80,000 – 34,000)	46,000
Total deduction	**85,500**

Illustration:2

From the following information, compute total income for the A.Y. 2017-18

1. Business income of Surjih, aged 70, is Rs: 13,20,000
2. He deposited Rs: 70,000 in PPF And purchased NSC VIII issue Rs: 50,000
3. He paid interest on loan taken from a financial institution for higher education of his grand son Rs:1,20,000.
4. He spent Rs: 40,000 on medical treatment of disabled dependent.

Solution:

Computation of Total Income for the A.Y.2017-18

Particulars		**Rs:**
Business Income Being GTI		13,20,000
Less: Deduction u/s 80 C :		
PPF and NSC (Maximum deduction Rs:1,00,000)	1,00,000	
Deduction u/s 80DD:		
Medi. Treatment deduction allowed Rs:50,000)	50,000	
Deduction u/s 80E (interest on loan for high. Edu. Of grand son ---- Not deductible)	---	1,50,000
Total Income		**11,70,000**

Illustration :3

Compute total income of Mr. X, a disabled, for the A.Y 2017-18

1. Salary income is Rs: 4,30,000
2. He deposited Rs:20,000 in URPF.
3. He paid LIC premium Rs: 45,000 on a policy (issued on 15-6-2012) of Rs: 4,00,000
4. He donated Rs: 20,000 to National Children's Fund by cheque.

Solution:

Computation of Total Income for the A.Y.2017-18

Particulars		**Rs:**
Salary Income being GTI		4,30,000
Less: Deduction u/s 80 C : LIC premium (10% of sum assured)	40,000	
Deduction under 80G Donation to NCF (50% of 20,000)	10,000	
Deduction under 80 U (Disabled)	50,000	1,00,000
Total Income		**3,30,000**

Illustration:4

Compute total income of Mr. Xaviour, a non-resident for the A.Y. 2017-18

1. Salary for 3 months received in India (computed) Rs: 18,000
2. Dividend received in Belgium from British companies Rs: 44,000
3. Interest on SB deposits in SBI Rs: 2,000
4. Taxable income from H.P. Rs:6,800.

Solution :

Computation of Total Income for the A.Y.2017-18

Particulars	**Rs:**	**Rs:**
Salary		18,000
Income from H.P.		6,800
Interest on SB Deposits		2,000
Gross Total Income		26,800

Less: Deductions	Nil	
Total Income		**26,800**

Illustration:5

From the following , compute Total Income of Mrs. Rajalakshmi for the A.Y. 2017-18

Income from poultry farming Rs: 30,000

Interest from bank deposits Rs: 4,000

Dividend from shares held in an Indian company (Gross) Rs: 20,000

Income from units of Mutual Fund (Gross) Rs:8,000

Income from other sources Rs:42,000 Donation to National Defence Fund Rs:2,000

Solution:

Computation of Total Income for the A.Y 2017-18

Particulars	Rs:	Rs:
Income from Business:		
Income from poultry farming		30,000
Income from Other Sources:		
Interest on deposits	4,000	
Dividend from shares in Indian company	Exempt	
Income from units of UTI	Exempt	
Other incomes	42,000	46,000
Gross Total Income		**76,000**
Less : Deduction u/s 80G		2,000
Total Income		**74,000**

Illustration:6

Mr. X earned GTI of Rs: 5,00,000 in the P.Y and made the following donations during the year by cheques:

a) Rs: 10,000 to CM's Earthquake Relief Fund Maharashtra.
b) Rs: 15,000 to National Foundation for Communal Harmony.
c) Rs; 40,000 to municipality for family planning
d) Rs: 25,000 to approved institutions

Compute the amount of deduction admissible u/s 80G for the A.Y.2017-18

Solution: **Computation of Deduction u/s 80G**

Particulars	Rs:	Rs:

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a)CM's Earthquake Relief Fund (100% of amount donated)		10,000
b)National Foundation for Communal Harmony (100% of amount donated)		15,000

c and d) Qualifying amount is 10% of GTI (Rs: 50,000): Donation to municipality for Family planning (40,000 x 100%) For the balance amount 50% (10,000 x 50 %)	40,000 5,000	 45,000
Deduction u/s 80 G		**70,000**

Illustration: 7

From the following, prepare a statement of assessment of income of Mr. Ashikh for the A.Y 2017-18

1) Monthly salary Rs: 15,000 w.e.f. 01-07-2012.
2) His contribution to URPF is 15%
3) Employer's contribution is 10%
4) Dividend on preference share of an Indian company Rs: 8,000
5) Deposit made in a bank (interest 5 %) Rs:20,000
6) He owns a house, half of which is occupied by his son for his residence who is living separate from his father and the other half is let at Rs: 1,500 p.m. ; insurance premium Rs: 250; local taxes Rs:6,000
7) He has income from a firm Rs:12,000 and fror the HUF Rs: 10,000.

Solution:

Computation of Total Income for the AY 2017-18

Particulars	Rs:	Rs:
Income from salary (15,000 x 9)		1,35,000
Income from H.P.		
Gross Annual Value	36,000	
Less : Municipal Tax	6,000	
	30,000	
Less : Standard Deduction 30 % 0f GAV	9,000	21,000
Income from business:		
Share from a firm	Exempt	
Share from HUF	Exempt	---------
Income from other sources:		
Dividend	Exempt	
Interest on FD	1,000	1,000
Gross Total Income		**1,57,000**
Less : Deduction under section 80 C		Nil
Total Income		**1,57,000**

Illustration:8

Compute the taxable income of HUF:

Profit from business Rs: 32,000 Salary received by a member of the family Rs: 8,000

Director's fee received by Karta of the family Rs: 6,000 Profit from a firm Rs:10,000

Dividend (Gross) Rs: 5,000 Rental value of the property let out Rs: 12,000

Municipal taxes Rs: 600.

Solution: **Computation of Total Income of the HUF for the AY2017-18**

Particulars	Rs:	Rs:
Income from business:		
Family business	32,000	
Profit from a firm	Exempt	
		32,000
Income from H.P. :		
Rental Value	12,000	
Less : Municipal Tax	600	
	11,400	
Less : Annual Value (30 %)	3,420	7,980
Total Income		39,980

. . . .
. . . .

Note: salary received by member of an HUF and director's fee received by the Karta are not taxable in the hands of HUF.

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COMPUTATION OF TAX LIABILITY OF INDIVIDUALS

Computation of Total Income and Tax Liability of Individuals

Income-tax is levied on an assessee's total income. The total income has to be computed as per the provisions of the Income-tax Act, 1961. Following steps are considered for computing total income and to charge tax.

Step 1 – Determination of the residential status of the Assessee:

First all we want determine the residential status of the assessee. The residential status of a person has to be determined to find out which income is to be included in computing the total income. It decides whether the individual is tobe taxed or not. The residential status of an individual is determined on the basis of the duration of time spend by him in India. . Based on the time spent by him, he may be (a) resident and ordinarily resident, (b) resident but not ordinarily resident, or (c) non-resident.

