

**Section - 2, Income-tax Act, 1961 - 2015****Definitions.**

2. In this Act, unless the context otherwise requires,—

<sup>3</sup>[(1) "advance tax" means the advance tax payable in accordance with the provisions of Chapter XVII-C;]

<sup>4</sup>[<sup>5</sup>(1A)] <sup>6</sup>"agricultural income"<sup>7</sup> means<sup>8</sup>—

<sup>9</sup>[(a) any rent<sup>10</sup> or revenue<sup>10</sup> derived<sup>10</sup> from land<sup>10</sup> which is situated in India and is used for agricultural purposes;]

(b) any income derived from such land<sup>10</sup> by—

(i) agriculture<sup>10</sup>; or

(ii) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market; or

(iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, in respect of which no process has been performed other than a process of the nature described in paragraph (ii) of this sub-clause ;

(c) any income derived from any building owned and occupied by the receiver of the rent or revenue of any such land, or occupied by the cultivator or the receiver of rent-in-kind, of any land with respect to which, or the produce of which, any process mentioned in paragraphs (ii) and (iii) of sub-clause (b) is carried on :

<sup>9</sup>[**Provided** that—

(i) the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue or the cultivator, or the receiver of rent-in-kind, by reason of his connection with the land, requires as a dwelling house, or as a store-house, or other out-building, and

(ii) the land is either assessed to land revenue in India or is subject to a local rate assessed and collected by officers of the Government as such or where the land is not so assessed to land revenue or subject to a local rate, it is not situated—

(A) in any area which is comprised within the jurisdiction of a municipality (whether known as a municipality, municipal corporation, notified area committee, town area committee, town committee or by any other name) or a cantonment board and which has a population of not less than ten thousand <sup>11</sup>[\*\*\*]; or

<sup>12</sup>[(B) in any area within the distance, measured aerially,—

(I) not being more than two kilometres, from the local limits of any municipality or cantonment board referred to in item (A) and which has a population of more than ten thousand but not exceeding one lakh; or

- (II) not being more than six kilometres, from the local limits of any municipality or cantonment board referred to in item (A) and which has a population of more than one lakh but not exceeding ten lakh; or
- (III) not being more than eight kilometres, from the local limits of any municipality or cantonment board referred to in item (A) and which has a population of more than ten lakh.<sup>13</sup>

<sup>14</sup>[<sup>15</sup>*Explanation 1.*—For the removal of doubts, it is hereby declared that revenue derived from land shall not include and shall be deemed never to have included any income arising from the transfer of any land referred to in item (a) or item (b) of sub-clause (iii) of clause (14) of this section.]

<sup>16</sup>*Explanation 2.*—For the removal of doubts, it is hereby declared that income derived from any building or land referred to in sub-clause (c) arising from the use of such building or land for any purpose (including letting for residential purpose or for the purpose of any business or profession) other than agriculture falling under sub-clause (a) or sub-clause (b) shall not be agricultural income.]

<sup>17</sup>*Explanation 3.*—For the purposes of this clause, any income derived from saplings or seedlings grown in a nursery shall be deemed to be agricultural income.]

<sup>18</sup>*Explanation 4.*—For the purposes of clause (ii) of the proviso to sub-clause (c), "population" means the population according to the last preceding census of which the relevant figures have been published before the first day of the previous year;]

<sup>19</sup>[<sup>20</sup>(1B)] "amalgamation", in relation to companies, means the merger of one or more companies with another company or the merger of two or more companies to form one company (the company or companies which so merge being referred to as the amalgamating company or companies and the company with which they merge or which is formed as a result of the merger, as the amalgamated company) in such a manner that—

- (i) all the property of the amalgamating company or companies immediately before the amalgamation becomes the property of the amalgamated company by virtue of the amalgamation ;
- (ii) all the liabilities of the amalgamating company or companies immediately before the amalgamation become the liabilities of the amalgamated company by virtue of the amalgamation ;
- (iii) shareholders holding not less than <sup>21</sup>[three-fourths] in value of the shares in the amalgamating company or companies (other than shares already held therein immediately before the amalgamation by, or by a nominee for, the amalgamated company or its subsidiary) become shareholders of the amalgamated company by virtue of the amalgamation,

otherwise than as a result of the acquisition of the property of one company by another company pursuant to the purchase of such property by the other company or as a result of the distribution of such property to the other company after the winding up of the first-mentioned company ;]

<sup>22</sup>(1C) "Additional Commissioner" means a person appointed to be an Additional Commissioner of Income-tax under sub-section (1) of section 117 ;

(1D) "Additional Director" means a person appointed to be an Additional Director of Income-tax under sub-section (1) of section 117 ;]

(2) "annual value", in relation to any property, means its annual value as determined under section 23 ;

- (3) <sup>23</sup>[\* \* \*]
- (4) "Appellate Tribunal" means the Appellate Tribunal constituted under section 252 ;
- (5) "approved gratuity fund" means a gratuity fund which has been and continues to be approved by the <sup>24</sup>[<sup>25</sup>[Principal Chief Commissioner or] Chief Commissioner or <sup>25</sup>[Principal Commissioner or] Commissioner] in accordance with the rules contained in Part C of the Fourth Schedule ;
- (6) "approved superannuation fund" means a superannuation fund or any part of a superannuation fund which has been and continues to be approved by the <sup>24</sup>[<sup>25</sup>[Principal Chief Commissioner or] Chief Commissioner or <sup>25</sup>[Principal Commissioner or] Commissioner] in accordance with the rules contained in Part B of the Fourth Schedule ;
- <sup>26</sup>(7) "assessee"<sup>27</sup> means a person by whom <sup>28</sup>[any tax] or any other sum of money is payable under this Act, and includes—
- (a) every person in respect of whom any proceeding under this Act has been taken for the assessment of his income <sup>29</sup>[or assessment of fringe benefits] 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 of the amount of refund due to him or to such other person ;
  - (b) every person who is deemed to be an assessee under any provision of this Act ;
  - (c) every person who is deemed to be an assessee in default under any provision of this Act ;
- <sup>30</sup>[(7A)<sup>30a</sup> "Assessing Officer" means the Assistant Commissioner <sup>31</sup>[or Deputy Commissioner] <sup>32</sup>[or Assistant Director] <sup>31</sup>[or Deputy Director] or the Income-tax Officer who is vested with the relevant jurisdiction by virtue of directions or orders issued under sub-section (1) or sub-section (2) of section 120 or any other provision of this Act, and the <sup>33</sup>[Additional Commissioner or] <sup>34</sup>[Additional Director or] <sup>35</sup>[Joint Commissioner or Joint Director] who is directed under clause (b) of sub-section (4) of that section to exercise or perform all or any of the powers and functions conferred on, or assigned to, an Assessing Officer under this Act ;]
- (8) "assessment"<sup>36</sup> includes reassessment ;
- (9) "assessment year" means the period of twelve months commencing on the 1st day of April every year ;
- <sup>37</sup>[(9A) "Assistant Commissioner" means a person appointed to be an Assistant Commissioner of Income-tax <sup>38</sup>[or a Deputy Commissioner of Income-tax] under sub-section (1) of section 117 ;]
- <sup>39</sup>[(9B) "Assistant Director" means a person appointed to be an Assistant Director of Income-tax under sub-section (1) of section 117;]
- (10) "average rate of income-tax" means the rate arrived at by dividing the amount of income-tax calculated on the total income, by such total income ;
- <sup>40</sup>[(11) "block of assets" means a group of assets falling within a class of assets comprising—
- (a) tangible assets, being buildings, machinery, plant or furniture;
  - (b) intangible assets, being know-how, patents, copyrights, trade-marks, licences, franchises or any other business or commercial rights of similar nature, in respect of which the same percentage of depreciation is prescribed ;]
- (12) "Board" means the <sup>41</sup>[Central Board of Direct Taxes constituted under the Central Boards of Revenue Act, 1963 (54 of 1963)] ;
- <sup>42</sup>[(12A)<sup>42a</sup> "books or books of account" includes ledgers, day-books, cash books, account-books and other books, whether kept in the written form or as print-outs of data stored in a floppy, disc, tape or any other form of electro-magnetic data storage device;]

<sup>43</sup>(13) "business"<sup>44</sup> includes any trade<sup>44</sup>, commerce or manufacture or any adventure<sup>44</sup> or concern in the nature of trade<sup>44</sup>, commerce or manufacture ;

<sup>45</sup>[(13A) "business trust" means a trust registered as an Infrastructure Investment Trust or a Real Estate Investment Trust, the units of which are required to be listed on a recognised stock exchange, in accordance with the regulations made under the Securities and Exchange Board of India Act, 1992 (15 of 1992) and notified by the Central Government in this behalf;]

**Following clause (13A) shall be substituted for the existing clause (13A) of section 2 by the Finance Act, 2015, w.e.f. 1-4-2016 :**