Step 2 – Classification of income under different heads

The Act specifies five heads of income. These heads of income consist of all possible types of income that can accrue to or be received by an individual. An individual is required to classify the income earned by him under the appropriate heads of income.

Step 3 – Exclusion of income not chargeable to tax:

There are certain incomes which are wholly exempt from income-tax e.g. agricultural income. These incomes have to be excluded while calculating Gross Total Income. T the same time certain incomes are partially exempt from income tax e.g. House Rent Allowance, Education Allowance etc.. These incomes are excluded only to the extent of the limits specified in the Act. The balance income over and above the prescribed limits would enter computation of total income and have to be classified under the relevant head of income.

Step 4 – Computation of income under each head:

Income is to be computed in accordance with the provisions governing a particular head of income. As per the rules certain deductions and allowances are

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allowed. These deductions are allowed while computing income under each head.

Step 5 – Clubbing of income of spouse, minor child etc.:

In case of individuals, income-tax is levied on a slab system on the total income. The tax system is progressive. That means if income increases the tax amount to be paid also increases. We can see that some taxpayers who have the higher income bracket have a tendency to divert some portion of their income to their spouse, minor child etc. to minimize their tax burden. In order to prevent such tax avoidance, clubbing provisions have been included in the Income-tax Act. As per the provisions of income tax act income arising to certain persons (like spouse, minor child etc.) have to be included in the income of the person when it is seen that the income is diverted for avoiding tax.

Step 6 – Set-off or carry forward and set-off of losses:

An individual may have different sources of income under the same head of income. He might have profit from one source and loss from the other. As per the provision we can set off the losses under one head or form other heads or can carry forwards for the coming assessment years. All provisions related to that should be considered while computing total income of the Assessee.

Step 7 – Computation of Gross Total Income:

The final figures of income or loss under each head of income, after allowing the deductions, allowances and other adjustments, are then aggregated, after giving effect to the provisions for clubbing of income and set-off and carry forward of losses, to arrive at the gross total income.

Step 8 – Deductions from Gross Total Income:

There are deductions prescribed from gross total income. The allowable deductions in case of an individual are deductions under sections 80C, 80CCC, 80CCD, 80CCF, 80D, 80DD, 80DDB, 80E, 80G, 80GG, 80GGA, 80GGC, 80-IA, 80-IAB, 80-IB, 80-IC, 80-ID,80-IE, 80JJA, 80QQB, 80RRB, 80TTA and 80U. These deductions are allowed as per the rules prescribed in the income tax act.

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Step 9 – Compute Total income:

After allowing all deductions allowable, we can compute total income.

Step 10 – Application of the rates of tax on the total income:

Different slab of tax rates are available on basis of status and age of individual. . There also will be basic exemption limit. The basic exemption limit is Rs 2, 00,000 for the assessment year 2013-14. This means that no tax is payable by individuals with total income of up to Rs 2,00,000.

Level of total income Rate of tax

A) Normal Rates :

Up to Rs: 2,50,000 : Nil
Rs: 2,50,001 to 5,00,000 : 10%
Rs: 5,00,001 to 10,00,000 : 20%
Above Rs: 10,00,000 : 30%

B) Individual- Senior citizen (60 years or more but less than 80 years):

Up to Rs: 3,00,000 : Nil
Rs: 3,00,001 to 5,00,000 : 10%
Rs: 5,00,001 to 10,00,000 : 20%
Above Rs:10,00,000 : 30%

C) Individual- Super senior citizen (80 years or more):

Up to Rs: 5,00,000 : Nil
Rs: 5,00,001 to 10,00,000 : 20%
Above Rs:10,00,000 : 30%

Surcharge: Nil

Education Cess: 3% on the amount of income tax.

Illustration:1

Compute tax liability of Mr. Ramsanth for the A.Y. 2017-18
Income from business Rs: 1,80,000
Income from H.P. Rs: 35,000

Solution:

Income from business	Rs: 60,000
STCG	Rs: 5,000
LTCG	Rs: 1,00,000
Income from other sources	Rs: 15,000

Computation of tax liability for the A.Y 2017-18

Business income	60,000
LTCG	1,00,000
STCG	5,000
Income from other sources	15,000
Total Income	**1,80,000**
Tax on LTCG @ 20 %	20,000
On balance of Rs: 80,000	Nil
Total Tax	20,000
Education cess 3 %	600
Total Tax Liability	**20,600**

Illustration:2

Following details are available in respect of income of Mrs. Maya for the year 2017-18

a) LTCG (indexed) Rs: 2,30,000
b) Interest on bank time deposits Rs:10,000
c) Dividend from co-operative society Rs: 5,000
d) LIC premium paid Rs: 10,000
e) Contribution to Public Provident Fund Rs:10,000

Calculate tax payable by Mrs. Maya for the assessment year 2017-18

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Solution:

Computation of tax liability for the A.Y 2017-18

Particulars		**Rs:**
Long Term Capital Gains		2,30,000
Income from other sources: Interest from bank 10,000 Dividend from Co-operative society 5,000		15,000
Gross total income		
Less : Deduction u/s 80 C		**2,45,000**
Total Income		15,000
Tax on Rs: 2,00,000		2,30,000
Tax on Rs: 30,0000 (LTCG) @ 20 %		Nil
Total		6,000
Add : Education Cess (6,000 x 3%)		6,000
Tax Payable		180
		6,180

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Note: Deduction u/s 80C to 80U are not available against LTCG.

Illustration:4

Mr. Muhammad Haneefa is an Assistant Professor in a college . Compute his total income and tax liability for the A.Y. 2017-18

(a) Salary Rs: 20,000 p.m.

(b) Royalty from books Rs: 36,000

(c) Remuneration for examination duty Rs: 10,800

(d) Wardenship Allowance Rs: 400 p.m.

(e) Income from lottery (Net) Rs:21,000

(f) Income from card games Rs: 12,800

(g) Expenses on lottery tickets Rs: 20,000.

Solution:

Computation of tax liability for the A.Y 2017-18

Particulars	**Rs:**	**Rs:**
Income from Salary:		
(a) Salary (20,000 x 12)	2,40,000	

(b) Wardenship Allowance (400 x 12)	4,800	
Gross Salary	2,44,800	
Less : Deduction	....	
Net Salary		2,44,800
Income from Other Sources:		
(a) Examination duty remuneration	10,800	
(b) Royalty from books	36,000	
(c) Lottery winnings (21,000 100/70)	30,000	
(d) Income from card games	12,800	
Total		89,600
Gross Total Income		3,34,400
Less : Deduction u/s QQB (assumed as scientific books)		36,000
Total Income		**2,98,400**
Computation of Tax Liability:		
Up to Rs: 2,00,000	....	
For balance (98,400 x 10%)	9,840	
Total		9,840
Add : Education Cess (9,840 x 3%)		295
Total Tax Liability		10,135
Less : Tax Deducted at Source		9,000
Net Tax Liability		**1,135**

Illustration:5

Mr. Nair is working in a private company in Mumbai. He furnished the following details of his income for the financial year 2017-18

a) Monthly salary Rs: 11,200
b) D A per month Rs:3,850
c) A rent free unfurnished accommodation for which he pays Rs: 340 p.m.
d) A car with an engine capacity of 1.8 litres with a driver is provided by the employer. All expenses relating to the car is met by the employer. The car is used for both personal and official purposes.
e) He is also getting anamount of Rs: 1,000 p.m.as entertainment allowance.
f) He paid Rs: 1,200 as profession tax for the last financial year.
g) Education allowance for two children @ Rs: 600 p.m.
h) Cost of electricity bill paid by the company Rs: 22,000.
i) His income from let out house property Rs: 25,000. He spent Rs: 12,000 for its repairs in the previous year.
j) He contributed Rs: 3,000 p.m. to a recognized provident fund. He also paid Rs: 16,000 towards his life insurance premium.

Solution: **Computation of tax liability for the A.Y 2017-18**

Particulars	**Rs:**	**Rs:**
Income from Salary:		
Salary (11,200 x 12)	1,34,400	
D A (3,850 x 12)	46,200	
Entertainment allowance (1,000 x 12)	12,000	
Educational allowance (600 x 12) -- (100 x 2 x 12)	4,800	
Perquisites :		
(e) Rent free unfurnished accommodation: 15 % of salary (Pvt. Employee at Mumbai) : 22,680 Less : Rent paid by employee (340 x 12) : 4,080	18,600	
(f) Motor car (2,400 + 900) x 12	39,600	
(g) Electricity bill paid by the company	22,000	
Gross Salary	2,77,600	
Less : Deduction u/s 16 (iii)	1,200	
Net Salary		2,76,400
Income from H.P :	25,000	
Less : Deduction (30%)	7,500	17,500
Gross Total Income		2,93,900
Less : Deduction under section 80 C :		
RPF (3,000 x 12)	36,000	
Life Insurance Premium	16,000	52,000
Total Income		**2,41,900**
Tax on Income : Up to Rs: 2,00,000	Nil	
On Balance 41,900 x 10 %	4,190	
Total		4,190
Add : Education Cess (4,190 x 3%)		126
TAX LIABILITY		**4,316**

UNIT I

QUESTION	OPTION A	OPTION B
Income tax is a -------	direct tax	indirect tax
Income tax was passed in the year -------	1960	1961
Income tax Act extends to -------	Whole of India	Whole of India except Jammu and Kashmir
Rate of Income tax are fixed under ------	The income tax act	The finance act
An example to direct tax is ---------	Income tax	Sales tax
Every year the residential status of an assessee -----------	may change	will certainly change
In which section of Income tax act exempted incomes have been mentioned?	Sec 2	Sec 10
The current previous year is -----------	2016-17	2014-15
The current assessment year is ------------	2017-18	2016-17
The sum of five heads of income is called ---------	Gross total income	net total income
Any person who is liable to pay any tax or any other money under Income tax act is------	Assessee	resident
Incomes which do not form the part of total income is called as ------------ income.	Deduction	Exempted
the total income computed will be rounded off the nearest multiples by-----	100’s	1000’s
Tax on tax is called as ---------	surcharge	gross tax
The concession in the amount of tax liability subject to certain conditions are called-----	tax rebate	tax exemption
According to Income Tax Act 1961, Person includes,	Individual	HUF

person who does not fulfill the statutory obligations given under the Act is called –	ordinary assessee	Representative assessee
Income not earned and not accrued in India is ------ income.	Foreign income	Indian income
A person not only liable for his own income, but also for others income or loss is called --	ordinary resident	Representative assessee
Agricultural income is ------------- income	fully exempt	partially exempt
Part I of Schedule I of the finance Act 2018 has given rates of Income tax for the assessment year ----------	2014-15	2015-16
Education cess is leviable on --------	Income tax	Income Tax + Surcharge
Education cess is leviable @ -----------	3%	2%
Residential status is to be determined for ----------	Previous year	Assessment year
Maximum exemption on which income tax is not chargeable for the assessment year 2016-17 is --------------	Rs. 1,00,000	Rs. 1,35,000
Income tax rules was passed in the year ---------------	1961	1962
Education cess is leviable @ -----------	3%	2%
While determining the residential status of individual basic conditions are given u/s ----	6(1)	6(2)
While determining the residential status of individual additional conditions are given u/s -	6(1)	6(2)

If an individual satisfies any one condition of the basic conditions and both the conditions of the additional conditions , then he is called ------------	Non resident	Not ordinary resident
If an individual does not satisfies any one condition of the basic conditions then he is said to be -----------------	Non resident	Not ordinary resident
Income earned and received outside India is taxable to ------------	All assessees	Resident only
Maximum amount on which income tax is not chargeable for the assessment year 2016-17 is-------------	Rs.1,00,000	Rs. 1,35,000
The period during which certain incomes have been exempted from tax subject to certain conditions is called -------------	Tax rebate	Tax exemption
Income of the previous year is taxable in the assessment year ---------	2014-15	2015-16
An individual who wants to be resident in India u/s 6(I) (a) must stay in India for atleast --------------	182 days	365 days
The exemption limit of income not taxable for the assessment year is ---	Rs. 1,00,000	Rs.50,000
Where impact and incidence falls on a same person then it is called ------------	direct tax	Indirect tax
Every assessee is a person but every person need not be a ---------	Assessee	Resident
Income tax is a --------------	Indirect tax	direct tax
A life insurance policy taken by the employer on the lives of employee is known as---	Insurance policy	Keyman

Surcharge is to be levied of the total income exceed -------------	Rs. 25,00,000	Rs.75,00,000
Residential status of individual is given u/s --------	6	8
Income earned and received out side India from any other sources is taxable --------	Only resident	NOR
Gratuity received by the employees working on government service shall be -------	fully exempt	fully taxable
The full amount of scholarship granted to meet the cost of education is -----------	Taxable	Exempted
Income earned and received outside India from a business controlled or profession set up in India is taxable to -------------	Only resident	NOR
Income earned and received outside India in the years preceding the previous year and remitted to India during the previous year is taxable to -------------	Only resident	NOR
Rs.2,000 earned in India but received in canada is taxable to --------------	Resident	NOR
Profit earned from the business in Mumbai is taxable -----------------	All assessees	Resident only
Salary received by a member of parliament is ----------	Exempt from tax	Taxable salary income
A University teacher is a -------------	Government employee	Semi – government employee
Income from tea cultivation and manufacturing of tea business has to be divided in two parts -------------	40% is agricultural income	50% is agricultural income
Embezzlement of cash by cashier is ------------	A revenue loss	A capital loss

Dividend by an Indian company paid out side India is :	Income accruing in India	Income deemed to accrue in India
Proceeds of benefit match received by a cricket player are ------------	Professional income	A casual income
Embezzlement of cash in a money lending business shall be treated as ----------	business expenditure	Revenue loss incidental to business
The previous year means -----------	The accounting period of the assessee	financial year before the assessment year
In case of company assessee control and management is situated in India means --------	Resident	Not ordinary resident
Share of income from firms is ------------ income	fully taxable	fully exempted