(13A) "*business trust*" means a trust registered as,—

- (i) *an Infrastructure Investment Trust under the Securities and Exchange Board of India (Infrastructure Investment Trusts) Regulations, 2014 made under the Securities and Exchange Board of India Act, 1992 (15 of 1992); or*
- (ii) *a Real Estate Investment Trust under the Securities and Exchange Board of India (Real Estate Investment Trusts) Regulations, 2014 made under the Securities and Exchange Board of India Act, 1992 (15 of 1992), and*

*the units of which are required to be listed on recognised stock exchange in accordance with the aforesaid regulations;*

<sup>46</sup>(14) <sup>47</sup>["*capital asset*" means—

- (a) *property<sup>48</sup> of any kind held by an assessee, whether or not connected with his business or profession;*
- (b) *any securities held by a Foreign Institutional Investor which has invested in such securities in accordance with the regulations made under the Securities and Exchange Board of India Act, 1992 (15 of 1992),*

*but does not include—*

- (i) *any stock-in-trade [other than the securities referred to in sub-clause (b)], consumable stores or raw materials held for the purposes of his business or profession ;*
- <sup>49</sup>[(ii) *personal effects<sup>50</sup>, that is to say, movable property (including wearing apparel and furniture) held<sup>50</sup> for personal use<sup>50</sup> by the assessee or any member of his family dependent on him, but excludes—*
  - (a) *jewellery;*
  - (b) *archaeological collections;*
  - (c) *drawings;*
  - (d) *paintings;*
  - (e) *sculptures; or*
  - (f) *any work of art.*

<sup>51</sup>[*Explanation 1*].—For the purposes of this sub-clause, "*jewellery*" includes—

- (a) *ornaments made of gold, silver, platinum or any other precious metal or any alloy containing one or more of such precious metals, whether or not containing any precious or semi-precious stone, and whether or not worked or sewn into any wearing apparel;*
- (b) *precious or semi-precious stones, whether or not set in any furniture, utensil or other article or worked or sewn into any wearing apparel.]*

<sup>52</sup>[*Explanation 2*.—For the purposes of this clause—

- (a) the expression "Foreign Institutional Investor" shall have the meaning assigned to it in clause (a) of the Explanation to section 115AD;
- (b) the expression "securities" shall have the meaning assigned to it in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956)<sup>53</sup>;

<sup>54</sup>[(iii) agricultural land<sup>55</sup> in India, not being land situate—

- (a) in any area which is comprised within the jurisdiction of a municipality<sup>55</sup> (whether known as a municipality, municipal corporation, notified area committee, town area committee, town committee, or by any other name) or a cantonment board and which has a population<sup>56</sup> of not less than ten thousand <sup>57</sup>[\*\*\*] ; or

<sup>58</sup>[(b) in any area within the distance, measured aerially,—

- (I) not being more than two kilometres, from the local limits of any municipality or cantonment board referred to in item (a) and which has a population of more than ten thousand but not exceeding one lakh; or
- (II) not being more than six kilometres, from the local limits of any municipality or cantonment board referred to in item (a) and which has a population of more than one lakh but not exceeding ten lakh; or
- (III) not being more than eight kilometres, from the local limits of any municipality or cantonment board referred to in item (a) and which has a population of more than ten lakh.

*Explanation.*—For the purposes of this sub-clause, "population" means the population according to the last preceding census of which the relevant figures have been published before the first day of the previous year<sup>59</sup>;

<sup>60</sup>[(iv) 6½ per cent Gold Bonds, 1977, <sup>61</sup>[or 7 per cent Gold Bonds, 1980,] <sup>62</sup>[or National Defence Gold Bonds, 1980,] issued by the Central Government ;]

<sup>63</sup>[(v) Special Bearer Bonds, 1991, issued by the Central Government ;]

<sup>64</sup>[(vi) Gold Deposit Bonds issued under the Gold Deposit Scheme, 1999 notified by the Central Government.]

<sup>65</sup>[*Explanation.*—For the removal of doubts, it is hereby clarified that "property" includes and shall be deemed to have always included any rights in or in relation to an Indian company, including rights of management or control or any other rights whatsoever;]

<sup>66</sup>[(15) <sup>68</sup>"charitable purpose"<sup>69</sup>includes relief of the poor, education<sup>69</sup>, <sup>69a</sup>[yoga,] medical relief, <sup>70</sup>[preservation of environment<sup>69</sup> (including watersheds, forests and wildlife) and preservation of monuments or places or objects of artistic or historic interest,] and the advancement of any other <sup>69</sup>object of general public utility:

**Provided** that the advancement of any other object of general public utility shall not be a charitable purpose, if it involves the carrying on of any activity in the nature of trade, commerce or business<sup>69</sup>, or any activity of rendering any service in relation to any trade, commerce or business<sup>69</sup>, for a cess or fee or any other consideration, irrespective of the nature of use or application, or retention, of the income from such activity:]

<sup>71</sup>[**Provided further** that the first proviso shall not apply if the aggregate value of the receipts from the activities referred to therein is <sup>72</sup>[twenty-five lakh rupees] or less in the previous year;]

**Following proviso shall be substituted for the existing first and second provisos to clause (15) of section 2 by the Finance Act, 2015, w.e.f. 1-4-2016 :**

**Provided** that the advancement of any other object of general public utility shall not be a charitable purpose, if it involves the carrying on of any activity in the nature of trade, commerce or business, or any activity of rendering any service in relation to any trade, commerce or business, for a cess or fee or any other consideration, irrespective of the nature of use or application, or retention, of the income from such activity, unless—

- (i) such activity is undertaken in the course of actual carrying out of such advancement of any other object of general public utility; and
- (ii) the aggregate receipts from such activity or activities during the previous year, do not exceed twenty per cent of the total receipts, of the trust or institution undertaking such activity or activities, of that previous year;

<sup>73</sup>[(15A)] "Chief Commissioner" means a person appointed to be a Chief Commissioner of Income-tax or a Principal Chief Commissioner of Income-tax under sub-section (1) of section 117;]

<sup>74</sup>[(15B)] "child", in relation to an individual, includes a step-child and an adopted child of that individual ;]

<sup>76</sup>[(16)] "Commissioner" means a person appointed to be a Commissioner of Income-tax or a Director of Income-tax or a Principal Commissioner of Income-tax or a Principal Director of Income-tax under sub-section (1) of section 117;]

<sup>77</sup>[(16A)] "Commissioner (Appeals)" means a person appointed to be a Commissioner of Income-tax (Appeals) under sub-section (1) of section 117 ;]

<sup>78</sup>[(17)] "company" means—

- (i) any Indian company, or
- (ii) any body corporate incorporated by or under the laws of a country outside India, or
- (iii) any institution, association or body which is or was assessable or was assessed as a company for any assessment year under the Indian Income-tax Act, 1922 (11 of 1922), or which is or was assessable or was assessed under this Act as a company for any assessment year commencing on or before the 1st day of April, 1970, or
- (iv) any institution, association or body, whether incorporated or not and whether Indian or non-Indian, which is declared by general or special order of the Board to be a company :

**Provided** that such institution, association or body shall be deemed to be a company only for such assessment year or assessment years (whether commencing before the 1st day of April, 1971, or on or after that date) as may be specified in the declaration ;]

(18) "company in which the public are substantially interested"—a company is said to be<sup>79</sup> a company in which the public<sup>79</sup> are substantially interested—

<sup>80</sup>[(a)] if it is a company owned by the Government or the Reserve Bank of India or in which not less than forty per cent of the shares are held (whether singly or taken together) by the Government or the Reserve Bank of India or a corporation owned by that bank ; or]

<sup>81</sup>[(aa)] if it is a company which is registered under section 25 of the Companies Act, 1956 (1 of 1956)<sup>82</sup> ; or

(ab) if it is a company having no share capital and if, having regard to its objects, the nature and composition of its membership and other relevant considerations, it is declared by order of the Board to be a company in which the public are substantially interested :

**Provided** that such company shall be deemed to be a company in which the public are substantially interested only for such assessment year or assessment years (whether commencing before the 1st day of April, 1971, or on or after that date) as may be specified in the declaration ; or]

<sup>83</sup>[(ac) if it is a mutual benefit finance company, that is to say, a company which carries on, as its principal business, the business of acceptance of deposits from its members and which is declared by the Central Government under section 620A<sup>84</sup> of the Companies Act, 1956 (1 of 1956), to be a *Nidhi* or Mutual Benefit Society ; or]

<sup>85</sup>[(ad) if it is a company, wherein shares (not being shares entitled to a fixed rate of dividend whether with or without a further right to participate in profits) carrying not less than fifty per cent of the voting power have been allotted unconditionally to, or acquired unconditionally by, and were throughout the relevant previous year beneficially held by, one or more co-operative societies ;]

<sup>86</sup>[(b) if it is a company which is not a <sup>87</sup>private company as defined in the Companies Act, 1956 (1 of 1956), and the conditions specified either in item (A) or in item (B) are fulfilled, namely :—

(A) shares in the company (not being shares entitled to a fixed rate of dividend whether with or without a further right to participate in profits) were, as on the last day of the relevant previous year, listed in a recognised stock exchange in India in accordance with the Securities Contracts (Regulation) Act, 1956 (42 of 1956), and any rules made thereunder ;

<sup>88</sup>[(B) shares in the company (not being shares entitled to a fixed rate of dividend whether with or without a further right to participate in profits) carrying not less than fifty per cent of the voting power have been allotted unconditionally to, or acquired unconditionally by, and were throughout the relevant previous year beneficially held by—

(a) the Government, or

(b) a corporation established by a Central, State or Provincial Act, or

(c) any company to which this clause applies or any subsidiary company of such company <sup>89</sup>[if the whole of the share capital of such subsidiary company has been held by the parent company or by its nominees throughout the previous year.]