OPTION C	OPTION D	
business tax	not a tax	
1962	1963	
Whole on India except Sikkim. not applicable	Whole of India except Gujarat	
Notification of CBDT	Sub rules	
Customs duty	excise duty	
will not change	citizen	
Sec 80	sec82	
2015-16	2017-18	
2014-15	2015-16	
total income	exempted income	
Citizen	NRI	
total	Rebate	
10's	500's	
net tax.	total tax	
tax holiday	tax perquisite	
firm	all the above	

assessee- in- default.	deemed assessee	
total income.	net income	
Assessee – in – default.	NRI	
fully taxable.	not an income	
2016-17	2017-18	
Surcharge	total tax	
1%	5%	
Accounting year	financial year	
Rs. 1,85,000	Rs.2,50,000	
1963	1964	
1%	5%	
6(3)	6(4)	
6(3)	6(4)	

Resident	assessee	
Resident	person	
Resident and not ordinary resident.	person	
Rs2,50,000	Rs.2,00,000	
tax Holiday	tax deduction	
2016-17	2017-18	
730 days	1,000 days	
Rs. 1,50,000	.Rs.2,50,000	
Not at all tax	none	
Citizen	NRI	
Not at all tax	corporation tax	
Insurance allowance	premium	

Rs. 1,00,00,000	Rs. 50,00,000	
10	12	
Non resident	citizen	
Partially taxable.	none	
Rebate	debate	
non resident	citizen	
non resident	citizen	
non resident	taxable to all	
resident and not ordinary resident	citizen	
Taxable as income from other sources.	taxable as business income	
Private employee	not an employee	
60% is agricultural income	70% is agricultural income	
A casual loss.	not a loss	

income earned in India	income earned outside India	
An exempted income	not an income	
capital expenditure	receipt	
Calendar year before the assessment year .	next year	
Non resident	citizen	
partially taxable	partially exempted	

ANSWER
direct tax
1961
whole of India
The finance act
Income tax
may change
Sec 10
2016-17
2017-18
gross total income
assessee
Exempted
10's
surcharge
tax rebate
all the above

assessee in default
foreign income
representative assessee
fully exempt
2017-18
income tax + surcharge
2%
previous year
Rs.2,50,000
1962
2%
6(1)
6(3)

resident
non- resident
resident only
Rs. 2,50,000
tax holiday
2017-18
182 days
Rs.2,50,000
direct tax
assessee
direct tax
keyman

Rs.1,00,00,000
6
only resident
fully exempt
Exempted
only resident
not taxable
taxable to all
all assessees
Exempt from tax
semi government employee
60% is agricultural income
a revenue loss

income deemed to accrue in India
a casual income
revenue loss incidental to business
financial year before the assessment year
resident
fully exempted

Unit - II		
Among the five heads of gross total income ------------- income is the first one.	Salary	House property
Sec -------------- of Income tax act 1961 deals with salary income.	13-15	15-17
Salary includes---------	Wages	houseproperty
------------ means payment of gross salary with deducting amount of income tax thereon.	Tax free salary	Taxable salary
If the employee has completed service of 16 years 6 months and 5 days the number of completed year shall be taken as ---------	16 years	17 years
The maximum exemption of gratuity shall be -------------	Rs. 2,40,000	Rs.2,50,000
The maximum exemption in case of leave encashment shall be----------	Rs. 2,40,000	Rs.3,50,000
compensation received on voluntary retirement is exempt u/s 10 (10c) to the maximum extent of ------------	Rs. 2,40,000	Rs.3,50,000
Employers contribution to statutory provident fund shall be --------------	fully exempt	exempt upto 12% of salary
Interest credited to Statutory provident fund shall be ----------	fully exempt	Exempt upto 12% p.
Employer contribution to Recognized provident fund shall be -----------	fully exempt	fully taxable
Interest credited to Recognized Provident fund shall be -----------	Fully exempt	fully taxable
Employer contribution to Unrecognized provident fund shall be ------------	Fully exempt	fully taxable

Interest credited to unrecognized provident fund shall be----------	Fully exempt	fully taxable
Payment from statutory provident fund and public provident fund shall be------	taxable	fully exempt
Pyment from Recognized provident fund after 5 years of service shall be----------	taxable	fully exempt
Pyment from Unrecognized provident fund before 5 years of shall be----------	taxable	fully exempt
The payment of Gratuity Act was passed in the year -----------	1972	1927
--------------- is a fixed monetary amount paid by employer to the employee for meeting some particular expenses.	Allowances	Perquisites
--------- is determining on the basis of rising prices of commodities in general.	Dearness allowances	City compensatory allowances
----------- is given to compensate for the high cost of living in capital city.	Medical allowance	City compensatory allowance
------------- to cover the service of warden in the case of educational institutions.	Wardenship allowance	Dearness allowance
--------- is given to meet the medical expenses of the employees and his family members.	Medical allowance	Uniform allowance
----------- is given by the employer to the employee to meet the expenses in connection with rent of the accommodation.	House rent allowance	City compensatory allowance
House rent allowance paid to the judge of supreme court is --------------	fully exempt	fully taxable

Children education allowance is exempted upto ---------- per child upto the maximum of two children.	Rs.100p.m	Rs.200 p.m
Hostel expenditure allowance is exempted upto ---------- per child upto the maximum of two children.	Rs.100p.m	Rs.200 p.m
The amount of exemption for running flight allowance is ---------	70% of such allowance or Rs 3,000 p.m	70% of such allowance or Rs.10,000 p.m
allowances received by an employer of UNO from his employer is -------------	Fully taxable	Fully exempt
While computing salary income deduction are allowed u/s ---------	16	18
Salary due on last day of every month means ----------	Last day of the respective month	first day of the month
In salary income all perquisites are given u/s--------------	21(3)	19(4)
Any benefit or amenity allowed by employer to employee is -------------	allowance	Perquisites
Bonus received under some legal or contractual obligation is called ------------	Statutory bonus	Gratuitous bonus
Provident fund governed by Provident fund Act 1925 is called as ------------	Statutory Provident fund	Unrecognized provident fund
Tiffin allowance is a ------------	fully taxable allowance	Partially allowance
Foreign allowance given to government employee posted abroad is -----------	Fully exempted	fully taxable
Perquisites can be only in the form of --------------	Monetary benefit	Facilities
Lunch allowance is a ---------	fully taxable allowance	Partially allowance
Statutory limit u/s 16(ii) for deduction of entertainment allowance in case of Government employee is -------------	Rs.5,000	Rs.7,500

Commuted value of pension is fully exempted in case of ------------	Govt. Employee	an employee of private sector
Medical allowance received by an employee is ------------- allowance	fully taxable	fully exempt
Any compensation received by an employee from his employer at the time of termination of employment is known as -----------	allowances	perquisites
Reduction admissible from tax liability is known as ------------	exemption	deduction
While computing the exemption limit for House rent allowance , the term salary means---------------	basic pay only	basic pay + DA(enters)
The value of rent free accommodation in case of non-government employee, if population is more than 25 lakhs means----------	20% of salary	15 % of salary
15 days average salary for gratuity is equal to amount multiplied by------------	15/24	15/26
While computing house property income, deduction for interest on loan for the previous year 2015-16 u/s 24 is ----------	fully allowed	Partially allowed
Annual rental value minus municipal taxes = ----------------	Gross rental value	Net annual value
Allowable standard deduction from net annual value u/s 24 is ---------------	30%	40%
In house property income , joint expenses will be apportioned on the basis of -----------	FRV	ARV
Income received as rent from sub letting would be taxable under the head ------------	Other sources	House property