*Explanation.*—In its application to an Indian company whose business consists mainly in the construction of ships or in the manufacture or processing of goods or in mining or in the generation or distribution of electricity or any other form of power, item (B) shall have effect as if for the words "not less than fifty per cent", the words "not less than forty per cent" had been substituted ;]

(19) "co-operative society" means a co-operative society registered under the Co-operative Societies Act, 1912 (2 of 1912), or under any other law for the time being in force in any State for the registration of co-operative societies ;

<sup>90</sup>[(19A) "Deputy Commissioner" means a person appointed to be a Deputy Commissioner of Income-tax <sup>91</sup>[\* \* \*] under sub-section (1) of section 117 ;

<sup>92</sup>[(19AA)<sup>92a</sup> "demerger", in relation to companies, means the transfer, pursuant to a scheme of arrangement under sections 391 to 394<sup>93</sup> of the Companies Act, 1956 (1 of 1956), by a demerged company of its one or more undertakings to any resulting company in such a manner that—

(i) all the property of the undertaking, being transferred by the demerged company, immediately before the demerger, becomes the property of the resulting company by virtue of the demerger;

- (ii) all the liabilities relatable to the undertaking, being transferred by the demerged company, immediately before the demerger, become the liabilities of the resulting company by virtue of the demerger;
- (iii) the property and the liabilities of the undertaking or undertakings being transferred by the demerged company are transferred at values appearing in its books of account immediately before the demerger;
- (iv) the resulting company issues, in consideration of the demerger, its shares to the shareholders of the demerged company on a proportionate basis <sup>94</sup>[except where the resulting company itself is a shareholder of the demerged company];
- (v) the shareholders holding not less than three-fourths in value of the shares in the demerged company (other than shares already held therein immediately before the demerger, or by a nominee for, the resulting company or, its subsidiary) become share-holders of the resulting company or companies by virtue of the demerger, otherwise than as a result of the acquisition of the property or assets of the demerged company or any undertaking thereof by the resulting company;
- (vi) the transfer of the undertaking is on a going concern basis;
- (vii) the demerger is in accordance with the conditions, if any, notified under sub-section (5) of section 72A by the Central Government in this behalf.

*Explanation 1.*—For the purposes of this clause, "undertaking" shall include any part of an undertaking, or a unit or division of an undertaking or a business activity taken as a whole, but does not include individual assets or liabilities or any combination thereof not constituting a business activity.

*Explanation 2.*—For the purposes of this clause, the liabilities referred to in sub-clause (ii), shall include—

- (a) the liabilities which arise out of the activities or operations of the undertaking;
- (b) the specific loans or borrowings (including debentures) raised, incurred and utilised solely for the activities or operations of the undertaking; and
- (c) in cases, other than those referred to in clause (a) or clause (b), so much of the amounts of general or multipurpose borrowings, if any, of the demerged company as stand in the same proportion which the value of the assets transferred in a demerger bears to the total value of the assets of such demerged company immediately before the demerger.

*Explanation 3.*—For determining the value of the property referred to in sub-clause (iii), any change in the value of assets consequent to their revaluation shall be ignored.

*Explanation 4.*—For the purposes of this clause, the splitting up or the reconstruction of any authority or a body constituted or established under a Central, State or Provincial Act, or a local authority or a public sector company, into separate authorities or bodies or local authorities or companies, as the case may be, shall be deemed to be a demerger if such split up or reconstruction fulfils <sup>95</sup>[such conditions as may be notified in the Official Gazette<sup>96</sup>, by the Central Government];

(19AAA) "demerged company" means the company whose undertaking is transferred, pursuant to a demerger, to a resulting company;]

(19B) "Deputy Commissioner (Appeals)" means a person appointed to be a Deputy Commissioner of Income-tax (Appeals) <sup>97</sup>[or an Additional Commissioner of Income-tax (Appeals)] under sub-section (1) of section 117 ;]

<sup>98</sup>[(19C) "Deputy Director" means a person appointed to be a Deputy Director of Income-tax <sup>99</sup>[\* \* \*] under sub-section (1) of section 117 ;]



- (20) "director", "manager" and "managing agent", in relation to a company, have the meanings respectively assigned to them in the Companies Act, 1956<sup>1</sup> (1 of 1956) ;
- <sup>2</sup>[(21)<sup>3</sup> "Director General or Director" means a person appointed to be a Director General of Income-tax or a Principal Director General of Income-tax or, as the case may be, a Director of Income-tax or a Principal Director of Income-tax, under sub-section (1) of section 117, and includes a person appointed under that sub-section to be an Additional Director of Income-tax or a Joint Director of Income-tax or an Assistant Director or Deputy Director of Income-tax;]
- (22) <sup>3</sup>"dividend"<sup>4</sup> includes—
- (a) any distribution<sup>4</sup> by a company of accumulated profits<sup>4</sup>, whether capitalised or not, if such distribution entails the release by the company to its shareholders of all or any part of the assets of the company ;
  - (b) any distribution<sup>4</sup> to its shareholders by a company of debentures, debenture-stock, or deposit certificates in any form, whether with or without interest, and any distribution to its preference shareholders of shares by way of bonus, to the extent to which the company possesses accumulated profits<sup>4</sup>, whether capitalised or not ;
  - (c) any distribution<sup>4</sup> made to the shareholders of a company on its liquidation, to the extent to which the distribution is attributable to the accumulated profits of the company immediately before its liquidation, whether capitalised or not ;
  - (d) any distribution<sup>5</sup> to its shareholders by a company on the reduction of its capital, to the extent to which the company possesses accumulated profits which arose after the end of the previous year ending next before the 1st day of April, 1933, whether such accumulated profits have been capitalised or not ;
  - (e) any payment by a company, not being a company in which the public are substantially interested, of any sum (whether as representing a part of the assets of the company or otherwise) <sup>6</sup>[made after the 31st day of May, 1987, by way of advance<sup>7</sup> or loan<sup>7</sup> to a shareholder<sup>7</sup>, being a person who is the beneficial owner of shares (not being shares entitled to a fixed rate of dividend whether with or without a right to participate in profits) holding not less than ten per cent of the voting power, or to any concern in which such shareholder is a member or a partner and in which he has a substantial interest (hereafter in this clause referred to as the said concern)] or any payment by any such company on behalf, or for the individual benefit, of any such shareholder, to the extent to which the company in either case possesses accumulated profits<sup>8</sup> ;

but "dividend" does not include—

- (i) a distribution made in accordance with sub-clause (c) or sub-clause (d) in respect of any share issued for full cash consideration, where the holder of the share is not entitled in the event of liquidation to participate in the surplus assets ;
- <sup>9</sup>[(ia) a distribution made in accordance with sub-clause (c) or sub-clause (d) in so far as such distribution is attributable to the capitalised profits of the company representing bonus shares allotted to its equity shareholders after the 31st day of March, 1964, <sup>10</sup>[and before the 1st day of April, 1965] ;]
- (ii) any advance or loan made to a shareholder <sup>11</sup>[or the said concern] by a company in the ordinary course of its business<sup>11a</sup>, where the lending of money is a substantial part of the business of the company ;
- (iii) any dividend paid by a company which is set off by the company against the whole or any part of any sum previously paid by it and treated as a dividend within the meaning of

sub-clause (e), to the extent to which it is so set off;

<sup>12</sup>[(iv) any payment made by a company on purchase of its own shares from a shareholder in accordance with the provisions of section 77A<sup>13</sup> of the Companies Act, 1956 (1 of 1956);

(v) any distribution of shares pursuant to a demerger by the resulting company to the shareholders of the demerged company (whether or not there is a reduction of capital in the demerged company).]

*Explanation 1.*—The expression "accumulated profits", wherever it occurs in this clause, shall not include capital gains arising before the 1st day of April, 1946, or after the 31st day of March, 1948, and before the 1st day of April, 1956.

*Explanation 2.*—The expression "accumulated profits" in sub-clauses (a), (b), (d) and (e), shall include all profits of the company up to the date of distribution or payment referred to in those sub-clauses, and in sub-clause (c) shall include all profits of the company up to the date of liquidation, <sup>14</sup>[but shall not, where the liquidation is consequent on the compulsory acquisition of its undertaking by the Government or a corporation owned or controlled by the Government under any law for the time being in force, include any profits of the company prior to three successive previous years immediately preceding the previous year in which such acquisition took place].