House used for the assesses own business, then the annual value is taken as ----------	Let out property	nil
If loan is taken for construction on or before 1-4-99 and construction is completed with in 3 years , the allowable deduction will be -------------	Rs.30,000	Rs1,50,000
Allowable deduction from self occupied house is ------------	Interest on loan	Standard deduction
Allowable deduction from net annual value for let out house property will be ----------	Standard deduction	pension
If the property used for own business then the net annual value will be	MRV	FRV
Commuted value of pension is fully exempted in case of ------------	Govt. Employee	an employee of private sector
allowances received by an employer of UNO from his employer is -------------	Fully taxable	Fully exempt
While computing house property income, deduction for interest on loan for the previous year 2015-16 u/s 24 is ----------	fully allowed	Partially allowed

Business or profession	capital gain	
17-19	19-21	
interest	gambling	
Exempted salary	business income	
18 years	22 years	
Rs.3,50,000	Rs.10,00,000	
Rs.3,00,000	Rs.5,00,000	
Rs.5,00,000	Rs.7,50,000	
Exempt upto 10% of the salary	exempted upto 15% of salary	
exempt upto 9.5% p.a	exempted upto 15% of salary	
exempt upto 12% p.a	exempted upto 15%ofsalary	
exempt upto 9.5% p.a	.Exempted upt 14% of salary	
exempt upto 12% p.a	Exempted upt 14% of salary	

exempt upto 12% p.a	Exempted upt 14% of salary	
Taxable to the extent of employers contribution and interest thereon.	partly taxable	
Taxable to the extent of employers contribution and interest thereon.	partially exempted	
Taxable to the extent of employers contribution and interest thereon.	partially exempted	
1952	1955	
Basic salary	medical facility	
Medical allowances.	uniform allowances	
Dearness allowances.	lunch allowances	
Medical allowance	non – practicing allowances	
Daily allowance	lunch allowance	
Medical allowance.	wardenship allowances	
partially taxable.	none	

Rs.300 p.m	RS. 400 pm	
Rs.300 p.m	Rs.400 pm	
fully exempted	Rs. 1500pm	
partially taxable.	none	
19.	20	
every 15th of the month	every 10th of the month	
17 (2)	18(3)	
Deductions,	rebate	
recognised bonus	unrecognised bonus	
Public provident fun	Recognised provident fund	
Fully exempted allowance.	not an allowances	
partially taxable	rebate	
financial benefits	cash	
Fully exempted allowance.	not an allowances	
25% of employee salary	50 % of salary	

an employee of a public sector undertaking.	all employees	
exempted upto the amount of actual expenditure incurred on medical treatment.	not taxable	
profit in lieu of salary.	basic pay	
Rebate.	debate	
basic pay + DA(enters) + commission (fixed %)	all allowances	
7.5 % of salary	10% of the salary	
15/30	15/28	
fully taxable	partially taxable	
Fair rental value	MRV	
50%	60%	
MRV	ERV	
Business income	Capital gain	

Self occupied property.	full	
Rs.1,80,000	Rs.1,50,000	
Joint expenses	loan from house property	
gratuity	entertainment allowance	
Actual rent received	Nil	
an employee of a public sector undertaking.	all employees	
partially taxable.	none	
fully taxable	partially taxable	

salary
15-17
wages
tax free salary
16years
Rs.3,50,000
Rs.3,00,000
Rs.5,00,000
fully exempt
fully exempt
exempt upto 12% of salary
exempt upto 9.5 % of salary
fully exempt

fully exempt
fully exempt
taxable to the extemt of empoyers contribution and interest thereon
fully exempt
1972
allowance
dearness allowance
city compensatory allowance
warnership allowance
medical allowance
house rent allowance
fully exempt

Rs.100 p.m.
Rs.300 p.m.
70% of such allowance or Rs.6,000 p.m.
fully exempt
16
last day of the respective month
17(2)
perquisites
satutory bonus
Statutory profident fund
fully taxable allowance
fully exempt
facilities
fully taxable allowance
Rs.5,000

Govt. Employee
fully taxable
profit in lieu of salary
rebate
Basic pay + DA(enters)+commission (Fixed%)
15% of salary
15/26
fully allowed
Net annual Value
30%
MRV
other sources

Nil
Rs.30,000
Interest on loan
Standard deduction
Nil
Govt. Employee
fully exempt
fully allowed

Unit III		
Any trade, commerce, manufacture or any adventure in the nature of trade commerce manufactured is defined as ---------------	Business	Profession
Profits and gains of business or profession is chargeable u/s ------------ of Income tax act.	24-28	28-44
------------- refers to those activities where the livelihood is earned by the person through their intellectual or manual skill.	Business	Trade.
Profession includes,----------	doctor	business
The accounting system under which any income which relates to the current year is taken into consideration for computing business profit is called as --------	Mercantile system	cash system
The accounting system under which transactions are recorded on the basis of receipts and payments whether it is relating to current year or not is called ------	Mercantile system	cash system
Expenditure incurred for acquiring fixed assets is ------------	Capital expenditure	Revenue expenditure
Expenditure incurred to carry out the regular activities is ---------	Capital expenditure	Revenue expenditure
Expenses allowed as deduction for the purpose of computation of income from business or profession are ------------	Admissible expenses	Inadmissible expenses

Expenses not allowed as deduction for the purpose of computation of income from business or profession ----------	Admissible expenses	Inadmissible expenses
Income tax wealth tax and advance income tax are ---------	disallowed expenses	Allowed expenses
Cultivation expenses are ----------	disallowed expenses	Allowed expenses
Expenditure incurred for acquiring know-how and patents shall qualify for depreciation @ -----------	20%	25%
Any payment exceeding Rs. 20,000 is made otherwise than through a crossed cheque or demand draft ------------- of such amount is to be disallowed as deduction.	20%	50%
While computing business income speculation loss is ------------	Allowed expenditure	Disallowed expenditure
In a business if any payment more than Rs.20,000 is made in cash the disallowed deduction will be -------------	25%	30%
Patent right is --------	Tangible asset	Intangible asset
Profit on sale of license is taxable under the head-----------	Profits and gains of business or profession	House property
Any expenditure incurred to acquire technical know-how developed in India by an approved institution can be depreciated @---------	20%	25%
Amount of expenditure incurred on or after 01.04.1998 on preliminary expenses cannot exceed------------- of the cost of project	2%	4%
copy right is --------	Tangible asset	Intangible asset
Depreciation is allowed on professional books -----------	100%	50%