<sup>15</sup>[*Explanation 3.*—For the purposes of this clause,—

(a) "concern" means a Hindu undivided family, or a firm or an association of persons or a body of individuals or a company ;

(b) a person shall be deemed to have a substantial interest in a concern, other than a company, if he is, at any time during the previous year, beneficially entitled to not less than twenty per cent of the income of such concern ;]

<sup>16</sup>[(22A) "domestic company" means an Indian company, or any other company which, in respect of its income liable to tax under this Act, has made the prescribed arrangements for the declaration and payment, within India, of the dividends (including dividends on preference shares) payable out of such income ;]

<sup>17</sup>[(22AA) "document" includes an electronic record as defined in clause (t)<sup>18</sup>of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000);]

<sup>19</sup>[(22AAA) "electoral trust" means a trust so approved by the Board in accordance with the scheme<sup>20</sup> made in this regard by the Central Government;]

<sup>21</sup>[(22B)] "fair market value"<sup>22a</sup>, in relation to a capital asset, means—

(i) the price that the capital asset would ordinarily fetch on sale in the open market on the relevant date ; and

(ii) where the price referred to in sub-clause (i) is not ascertainable, such price as may be determined in accordance with the rules made under this Act ;]

<sup>23</sup>[(23) (i) "firm" shall have the meaning assigned to it in the Indian Partnership Act, 1932 (9 of 1932)<sup>24</sup>, and shall include a limited liability partnership<sup>25</sup> as defined in the Limited Liability Partnership Act, 2008 (6 of 2009);

(ii) "partner" shall have the meaning assigned to it in the Indian Partnership Act, 1932 (9 of 1932), and shall include,—

(a) any person who, being a minor, has been admitted to the benefits of partnership; and

(b) a partner of a limited liability partnership<sup>25</sup> as defined in the Limited Liability Partnership Act, 2008 (6 of 2009);

(iii) "partnership" shall have the meaning assigned to it in the Indian Partnership Act, 1932 (9 of 1932), and shall include a limited liability partnership<sup>25</sup> as defined in the Limited Liability Partnership Act, 2008 (6 of 2009);]

<sup>26</sup>[(23A) "foreign company" means a company which is not a domestic company ;]

<sup>27</sup>[(23B) "fringe benefits" means any fringe benefits referred to in section 115WB;]

<sup>28</sup>(24) "income"<sup>29</sup> includes<sup>29</sup>—

(i) profits and gains<sup>29</sup> ;

(ii) dividend ;

<sup>30</sup>[(iia) voluntary contributions received by a trust created wholly or partly for charitable or religious purposes or by an institution established wholly or partly for such purposes <sup>31</sup>[or by an association or institution referred to in clause (21) or clause (23)<sup>32</sup>, or by a fund or trust or institution referred to in sub-clause (iv) or sub-clause (v) <sup>33</sup>[or by any university or other educational institution referred to in sub-clause (iiiad) or sub-clause (vi) or by any hospital or other institution referred to in sub-clause (iiiie) or sub-clause (via)] of clause (23C) of section 10<sup>34</sup>[or by an electoral trust]].

*Explanation.*—For the purposes of this sub-clause, "trust" includes any other legal obligation ;]

(iii) the value of any perquisite or profit in lieu of salary taxable under clauses (2) and (3) of section 17 ;

<sup>35</sup>[(iiia) any special allowance or benefit, other than perquisite included under sub-clause (iii), 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 ;

(iiib) any allowance granted to the assessee either 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 ;]

(iv) the value of any benefit or perquisite<sup>36</sup>, 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 ;

<sup>37</sup>[(iva) the value of any benefit or perquisite<sup>38</sup>, whether convertible into money or not, obtained by any representative assessee mentioned in clause (iii) or clause (iv) of sub-section (1) of section 160 or by any person on whose behalf or for whose benefit any income is receivable by the representative assessee (such person being hereafter in this sub-clause referred to as the "beneficiary") and any sum paid by the representative assessee in respect of any obligation which, but for such payment, would have been payable by the beneficiary ;]

(v) any sum chargeable to income-tax under clauses (ii) and (iii) of section 28 or section 41 or section 59 ;

<sup>39</sup>[(va) any sum chargeable to income-tax under clause (iia) of section 28 ;]

<sup>40</sup>[(vb) any sum chargeable to income-tax under clause (iiib) of section 28 ;]

<sup>41</sup>[(vc) any sum chargeable to income-tax under clause (iic) of section 28 ;]

<sup>42</sup>[(vd)] the value of any benefit or perquisite taxable under clause (iv) of section 28 ;

- <sup>43</sup>[(ve) any sum chargeable to income-tax under clause (v) of section 28 ;]
- (vi) any capital gains chargeable under section 45 ;
- (vii) the profits and gains of any business of insurance carried on by a mutual insurance company or by a co-operative society, computed in accordance with section 44 or any surplus taken to be such profits and gains by virtue of provisions contained in the First Schedule ;
- <sup>44</sup>[(viii) the profits and gains of any business of banking (including providing credit facilities) carried on by a co-operative society with its members;]
- (viii) [*Omitted by the Finance Act, 1988, w.e.f. 1-4-1988. Original sub-clause (viii) was inserted by the Finance Act, 1964, w.e.f. 1-4-1964;*]
- <sup>45</sup>[(ix) any winnings from lotteries<sup>46</sup>, crossword puzzles, races including horse races, card games and other games of any sort or from gambling or betting of any form or nature whatsoever.]
- <sup>47</sup>[*Explanation.*—For the purposes of this sub-clause,—
- (i) "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 name called;
- (ii) "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 ;]
- <sup>48</sup>[(x) any sum received by the assessee from his employees as contributions to any provident fund or superannuation fund or any fund set up under the provisions of the Employees' State Insurance Act, 1948 (34 of 1948), or any other fund for the welfare of such employees ;]
- <sup>49</sup>[(xi) any sum received under a Keyman insurance policy including the sum allocated by way of bonus on such policy.
- Explanation.*—For the purposes of this clause\*, the expression "Keyman insurance policy" shall have the meaning assigned to it in the *Explanation* to clause (10D) of section 10 ;]
- <sup>50</sup>[(xii) any sum referred to in <sup>51</sup>[clause (va)] of section 28;]
- <sup>52</sup>[(xiii) any sum referred to in clause (v) of sub-section (2) of section 56;]
- <sup>53</sup>[(xiv) any sum referred to in clause (vi) of sub-section (2) of section 56;]
- <sup>54</sup>[(xv) any sum of money or value of property referred to in clause (vii) <sup>55</sup>[or clause (viii)] of sub-section (2) of section 56;]
- <sup>56</sup>[(xvi) any consideration received for issue of shares as exceeds the fair market value of the shares referred to in clause (viib) of sub-section (2) of section 56;]
- <sup>57</sup>[(xvii) any sum of money referred to in clause (ix) of sub-section (2) of section 56;]
- Following sub-clause (xviii) shall be inserted after sub-clause (xvii) of clause (24) of section 2 by the Finance Act, 2015, w.e.f. 1-4-2016 :**
- (xviii) *assistance in the form of a subsidy or grant or cash incentive or duty drawback or waiver or concession or reimbursement (by whatever name called) by the Central Government or a State Government or any authority or body or agency in cash or kind to the assessee other than the subsidy or grant or reimbursement which is taken into account for determination of the actual cost of the asset in accordance with the provisions of Explanation 10 to clause (1) of section 43;*

- (25) "Income-tax Officer" means a person appointed to be an Income-tax Officer under <sup>58</sup>[\* \* \*] section 117 ;
- <sup>59</sup>[(25A)]<sup>59a</sup> "India" means the territory of India as referred to in article 1 of the Constitution, its territorial waters, seabed and subsoil underlying such waters, continental shelf, exclusive economic zone or any other maritime zone as referred to in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976), and the air space above its territory and territorial waters;]
- (26) "Indian company" means a company formed and registered under the Companies Act, 1956<sup>60</sup> (1 of 1956), and includes—
- (i) a company formed and registered under any law relating to companies formerly in force in any part of India (other than the State of Jammu and Kashmir <sup>61</sup>[and the Union territories specified in sub-clause (iii) of this clause]) ;
- <sup>62</sup>[(ia) a corporation established by or under a Central, State or Provincial Act ;
- (ib) any institution, association or body which is declared by the Board to be a company under clause (17) ;]
- (ii) in the case of the State of Jammu and Kashmir, a company formed and registered under any law for the time being in force in that State ;
- <sup>63</sup>[(iii) in the case of any of the Union territories of Dadra and Nagar Haveli, Goa†, Daman and Diu, and Pondicherry, a company formed and registered under any law for the time being in force in that Union territory :]
- Provided** that the <sup>64</sup>[registered or, as the case may be, principal office of the company, corporation, institution, association or body] in all cases is in India ;
- <sup>65</sup>[(26A) "infrastructure capital company" means such company which makes investments by way of acquiring shares or providing long-term finance to any enterprise or undertaking wholly engaged in the business referred to in sub-section (4) of section 80-IA or sub-section (1) of section 80-IAB or an undertaking developing and building a housing project referred to in sub-section (10) of section 80-IB or a project for constructing a hotel of not less than three-star category as classified by the Central Government or a project for constructing a hospital with at least one hundred beds for patients;
- (26B) "infrastructure capital fund" means such fund operating under a trust deed registered under the provisions of the Registration Act, 1908 (16 of 1908) established to raise monies by the trustees for investment by way of acquiring shares or providing long-term finance to any enterprise or undertaking wholly engaged in the business referred to in sub-section (4) of section 80-IA or sub-section (1) of section 80-IAB or an undertaking developing and building a housing project referred to in sub-section (10) of section 80-IB or a project for constructing a hotel of not less than three-star category as classified by the Central Government or a project for constructing a hospital with at least one hundred beds for patients;]
- (27) <sup>66</sup>[\* \* \*]
- (28) "Inspector of Income-tax" means a person appointed to be an Inspector of Income-tax under sub-section <sup>67</sup>[(1)] of section 117 ;
- <sup>68</sup>[(28A)]<sup>69a</sup> "interest"<sup>70</sup> means interest payable in any manner in respect of any moneys borrowed or debt incurred (including a deposit, claim or other similar right or obligation) and includes any service fee or other charge in respect of the moneys borrowed or debt incurred or in respect of any credit facility which has not been utilised ;]
- <sup>71</sup>[(28B) "interest on securities" means,—

- (i) interest on any security of the Central Government or a State Government ;
- (ii) interest on debentures or other securities for money issued by or on behalf of a local authority or a company or a corporation established by a Central, State or Provincial Act ;]

<sup>72</sup>[(28BB) "insurer" means an insurer, being an Indian insurance company, as defined under clause (7A) of section 2<sup>73</sup> of the Insurance Act, 1938 (4 of 1938), which has been granted a certificate of registration under section 3 of that Act;]

<sup>74</sup>[(28C) "Joint Commissioner" means a person appointed to be a Joint Commissioner of Income-tax or an Additional Commissioner of Income-tax under sub-section (1) of section 117;

(28D) "Joint Director" means a person appointed to be a Joint Director of Income-tax or an Additional Director of Income-tax under sub-section (1) of section 117;]

(29) "legal representative" has the meaning assigned to it in clause (11) of section 2 of the Code of Civil Procedure, 1908 (5 of 1908)<sup>75</sup> ;

<sup>76</sup>[(29A) <sup>76a</sup> "long-term capital asset" means a capital asset which is not a short-term capital asset ;

(29B) <sup>76a</sup> "long-term capital gain" means capital gain arising from the transfer of a long-term capital asset ;]

<sup>77</sup>[(29BA) "manufacture", with its grammatical variations, means a change in a non-living physical object or article or thing,—

(a) resulting in transformation of the object or article or thing into a new and distinct object or article or thing having a different name, character and use; or

(b) bringing into existence of a new and distinct object or article or thing with a different chemical composition or integral structure;]

<sup>78</sup>[(29C) "maximum marginal rate" means the rate of income-tax (including surcharge on income-tax, if any) applicable in relation to the highest slab of income in the case of an individual <sup>79</sup>[, association of persons or, as the case may be, body of individuals] as specified in the Finance Act of the relevant year ;]

<sup>80</sup>[(29D) "National Tax Tribunal" means the National Tax Tribunal established under section 3 of the National Tax Tribunal Act, 2005;]

(30) "non-resident" means a person who is not a "resident" <sup>81</sup>[, and for the purposes of sections 92<sup>82</sup>, 93 <sup>83</sup>[\* \* \*] and 168, includes a person who is not ordinarily resident within the meaning of clause (6) of section 6] ;

<sup>84</sup>(31) "person"<sup>85</sup> includes—

(i) an individual<sup>85</sup>,

(ii) a Hindu undivided family<sup>85</sup>,

(iii) a company,

(iv) a firm<sup>86</sup>,

(v) an association of persons<sup>86</sup> or a body of individuals<sup>86</sup>, whether incorporated or not,

(vi) a local authority, and

(vii) every artificial juridical person, not falling within any of the preceding sub-clauses.

<sup>87</sup>[*Explanation.*—For the purposes of this clause, an association of persons or a body of individuals or a local authority or an artificial juridical person shall be deemed to be a person, whether or not such person or body or authority or juridical person was formed or established or incorporated with the object of deriving income, profits or gains;]

- <sup>87a</sup>(32) "person who has a substantial interest in the company"<sup>86</sup>, in relation to a company, means a person who is the beneficial owner of shares, not being shares entitled to a fixed rate of dividend whether with or without a right to participate in profits, carrying not less than twenty per cent of the voting power ;
- (33) "prescribed" means prescribed by rules made under this Act ;
- (34) "previous year" means the previous year as defined in section 3 ;
- <sup>88</sup>[(34A) "Principal Chief Commissioner of Income-tax" means a person appointed to be a Principal Chief Commissioner of Income-tax under sub-section (1) of section 117;
- (34B) "Principal Commissioner of Income-tax" means a person appointed to be a Principal Commissioner of Income-tax under sub-section (1) of section 117;
- (34C) "Principal Director of Income-tax" means a person appointed to be a Principal Director of Income-tax under sub-section (1) of section 117;
- (34D) "Principal Director General of Income-tax" means a person appointed to be a Principal Director General of Income-tax under sub-section (1) of section 117;]
- <sup>89</sup>(35) "principal officer", used with reference to a local authority or a company or any other public body or any association of persons or any body of individuals, means—
- (a) the secretary, treasurer, manager or agent of the authority, company, association or body, or
- (b) any person connected with the management or administration of the local authority, company, association or body upon whom the <sup>90</sup>[Assessing] Officer has served a notice of his intention of treating him as the principal officer thereof ;
- <sup>91</sup>(36) "profession" includes vocation<sup>92</sup> ;
- <sup>93</sup>[(36A) "public sector company" means any corporation established by or under any Central, State or Provincial Act or a Government company as defined in section 617<sup>94</sup> of the Companies Act, 1956 (1 of 1956) ;]
- (37) "public servant" has the same meaning as in section 21 of the Indian Penal Code<sup>95</sup> (45 of 1860) ;
- <sup>96</sup>[(37A) "rate or rates in force" or "rates in force", in relation to an assessment year or financial year, means—
- (i) for the purposes of calculating income-tax under the first proviso to sub-section (5) of section 132, or computing the income-tax chargeable under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 or deducting income-tax under section 192 from income chargeable under the head "Salaries" <sup>97</sup>[\* \* \*] or <sup>98</sup>[computation of the "advance tax" payable under Chapter XVII-C in a case not falling under <sup>99</sup>[section 115A or section 115B <sup>1</sup>[or section 115BB <sup>2</sup>[or section 115BBB] or section 115E] or] section 164 <sup>1</sup>[or section 164A <sup>3</sup>[\* \* \*]] <sup>4</sup>[or section 167B], the rate or rates of income-tax specified in this behalf in the Finance Act of the relevant year, and for the purposes of computation of the "advance tax" payable under Chapter XVII-C <sup>5</sup>[in a case falling under section 115A or section 115B <sup>6</sup>[or section 115BB <sup>7</sup>[or section 115BBB] or section 115E] or section 164 <sup>6</sup>[or section 164A <sup>8</sup>[\* \* \*]] <sup>9</sup>[or section 167B], the rate or rates specified in section 115A or <sup>10</sup>[section 115B or section 115BB <sup>11</sup>[or section 115BBB] or section 115E or section 164 or section 164A <sup>8</sup>[\* \* \*] <sup>9</sup>[or section 167B], as the case may be,] or the rate or rates of income-tax specified in this behalf in the Finance Act of the relevant year, whichever is applicable ;]