Consultancy fee received by a lawyer is ---------- income	Taxable	Non- taxable
All those assets to which one rate of depreciation is applicable are known as --------	Block of assets	Exempted assets
The actual cost of acquisition of asset minus depreciation equal to -------	WDV	Annuity value
Balance amount of depreciation not deductible due to insufficiency of income during any particular year is called ------------	Absorbed depreciation	unabsorbed depreciation
In case of doctor gift from patients are -------------	Professional receipt	Business receipt
While computing business income , all personal expenses are --------------	allowed expenses	disallowed expenses
Amount given to university for research allowed @ ----------	100%	125%
Rate of depreciation on neon sign board is @ -------	10%	15%
Which is an activity of purchase and sell of goods with the intention of making profit	Business	Profession
Which is an occupation requiring intellectual skil?	Business	Profession
Wchich includes any trade, commerce or manufacture or any adventure or concern in the nature of trade, commerce or manufacture.	Business	Profession
Expenses, which are debited, to profit & loss a/c, but disallowed by the Income Tax Act and either fully or partially are ------------- with net profit	Added	deduct

Expenses, which are not debited, to profit & loss a/c but which are allowed by the Income Tax Act are ------------	Added	deduct
Income that is credited to profit & loss a/c but not taxable at all or taxable under some different head is to be---------------	Added	deduct
Income that is not credited to profit & loss a/c, but which is chargeable to tax as business income is to be ----------	Added	deduct
Under Section ---------- following are the income chargeable to tax under the head Profits or Gains from Business or profession	25	26
Profits and Gains of any business or profession that is carried on by the assessee at any time during the --------------	assessment year	financial year
While determining the depreciation on fixed assets ------- value is taken into consideration	Straight line	written down
Rate of additional depreciation is charged at --------	10%	20%
disallowed expenses under business income Is ------	income tax	sales tax
. Fines and penalties for breach of any laws are ---------	Allowed expenditure	Disallowed expenditure
Personal Drawings under business income is -----	Allowed expenditure	Disallowed expenditure
Household expenses under busiess income is ----	Allowed expenditure	Disallowed expenditure

------------- refers to those activities where the livelihood is earned by the person through their intellectual or manual skill.	Business	Trade.
Profits and gains of business or profession is chargeable u/s ------------ of Income tax act.	24-28	28-44
Rate of depreciation on neon sign board is @ -------	10%	15%
Rate of depreciation on residential building is @ -------	5%	10%
An example for admissbile expense is	sales tax	income tax
An example for inadmissbile expense is	personal expenses	sales tax
The income relates to business is called ---------	Allowed expenditure	Disallowed expenditure
The incomes not related to business are	bad debts recovered	commission received
Rate of depreciation on furniture and fittings is @ -------	5%	10%
Rate of depreciation on computers is @ -------	20%	40%
Rate of depreciation on books used for business or profession is @ -------	20%	40%
Rate of depreciation on commercial building is @ -------	5%	10%
Wchich includes any trade, commerce or manufacture or any adventure or concern in the nature of trade, commerce or manufacture.	Business	Profession
Expenses, which are debited, to profit & loss a/c, but disallowed by the Income Tax Act and either fully or partially are ------------ with net profit	Added	deduct

Expenses not allowed as deduction for the purpose of computation of income from business or profession ----------	Admissible expenses	Inadmissible expenses

Commerce	non-business	
30-48	42-50	
Profession	commerce	
trading	distribution	
Credit system	debit system	
Credit system	debit system	
Deferred revenue expenditure	not an expenditure	
Deferred revenue expenditure	not an expenditure	
Not an expenses	admissible income	

Not an expenses	admissible income	
Deductions	rebate	
Deductions	rebate	
30%	40%	
75%	100%	
Not an expenditure.	None	
75%	100%	
An allowance	fixed asset	
Capital gain	other sources	
30%	40%	
5%	7%	
An allowance	fixed asset	
60%	40%	

Not a fee	exempted	
Deductable assets	total assets	
Block of assets	exempted assets	
Total depreciation	depreciation	
Trade receipts	not a receipt	
deduction	rebate	
150%	175%	
20%	40%	
distribution	supplier	
distribution	supplier	
distribution	supplier	
multiply	divide	

multiply	divide	
multiply	divide	
multiply	divide	
27	28	
fiscal year	previous year	
annuity	sinking fund	
30%	40%	
excise duty	customs duty	
allowed income	disallowed income	
allowed income	disallowed income	
allowed income	disallowed income	

Profession	commerce	
30-48	42-50	
20%	40%	
15%	20%	
wealth tax	advance income tax	
excise duty	customs duty	
allowed income	disallowed income	
sales tax refund	house property	
15%	20%	
60%	80%	
60%	80%	
20%	30%	
distribution	supplier	
multiply	divide	

Not an expenses	none	

business
28-44
profession
doctor
cash system
Mercantile system
capital expenditure
Revenue expenditure
admissible expenses

inadmissible expenses
disallowed expenses
disallowed expensed
25%
100%
disallowed expenditure
100%
Intangible asset
house property
25%
2%
Intangible asset
60%

taxable
block of assets
WDV
absorbed depreciation
Professional receipt
Disallowed expenses
175%
10%
Business
profession
business
add

deduct
deduct
added
28
previous year
written down
20%
income tax
Disallowed expenditure
Disallowed expenditure
disallowed expenditure

Profession
28-44
10%
5%
sales tax
personal expenses
allowed income
house property
10%
60%
60%
10%
business
add

admissible expenses

Unit - IV		
Capital gain is classified into ----------- types	Two	Three
The cost inflation index number of the previous year 2016-17 is ----------	1081	1072
A capital asset held by an assessee for not more than 36 months immediately preceding the date of transfer is called as -------------	Short term capital asset	Long term capital asset
Shares held by an assessee for less than 12 months is termed as ----------	Short term capital asset	Long term capital asset
Capital asset held by an assessee for more than 36 months immediately preceding the date of its transfer ------------	Long term capital asset	Short term capital asset
Share held by an assessee for more than 12 months is termed as -----------	Short term capital asset	Long term capital asset
Amount of gain arising from the transfer of capital asset is called as ----------------	Capital gain	Profit
Transfer includes,------------	Sale	purchases
The price which the assessee has incurred for acquisition of capital asset is termed as--------------	Cost of acquisition	cost of improvement
Capital expenditure incurred in making any additions or alterations to the capital asset is -----------	Cost of improvement	Cost of inflation
Capital assets includes,	purchases	sales
Capital asset does not include-----------	Stock in trade	Gold bonds
Capital gain = _______________ - cost of acquisition (indexed) + cost of improvement	Sale price	Purchase price
In case of short term capital asset ------------	No indexing	to be indexed