- (ii) for the purposes of deduction of tax under sections 193, 194, 194A <sup>12</sup>[, 194B] <sup>13</sup>[, 194BB] <sup>14</sup>[and 194D], the rate or rates of income-tax specified in this behalf in the Finance Act of the relevant year ;]
- <sup>15</sup>[(iii) for the purposes of deduction of tax under <sup>15a</sup>[*section 194LBA or*] section 195, the rate or rates of income-tax specified in this behalf in the Finance Act of the relevant year or the rate or rates of income-tax specified in <sup>16</sup>[an agreement entered into by the Central Government under section 90, or an agreement notified by the Central Government under section 90A, whichever is applicable by virtue of the provisions of section 90, or section 90A, as the case may be];]
- <sup>17</sup>(38) "recognised provident fund"<sup>18</sup> means a provident fund which has been and continues to be recognised by the <sup>19</sup>[<sup>20</sup>[Principal Chief Commissioner or] Chief Commissioner or <sup>20</sup>[Principal Commissioner or] Commissioner] in accordance with the rules contained in Part A of the Fourth Schedule, and includes a provident fund established under a scheme framed under the Employees' Provident Funds Act, 1952 (19 of 1952) ;
- (39) <sup>21</sup>[*Omitted by the Finance Act, 1992, w.e.f. 1-4-1993;*]
- (40) "regular assessment"<sup>22</sup> means the assessment made under <sup>23</sup>[sub-section (3) of] section 143 or section 144 ;
- <sup>23a</sup>(41) "relative"<sup>22</sup>, in relation to an individual, means the husband, wife, brother or sister or any lineal ascendant or descendant of that individual ;
- <sup>24</sup>[(41A) "resulting company" means one or more companies (including a wholly owned subsidiary thereof) to which the undertaking of the demerged company is transferred in a demerger and, the resulting company in consideration of such transfer of undertaking, issues shares to the shareholders of the demerged company and includes any authority or body or local authority or public sector company or a company established, constituted or formed as a result of demerger;]
- (42) "resident" means a person who is resident in India within the meaning of section 6 ;
- <sup>21</sup>[<sup>26</sup>(42A) <sup>27</sup>["short-term capital asset" means a capital asset held<sup>28</sup> by an assessee for <sup>28</sup>not more than <sup>29</sup>[thirty-six] months immediately preceding the date of its transfer<sup>28</sup> :]
- <sup>30</sup>[**Provided** that in the case of <sup>31</sup>[*a security (other than a unit) listed in a recognized stock exchange in India*] <sup>32</sup>[or a unit of the Unit Trust of India established under the Unit Trust of India Act, 1963 (52 of 1963) or <sup>33</sup>[*a unit of an equity oriented fund*]] <sup>34</sup>[or a zero coupon bond], the provisions of this clause shall have effect as if for the words "thirty-six months", the words "twelve months" had been substituted:]
- <sup>35</sup>[**Provided further**that in case of a share of a company (not being a share listed in a recognised stock exchange) or a unit of a Mutual Fund specified under clause (23D) of section 10, which is transferred during the period beginning on the 1st day of April, 2014 and ending on the 10th day of July, 2014, the provisions of this clause shall have effect as if for the words "thirty-six months", the words "twelve months" had been substituted.]
- <sup>36</sup>[*Explanation 1*].—(i) In determining the period for which any capital asset is held by the assessee—
- (a) in the case of a share held in a company in liquidation, there shall be excluded the period subsequent to the date on which the company goes into liquidation ;
- (b) in the case of a capital asset which becomes the property of the assessee in the circumstances mentioned in <sup>37</sup>[sub-section (1)] of section 49, there shall be included the period for which the asset was held by the previous owner referred to in the said section ;



- 38[(c) in the case of a capital asset being a share or shares in an Indian company, which becomes the property of the assessee in consideration of a transfer referred to in clause (vii) of section 47, there shall be included the period for which the share or shares in the amalgamating company were held by the assessee ;]
- 39[(d) in the case of a capital asset, being a share or any other security (hereafter in this clause referred to as the financial asset) subscribed to by the assessee on the basis of his right to subscribe to such financial asset or subscribed to by the person in whose favour the assessee has renounced his right to subscribe to such financial asset, the period shall be reckoned from the date of allotment of such financial asset ;
- (e) in the case of a capital asset, being the right to subscribe to any financial asset, which is renounced in favour of any other person, the period shall be reckoned from the date of the offer of such right by the company or institution, as the case may be, making such offer ;]
- 40[(f) in the case of a capital asset, being a financial asset, allotted without any payment and on the basis of holding of any other financial asset, the period shall be reckoned from the date of the allotment of such financial asset ;]
- 41[(g) in the case of a capital asset, being a share or shares in an Indian company, which becomes the property of the assessee in consideration of a demerger, there shall be included the period for which the share or shares held in the demerged company were held by the assessee ;]
- 42[(h) in the case of a capital asset, being trading or clearing rights of a recognised stock exchange in India acquired by a person pursuant to demutualisation or corporatisation of the recognised stock exchange in India as referred to in clause (xiii) of section 47, there shall be included the period for which the person was a member of the recognised stock exchange in India immediately prior to such demutualisation or corporatisation;
- (ha) in the case of a capital asset, being equity share or shares in a company allotted pursuant to demutualisation or corporatisation of a recognised stock exchange in India as referred to in clause(xiii) of section 47, there shall be included the period for which the person was a member of the recognised stock exchange in India immediately prior to such demutualisation or corporatisation;]
- 43[(hb) in the case of a capital asset, being any specified security or sweat equity shares allotted or transferred, directly or indirectly, by the employer free of cost or at concessional rate to his employees (including former employee or employees), the period shall be reckoned from the date of allotment or transfer of such specified security or sweat equity shares;]
- 44[(hc) in the case of a capital asset, being a unit of a business trust, allotted pursuant to transfer of share or shares as referred to in clause (xvii) of section 47, there shall be included the period for which the share or shares were held by the assessee;]

**Following sub-clauses (hd) and (he) shall be inserted after sub-clause (hc) in clause (i) of Explanation 1 to clause (42A) of section 2 by the Finance Act, 2015, w.e.f. 1-4-2016 :**

- (hd) *in the case of a capital asset, being a unit or units, which becomes the property of the assessee in consideration of a transfer referred to in clause (xviii) of section 47, there shall be included the period for which the unit or units in the consolidating scheme of the mutual fund were held by the assessee;*
- (he) *in the case of a capital asset, being share or shares of a company, which is acquired by the non-resident assessee on redemption of Global Depository Receipts referred to in clause (b) of sub-section (1) of section 115AC held by such assessee, the period shall be reckoned from the date on which a request for such redemption was made;*

(ii) In respect of capital assets other than those mentioned in clause (i), the period for which any capital asset is held by the assessee shall be determined subject to any rules which the Board may make in this behalf.]

<sup>45</sup>[*Explanation 2.*—For the purposes of this clause, the expression "security"<sup>46</sup> shall have the meaning assigned to it in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956).]

<sup>47</sup>[*Explanation 3.*—For the purposes of this clause, the expressions "specified security" and "sweat equity shares" shall have the meanings respectively assigned to them in the *Explanation* to clause (d) of sub-section (1) of section 115WB.]

<sup>48</sup>[*Explanation 4.*—For the purposes of this clause, the expression "equity oriented fund" shall have the meaning assigned to it in the *Explanation to clause (38) of section 10*;]

<sup>49</sup>[(42B)<sup>49a</sup> "short-term capital gain" means capital gain arising from the transfer of a short-term capital asset ;]

<sup>50</sup>[(42C) "slump sale"<sup>51</sup> means the transfer of one or more undertakings as a result of the sale for a lump sum consideration without values being assigned to the individual assets and liabilities in such sales.

*Explanation 1.*—For the purposes of this clause, "undertaking" shall have the meaning assigned to it in *Explanation 1* to clause (19AA).

*Explanation 2.*—For the removal of doubts, it is hereby declared that the determination of the value of an asset or liability for the sole purpose of payment of stamp duty, registration fees or other similar taxes or fees shall not be regarded as assignment of values to individual assets or liabilities ;]

<sup>52</sup>[(43) "tax"<sup>51</sup> in relation to the assessment year commencing on the 1st day of April, 1965, and any subsequent assessment year means income-tax chargeable under the provisions of this Act, and in relation to any other assessment year income-tax and super-tax chargeable under the provisions of this Act prior to the aforesaid date <sup>53</sup>[and in relation to the assessment year commencing on the 1st day of April, 2006, and any subsequent assessment year includes the fringe benefit tax payable under section 115WA] ;]

<sup>54</sup>[(43A) "tax credit certificate" means a tax credit certificate granted to any person in accordance with the provisions of Chapter XXII-B<sup>55</sup> and any scheme made thereunder ;]

(43B) <sup>56</sup>[\* \* \*]

<sup>57</sup>[(44) "Tax Recovery Officer" means any Income-tax Officer who may be authorised by the <sup>58</sup>[Principal Chief Commissioner or] Chief Commissioner or <sup>58</sup>[Principal Commissioner or] Commissioner, by general or special order in writing, to exercise the powers of a Tax Recovery Officer <sup>59</sup>[and also to exercise or perform such powers and functions which are conferred on, or assigned to, an Assessing Officer under this Act and which may be prescribed];]

(45) "total income" means the total amount of income referred to in section 5, computed in the manner laid down in this Act ;

(46) <sup>60</sup>[\* \* \*]

<sup>61</sup>(47) <sup>62</sup>["transfer"<sup>63</sup>, in relation to a capital asset, includes,—

(i) the sale<sup>63</sup>, exchange<sup>63</sup> or relinquishment<sup>63</sup> of the asset ; or

(ii) the extinguishment of any rights therein<sup>63</sup> ; or

(iii) the compulsory acquisition thereof under any law ; or

(iv) in a case where the asset is converted by the owner thereof into, or is treated by him as, stock-in-trade of a business carried on by him, such conversion or treatment ;] <sup>64</sup>[or]

<sup>65</sup>[(iva) the maturity or redemption of a zero coupon bond; or]

<sup>66</sup>[(v) any transaction involving the allowing of the possession of any immovable property to be taken or retained in part performance of a contract of the nature referred to in section 53A<sup>67</sup> of the Transfer of Property Act, 1882 (4 of 1882) ; or

(vi) any transaction (whether by way of becoming a member of, or acquiring shares in, a co-operative society, company or other association of persons or by way of any agreement or any arrangement or in any other manner whatsoever) which has the effect of transferring, or enabling the enjoyment of, any immovable property.

<sup>68</sup>[*Explanation 1*].—For the purposes of sub-clauses (v) and (vi), "immovable property" shall have the same meaning as in clause (d) of section 269UA.]

<sup>69</sup>[*Explanation 2*.—For the removal of doubts, it is hereby clarified that "transfer" includes and shall be deemed to have always included disposing of or parting with an asset or any interest therein, or creating any interest in any asset in any manner whatsoever, directly or indirectly, absolutely or conditionally, voluntarily or involuntarily, by way of an agreement (whether entered into in India or outside India) or otherwise, notwithstanding that such transfer of rights has been characterised as being effected or dependent upon or flowing from the transfer of a share or shares of a company registered or incorporated outside India;]

<sup>70</sup>[(48) "zero coupon bond" means a bond—

- (a) issued by any infrastructure capital company or infrastructure capital fund or public sector company <sup>71</sup>[or scheduled bank] on or after the 1st day of June, 2005;
- (b) in respect of which no payment and benefit is received or receivable before maturity or redemption from infrastructure capital company or infrastructure capital fund or public sector company <sup>71</sup>[or scheduled bank]; and
- (c) which the Central Government may, by notification<sup>72</sup> in the Official Gazette, specify in this behalf.

<sup>73</sup>[*Explanation*.—For the purposes of this clause, the expression "scheduled bank" shall have the meaning assigned to it in clause (ii) of the *Explanation* to sub-clause (c) of clause (viiia) of sub-section (1) of section 36.]]

---

3. Inserted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1989.

4. Renumbered as clause (IA) by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1989.

5. For relevant case laws, see Taxmann's Master Guide to Income-tax Act.

6. See rules 7 and 8 for manner of computation of income which is partially agricultural and partially from business. See also rules 7A & 7B.

7. The Finance Act, 1973 introduced for the first time a scheme of partially integrated taxation of non-agricultural income with incomes derived from agriculture for the purposes of determining the rate of income-tax that will apply to certain non-corporate assessees. The scheme is since continued by the Annual Finance Acts. The provisions applicable for the assessment year 2013-14 are contained in section 2(2)/2(13)(c) and Part IV of the First Schedule to the Finance Act, 2015.

8. See also Circular No. 310, dated 29-7-1981. For details, see Taxmann's Master Guide to Income-tax

Act.

9. Substituted by the Taxation Laws (Amendment) Act, 1970, w.r.e.f. 1-4-1962.
10. For meaning of the terms/expressions "rent", "revenue", "derived", "revenue derived from land", "such land" and "agriculture", see Taxmann's Direct Taxes Manual, Vol. 3.
11. Words "according to the last preceding census of which the relevant figures have been published before the first day of the previous year" omitted by the Finance Act, 2013, w.e.f. 1-4-2014.
- 12 Substituted by the Finance Act, 2013, w.e.f. 1-4-2014. Prior to its substitution, item (B) read as under :
  - "(B) in any area within such distance, not being more than eight kilometres, from the local limits of any municipality or cantonment board referred to in item (A), as the Central Government may, having regard to the extent of, and scope for, urbanisation of that area and other relevant considerations, specify in this behalf by notification in the Official Gazette."
13. For specified urban areas, log on to www.taxmann.com.
14. Inserted by the Finance Act, 1989, w.r.e.f. 1-4-1970.
15. *Explanation* renumbered as *Explanation 1* by the Finance Act, 2000, w.e.f. 1-4-2001.
16. Inserted by the Finance Act, 2000, w.e.f. 1-4-2001.
17. Inserted by the Finance Act, 2008, w.e.f. 1-4-2009.
18. Inserted by the Finance Act, 2013, w.e.f. 1-4-2014.
19. Inserted by the Finance (No. 2) Act, 1967, w.e.f. 1-4-1967.
20. Renumbered as clause (1B) by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1989.
21. Substituted for "nine-tenths" by the Finance Act, 1999, w.e.f. 1-4-2000.
22. Clauses (1C) and (1D) inserted by the Finance Act, 2007, w.r.e.f. 1-6-1994.
23. Clause (3) omitted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.
24. Substituted for "Commissioner" by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.
25. Inserted by the Finance (No. 2) Act, 2014, w.r.e.f. 1-6-2013.
26. For relevant case laws, see Taxmann's Master Guide to Income-tax Act.
27. For meaning of the term "assessee", see Taxmann's Direct Taxes Manual, Vol. 3.
28. Substituted for "income-tax or super-tax" by the Finance Act, 1965, w.e.f. 1-4-1965.
29. Inserted by the Finance Act, 2005, w.e.f. 1-4-2006.
30. Inserted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.
- 30a. For relevant case laws, see Taxmann's Master Guide to Income-tax Act.
31. Inserted by the Finance (No. 2) Act, 1998, w.e.f. 1-10-1998.
32. Inserted by the Finance (No. 2) Act, 1996, w.e.f. 1-10-1996.
33. Inserted by the Finance Act, 2007, w.r.e.f. 1-6-1994.
34. Inserted by the Finance Act, 2007, w.r.e.f. 1-10-1996.
35. Substituted for "Deputy Commissioner or Deputy Director" by the Finance (No. 2) Act, 1998, w.e.f. 1-10-1998. Earlier "or Deputy Director" was inserted by the Finance (No. 2) Act, 1996, w.e.f. 1-10-1996.
36. For the meaning of the term "assessment", see Taxmann's Direct Taxes Manual, Vol. 3.
37. Inserted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.
38. Inserted by the Finance (No. 2) Act, 1998, w.e.f. 1-10-1998.
39. Inserted by the Finance Act, 2007, w.r.e.f. 1-4-1988.
40. Substituted by the Finance (No. 2) Act, 1998, w.e.f. 1-4-1999. Prior to its substitution, clause (II), as inserted by the Taxation Laws (Amendment & Miscellaneous Provisions) Act, 1986, w.e.f. 1-4-1988, read as under :
  - '(II) "block of assets" means a group of assets falling within a class of assets, being buildings, machinery, plant or furniture, in respect of which the same percentage of depreciation is prescribed ;'

Original clause was earlier omitted by the Finance Act, 1965, w.e.f. 1-4-1965.
41. Substituted for "Central Board of Revenue constituted under the Central Board of Revenue Act,

- 1924 (4 of 1924)" by the Central Boards of Revenue Act, 1963, w.e.f. 1-1-1964.
42. Inserted by the Finance Act, 2001, w.e.f. 1-6-2001.
- 42a. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act.
43. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act.
44. For the meaning of the terms/expressions "business", "trade", "adventure" and "in the nature of trade", *see* Taxmann's Direct Taxes Manual, Vol. 3.
45. Inserted by the Finance (No. 2) Act, 2014, w.e.f. 1-10-2014.
46. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act. *See* also Letter [F. No. 500/111/12009-FTD-1(Pt.)], dated 29-5-2012 (Reopening of assessment on account of retrospective amendments by Finance Act, 2012). For details, *see* Taxmann's Master Guide to Income-tax Act.
47. Substituted for ' "capital asset" means property of any kind held by an assessee, whether or not connected with his business or profession, but does not include—
- (i) any stock-in-trade' by the Finance (No. 2) Act, 2014, w.e.f. **1-4-2015**.
48. For the meaning of the term "property", *see* Taxmann's Direct Taxes Manual, Vol. 3.
49. Substituted by the Finance Act, 2007, w.e.f. 1-4-2008. Prior to its substitution, sub-clause (ii), as substituted by the Finance Act, 1972, w.e.f. 1-4-1973, read as under :
- (ii) personal effects, that is to say, movable property (including wearing apparel and furniture, but excluding jewellery) held for personal use by the assessee or any member of his family dependent on him.
- Explanation.*—For the purposes of this sub-clause, "jewellery" includes—
- (a) ornaments made of gold, silver, platinum or any other precious metal or any alloy containing one or more of such precious metals, whether or not containing any precious or semi-precious stone, and whether or not worked or sewn into any wearing apparel;
- (b) precious or semi-precious stones, whether or not set in any furniture, utensil or other article or worked or sewn into any wearing apparel;'
50. For the meaning of the expressions "held", "personal effects" and "personal use", *see* Taxmann's Direct Taxes Manual, Vol. 3.
51. *Explanation* renumbered as *Explanation 1* by the Finance (No. 2) Act, 2014, w.e.f. **1-4-2015**.
52. Inserted by the Finance (No. 2) Act, 2014, w.e.f. **1-4-2015**.
53. For definition of "securities", *see* **Appendix**.
54. Substituted for "(iii) agricultural land in India" by the Finance Act, 1970, w.e.f. 1-4-1970.
55. For the meaning of the terms/expressions "agricultural land" and "municipality", *see* Taxmann's Direct Taxes Manual, Vol. 3.
56. For the meaning of the term "population", *see* Taxmann's Direct Taxes Manual, Vol. 3.
57. Words "according to the last preceding census of which the relevant figures have been published before the first day of the previous year" omitted by the Finance Act, 2013, w.e.f. 1-4-2014.
58. Substituted by the Finance Act, 2013, w.e.f. 1-4-2014. Prior to its substitution, item (b) read as under :
- "(b) in any area within such distance, not being more than eight kilometres, from the local limits of any municipality or cantonment board referred to in item (a), as the Central Government may, having regard to the extent of, and scope for, urbanisation of that area and other relevant considerations, specify in this behalf by notification in the Official Gazette."
59. For specified urban areas, log on to [www.taxmann.com](http://www.taxmann.com).
60. Inserted by the Taxation Laws (Amendment) Act, 1962, w.e.f. 13-12-1962.
61. Inserted by the Finance (No. 2) Act, 1965, w.e.f. 1-4-1965.
62. Inserted by the Taxation Laws (Amendment & Miscellaneous Provisions) Act, 1965, w.e.f. 4-12-1965.
63. Inserted by the Special Bearer Bonds (Immunities and Exemptions) Act, 1981, w.e.f. 12-1-1981.