In the case of individual and HUF , capital gain arising from the compulsory acquisition of self- cultivated urban land shall be --------------	Fully taxable	Partially taxable
A short term capital asset is the one held for not more than ----------------	48 months	36 months
A long term capital gain is the one held the assets for more than ---------------	48 months	36 months
Rate of tax for long term capital gain is ------------	10%	20%
In capital gain, Exempted assets are given u/s -------------	54	55
Rate of tax for short term capital gain (subject to STT) is --------------	10%	15%
Capital gains arising from the transfer of agriculture land owned for 5 years in a rural area are ------------	Taxable as short term capital gain	Taxable as long term capital gain
Gain arising on the transfer of short term capital asset is known as ---------	Short term capital gain	Long term capital gain
Gain arising on the transfer of long term capital asset is known as ----------	Short term capital gain	Long term capital gain
Amount of gain arising from the transfer of capital asset is called as ----------------	Capital gain	Profit
As asset which does not cost anything to the assessee in terms of money in its creation or acquisition is called as ---------	Depreciable assets	Self generated assets
An example to self generated asset is -----------	Goodwill	Land
Transfer of an under taking for a lump sum consideration without assigning values to individual assets and liabilities is termed as -------------	Slump sale	Transfer

The term -------------- means, aggregate value of total assets minus value of liabilities appearing in balance sheet.	Net asset	Net liability
Capital gain is taxable to ----------------	all assesses	only residents
Long term capital loss can be set off from ---------------	short term capital gain	long term capital gain
An acknowledgement of debt or claim in the form of debentures and bonds are called as ---------------	Securities Market	Capital market
Securities of a company which is registered in any one of stock exchanges in India is termed as ----------------	Listed debentures	Unlisted debentures
Securities of a company which is not registered in any one of stock exchanges in India is termed as ----------------	Listed debentures	unlisted debentures
The securities on which interest is receivable with out deduction of tax at source is called -------------	Tax free securities	Taxable securities
The securities on which interest is receivable after deduction of tax at source is ---------	Tax free securities	Less tax securities
Conversion of net interest into gross interest by applying specified rate of TDS is known as ----------	Grossing up	Net value
Interest on securities after deducting the tax at source is -----------	Net interest	Gross interest
Interest on securities before deducting the tax at source is --------	Net interest	Gross interest
The fifth and residuary head of income as per Income Tax Act 1961 is ------------	Salary	House property

Under the head income from other sources the specified income is given u/s---------	56(1)	56(2)
Under the head income from other sources the general income is given u/s---------	56(1)	56(2)
Standard deduction out of family pension is allowed upto 33 1/3 % of such pension or Rs.------------------ which ever is less	Rs.15,000	Rs.20,000
Remuneration for delivering lectures or writing articles is --------------	General income	Specified income
Interest on securities is ------------	General income	Specified income
Rate of TDS for listed debentures of a company is ------------	10%	20%
Rate of TDS for casual income is ------------	10%	20%
Rate of TDS for unlisted debentures with surcharge is ------------	10%	20%
Rate of TDS for interest on government securities is ---------------	10%	20%
Dividend received from Indian company is --------------	Fully taxable	Partially taxable
Winning from Lotteries, cross word puzzles, horse races and other races et are casual income and hence -----------	Fully exempted	Exempted upto Rs.5,000
If total income of individual exceeds Rs. 10,00,000, add surcharge @ --------------	5%	12%
Share of income received by a member of HUF out of HUF income is ------------	Taxable income	Exempted income
Bonus shares received by a dealer of shares is a -----------	Capital receipt	Revenue receipt
Rate of TDS on bank interest is ---------------	10%	20%

Income from letting of plant and machinery is taxable under the head -----------	House property	Salary
Dividend from foreign company is taxable under the head -------------	Income from other sources	House property
Company formed and registered under companies Act 1956 is called --------------	Indian company	Foreign company
A Company which is not a domestic company is ----------------	Domestic company	Foreign company
Gift is taxable under the head income from other sources, if its value exceeds --------	Rs.25000	Rs. 50, 000
Dividend from foreign company is taxable under the head -------------	Income from other sources	House property

Four	five	
1079	1125	
medium capital asset	total capital gain	
medium capital asset	total capital gain	
Medium capital asset	total capital gain	
medium capital asset	total capital gain	
Income	receipt	
distribution	supply	
Cost of inflation	selling price	
Cost of acquisition	selling price	
building	trade expenses	
both	none	
Transfer price	total price	
Conversion required	improvement	

Fully exempted	taxable	
60 months	72 months	
60 months	75months	
30%	40%	
56.	60%	
30%	40%	
Exempted from tax	assets	
Medium term capital gain	liabilities	
Medium term capital gain	total capital gain	
Income	receipt	
Capital assets	all of the above	
plant	machinery	
Extinguishments	relinquishments	

Net worth	total worth	
only citizens	NRI	
both long and short term capital gain.	any income	
Money market	Stock market	
Tax free debentures	Taxable debentures	
Tax free debentures	taxable debentures	
Listed securities	not an income	
Taxable securities	TDS	
Total value	Value	
Total interest	Net worth	
Total interest	Nil value	
Income from other sources	Capital gain	

56(3)	56(4)	
56(3)	56(4)	
Rs.30,000	Rs.40,000	
Gross income	net income	
Gross income	net income	
30.00%	40%	
30.00%	40%	
30.00%	40%	
No TDS	TDS	
Fully exempted	none	
Fully taxable	exempted up to RS.15,000	
15%	20%	
Rebateable income	deductable income	
Exempt income.	taxable income	
30%	40%	

Income from other sources	capital gain	
business income	capital gain	
not a company	private company	
Indian company	private company	
Rs.60,000	Rs.80,000	
business income	capital gain	

two
1125
Short term capital asset
Short term capital asset
Long term capital asset
Long term capital asset
capital gain
sale
cost of acquistion
cost of improvement
building
Stock in trade
sale price
No indexing

Fully exempted
36months
36 months
20%
55
15%
exempted from tax
short term capital gain
long term capital gain
capital gain
depreciable assets
goodwill
slump sale

net asset
all assessees
long term capital gain
securities market
Listed debentures
unlised debentures
taxable securites
tax free securities
Grossing up
Net interest
gross interest
income from other source

56(2)
56(1)
Rs.15,000
General income
General income
10%
30%
10%
No TDS
fully exempted
exempted upto Rs.5,000
12%
exempted income
capital receipt
10%

income from other source
Income from other sources
Indian company
Foreign company
Rs.50,000
Income from other sources

Unit V		
Adjustment of any loss against any income with the previous year is called as ----------- of losses	Set off	Carry forward
Transfer of unadjusted loss of any previous year to succeeding years to set off against any income is called as ------------- of losses	Set off	Carry forward
Setting off of losses between the various years within the previous year itself is known as ------------	Interhead adjustment	Intra head adjustment
Loss on account of owing and maintaining the race horse can be carried forward for ------	8 years	4 years
Loss under the head house property ---------------	Can be carry forward for 8 years	can not be carried forward
Speculation loss can be carried forward for the maximum of -----------	8 years	10 years
Long term capital loss of particular assessment year cab be setoff in the same assessment year from-------------	Short term or long term capital gain	Long term capital gain only
Short term capital loss of particular assessment year cab be setoff in the same assessment year from-------------	Short term or long term capital gain	Long term capital gain only
Loss under the head capital gain in a particular assessment year can -----------	Set off form any other head of income in the same assessment year	be carried forward
Education cess @ ------- is levied on total income	2%	3%
Casual income includes ,-------------	house property	interest
Speculation loss can be set off from -------------	Speculation gain	capital gain
Speculation gain can be used to set off ------------	speculation loss only	any other losses also

Expenses on horses for race purpose can be set off only from------------	Capital gain	House property income
Loss from house property can be set off from ------------	Any other head	only house property income
Unrealized rent from house property can be set off only income of -------	Income of another house property	Business income
Loss under the head profits and gains can not be set off from income under the head ---------------	Salaries	House property
Short term capital loss can be set off from --------------	short term and long term capital gain	Short term capital gain only
Long term capital loss can be set off only from -------------	Long term capital gain	short term capital gain
There can be no loss under the head ------------	house property	Salary
Loss under the head house property can be carried forward for ---------	8years	4years
Business loss can be carried forward for ------------	4 years	8 years
Unabsorbed depreciation can be carried forward for--------	8 years	10 years
Short term capital loss can be carried forward for ---------------	4 years	8 years
long term capital loss can be carried forward for ---------------	4 years	8 years
Securities includes ----------	Stock	gold
Deductions relating to donation to approved institution are given u/s ------------	80 E	80 G
Deduction for medically handicapped or mentally retarded assessee is to be allowed to the maximum of ---------------	Rs. 75,000	Rs.1,00,000
The previous year means -----------	The accounting period of the assessee	financial year before the assessment year

In case of company assessee control and management is situated in India means --------	Resident	Not ordinary resident
Assessment year means --------	year after previous year	year before previous year
. When main tenant lets out full or part of the hired building to another person, it is called as --------------	Letting	Not a letting
. Any income form house property held for charitable or religious purpose is ----------	. fully taxable	exempted
Local or municipal taxes include services taxes like,------	fire tax	. insurance tax
Rent actually received by the owner of the house property from the tenant is called ---	Actual rent received	Real rental value
Value of house property has determined by the municipal authorities for levying municipal taxes is known as ------------	Annual rental value	Fair rental value
The two or more persons owns jointly one house is referred as-------------	. owners	co-owners
Rebate shall be allowed to 87A shall be allowed Rs.----------- if total income exceeds Rs. 5,00,000	2,000	3,000
The rent fixed under rent control act wherever applicable is called --------	Standard rental value	Real rental value
For super senior citizen exemption allowed upto Rs. ---------	Rs. 2,00,000	Rs.1,00,000
Default in collection of rent from the tenants is termed as -------------	Real rent	Actual rent
Gross annual value minus municipal taxes paid by the assessee is -------------	Net annual value	Gross annual value

Any payment exceeding Rs. 20,000 is made otherwise than through a crossed cheque or demand draft ------------- of such amount is to be disallowed as deduction.	10%	20%
All those assets to which one rate of depreciation is applicable are known as ---------	Block of assets	Exempted assets
Income tax, wealth tax and advance income tax are ---------	disallowed expenses	Allowed expenses
Expenses not allowed as deduction for the purpose of computation of income from business or profession ----------	Admissible expenses	Inadmissible expenses
Expenditure incurred for acquiring know-how and patents shall qualify for depreciation @ -----------	20%	. 25%
Any income form house property held for charitable or religious purpose is ----------	fully taxable	exempted
Rent actually reveiced by the owner of the house property from the tenant is called ---	Actual rent received	Real rental value
Value of house property has determined by the municipal authorities for levying municipal taxes is known as ------------	Annual rental value	Fair rental value
An amount of rent which a similar property can fetch in a similar locality if it is let out is called --------	MRV	FRV
The rent fixed under rent control act wherever applicable is called --------	Standard rental value	Real rental value
A higher amount of MRV and FRV subject to standard rent is -----------------	ERV	FRV

Default in collection of rent from the tenants is termed as --------------	Real rent	Actual rent
The sum for which the house property might reasonably be expected to be let from year to year is known as -------------	Annual value	Realised rent
Gross annual value minus municipal taxes paid by the assessee is -------------	Net annual value	Gross annual value
Every year the residential status of an assessee -----------	may change	will certainly change
Transfer of unadjusted loss of any previous year to succeeding years to set off against any income is called as ------------- of losses	Set off	Carry forward
Speculation loss can be carried forward for the maximum of -----------	8 years	10 years
Rebate of Rs. ---------- shall be allowed if total income does not exceeds Rs. 5 lakhs	2,000	4,000

set off and carry forward	can not be carried forward	
set off and carry forward	can not be carried forward	
salary	capital gain	
Indefinite period	5 years	
Can be carried forward for 4 years	can be carried forward to 10 years	
4 years	5 years	
Short term capital gain.	salary income	
Short term capital gain.	total capital gain	
Neither be setoff not be carried forward	not adjustable	
4%	5%	
gambling	salary	
Business income.	salary income	
salary loss	business loss	

Race course winning	salary income	
Agriculture income	salary income	
Income from other sources	other sources income	
Capital gain	professional income	
Long term capital gain	total capital gain	
Business income	salary	
Capital gain	business income	
2 years	1 year	
12 years	10 years	
till it is fully adjusted	15 years	
12 years	4 years	
12 years	15 years	
silver	deposits	
80I	80K	
Rs.1,25,000	Rs,1,50,000	
Calendar year before the assessment year	any year	

Non resident	not a resident	
previous year	any year	
Sub-letting	self occupied	
. Partially taxable	partially exempted	
. collection charges	water tax	
Fair rental value	Municipal rental value	
Municipal rental value	real rental value	
not owners	partners	
4,000	5,000	
Actual rent	fair rental value	
Rs.3,00,000	/Rs. 5,00,000	
Fair rent	Unrealized rent.	
Expected annual value	Annual rental value	

40%	100%	
Deductable assets	total assets	
Deductions	rebate	
Not an expenses	allowable expenses	
30%	35%	
Partially taxable.	Not at all taxable	
Fair rental value	Annual rental value	
Municipal rental value	Anual rental value	
ERV	KRV	
Actual rent	Annual rental value	
MRV	NRV	

Unrealised rent.	Annual rent	
Expected rent	Monthly rent	
Expected annual value	Annual rental value	
will not change	not necessary	
transfer	adjustment	
4 years	5 years	
5,000	8,000	

set off
carry forward
Interhead adjustment
4 years
Can be carry forward for 8 years
4 years
Long term capital gain only
Short term or long term capital gain
be carried forward
2%
gambling
Speculation gain
any other losses also

race course winning
any other income
income of another house property
salaries
short term and long term capital gain
Long term capital gain
Salary
8years
8 years
till it is fully adjusted
8 years
8 years
stock
80 G
Rs.1,00,000
financial year before the assessment year

Resident
year after previous year
subletting
exempted
water tax
acctual rent received
Municipal rental value
co-owners
5,000
standard rental value
ERV
unrealised rent
net annual value

100%
block of assets
disallowed expenses
inadmissible expenses
25%
exempted
acctual rent received
Municipal rental value
FRV
standard rental value
ERV

unrealised rent
annual value
Net annual value
May change
set off
4 years
5,000