64. Inserted by the Finance Act, 1999, w.e.f. 1-4-2000.
65. Inserted by the Finance Act, 2012, w.r.e.f. 1-4-1962. *See* also Letter F. No. 500/111/2009-FTD-1(Pt.), dated 29-5-2012. For details, *see* Taxmann's Master Guide to Income-tax Act.
66. Substituted by the Finance Act, 2008, w.e.f. 1-4-2009. Prior to its substitution, clause (15), as amended by the Finance Act, 1983, w.e.f. 1-4-1984, read as under :  
'(15) "charitable purpose" includes relief of the poor, education, medical relief, and the advancement of any other object of general public utility;'
67. *See* also Circular No. 395, dated 24-9-1984 and No. 11/2008, dated 19-12-2008. For details, *see* Taxmann's Master Guide to Income-tax Act.
68. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act.
69. For the meaning of terms/expressions "charitable purpose", "education", "preservation of environment", "object of general public utility" and "any trade, commerce or business", *see* Taxmann's Direct Taxes Manual, Vol. 3.
- 69a. Italicised word shall be inserted by the Finance Act, 2015, w.e.f. **1-4-2016**.
70. Inserted by the Finance (No. 2) Act, 2009, w.r.e.f. 1-4-2009.
71. Inserted by the Finance Act, 2010, w.r.e.f. 1-4-2009.
72. Substituted for "ten lakh rupees" by the Finance Act, 2011, w.e.f. 1-4-2012.
73. Substituted by the Finance (No. 2) Act, 2014, w.r.e.f. 1-6-2013. Prior to its substitution, clause (15A), as inserted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988, read as under :  
'(15A) "Chief Commissioner" means a person appointed to be a Chief Commissioner of Income-tax under sub-section (1) of section 117;'
74. Inserted by the Taxation Laws (Amendment) Act, 1975, w.e.f. 1-4-1976.
75. Renumbered by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.
76. Substituted by the Finance (No. 2) Act, 2014, w.r.e.f. 1-6-2013. Prior to its substitution, clause (16), as substituted by the Finance Act, 1970, w.e.f. 1-4-1970 and later on amended by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988 and Finance Act, 2012, w.r.e.f. 1-4-1988, read as under :  
'(16) "Commissioner" means a person appointed to be a Commissioner of Income-tax or a Director of Income-tax under sub-section (1) of section 117;'
77. Inserted by the Finance (No. 2) Act, 1977, w.e.f. 10-7-1978.
78. Substituted by the Finance (No. 2) Act, 1971, w.e.f. 1-4-1971.
79. For the meaning of the expression/term "is said to be" and "public", *see* Taxmann's Direct Taxes Manual, Vol. 3.
80. Substituted by the Finance Act, 1964, w.e.f. 1-4-1964.
81. Inserted by the Finance (No. 2) Act, 1971, w.e.f. 1-4-1971.
82. Now *see* section 8 of the Companies Act, 2013. For text of section 8 of the Companies Act, 2013, *see* **Appendix**.
83. Inserted by the Finance Act, 1985, w.r.e.f. 1-4-1984.
84. Now *see* section 408 of the Companies Act, 2013. For text of section 408 of the Companies Act, 2013, *see* **Appendix**.
85. Inserted by the Finance Act, 1992, w.e.f. 1-4-1993.
86. Substituted by the Finance Act, 1969, w.e.f. 1-4-1970. Earlier, clause (b) was amended first by the Finance Act, 1965, w.e.f. 1-4-1965 and then by the Finance Act, 1966, w.e.f. 1-4-1966.
87. Now Companies Act, 2013. For definition of 'private company' under section 2(68) of the Companies Act, 2013, *see* **Appendix**.
88. Substituted by the Finance Act, 1983, w.e.f. 2-4-1983.
89. Substituted for "where such subsidiary company fulfils the conditions laid down in clause (b) of section 108" by the Finance Act, 1987, w.e.f. 1-4-1988.
90. Clauses (19A) and (19B) of section 2 inserted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.

91. Words "or an Additional Commissioner of Income-tax" omitted by the Finance (No. 2) Act, 1998, w.e.f. 1-10-1998. Earlier the quoted words were inserted by the Finance Act, 1994, w.e.f. 1-6-1994.
92. Clauses (19AA) and (19AAA) of section 2 inserted by the Finance Act, 1999, w.e.f. 1-4-2000.
- 92a. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act.
93. Now sections 230 to 232 of the Companies Act, 2013. For text of sections 230 to 232 of the Companies Act, 2013, *see* **Appendix**.
94. Inserted by the Finance Act, 2012, w.e.f. 1-4-2013.
95. Substituted for "the conditions specified in sub-clauses (i) to (vii) of this clause, to the extent applicable" by the Finance Act, 2000, w.e.f. 1-4-2000.
96. For notified conditions, *see* Taxmann's Master Guide to Income-tax Act.
97. Inserted by the Finance Act, 1994, w.e.f. 1-6-1994.
98. Inserted by the Finance Act, 1994, w.e.f. 1-6-1994.
99. Words "or an Additional Director of Income-tax" omitted by the Finance (No. 2) Act, 1998, w.e.f. 1-10-1998.
1. Now Companies Act, 2013. Clauses (34) and (53) of section 2 of the Companies Act, 2013, define expressions "director" and "manager". For text of provisions, *see* **Appendix**.
2. Substituted by the Finance (No. 2) Act, 2014, w.e.f. 1-6-2013. Prior to its substitution, clause (21), as substituted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988 and later on amended by the Finance Act, 1994, w.e.f. 1-6-1994 and Finance (No. 2) Act, 1998, w.e.f. 1-10-1998, read as under :
  - '(21) "Director General or Director" means a person appointed to be a Director General of Income-tax or, as the case may be, a Director of Income-tax, under sub-section (1) of section 117, and includes a person appointed under that sub-section to be an Additional Director of Income-tax or a Joint Director of Income-tax or an Assistant Director or Deputy Director of Income-tax;'
3. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act.
4. For the meaning of the terms "dividend", "distribution", "accumulated profits" and "profits", *see* Taxmann's Direct Taxes Manual, Vol. 3.
5. For the meaning of the terms "distribution" and "accumulated profits", *see* Taxmann's Direct Taxes Manual, Vol. 3.
6. Substituted for "by way of advance or loan to a shareholder, being a person who has a substantial interest in the company," by the Finance Act, 1987, w.e.f. 1-4-1988.
7. For the meaning of the terms "advance", "loan" and "shareholder", *see* Taxmann's Direct Taxes Manual, Vol. 3.
8. For the meaning of the term "accumulated profits", *see* Taxmann's Direct Taxes Manual, Vol. 3.
9. Inserted by the Finance Act, 1965, w.e.f. 1-4-1965.
10. Inserted by the Finance Act, 1966, w.e.f. 1-4-1966.
11. Inserted by the Finance Act, 1987, w.e.f. 1-4-1988.
- 11a. For the meaning of the expression "in the ordinary course of its business", *see* Taxmann's Direct Taxes Manual, Vol. 3.
12. Inserted by the Finance Act, 1999, w.e.f. 1-4-2000.
13. Now section 68 of the Companies Act, 2013. For text of section 68 of the Companies Act, 2013, *see* **Appendix**.
14. Inserted by the Direct Taxes (Amendment) Act, 1964, w.e.f. 1-4-1962.
15. Inserted by the Finance Act, 1987, w.e.f. 1-4-1988.
16. Inserted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1989.
17. Inserted by the Finance Act, 2001, w.e.f. 1-6-2001.
18. For definition of "document" under section 2(1)(t) of the Information Technology Act, 2000, *see* **Appendix**.
19. Inserted by the Finance (No. 2) Act, 2009, w.e.f. 1-4-2010.

20. See Electoral Trusts Scheme, 2013. For details, see Taxmann's Income-tax Rules. See also Letter [F.No. 173/158/2013-ITA.I], dated 10-12-2013 [Standardizing the process of filing applications for approval of an Electoral Trust]. For details, see Taxmann's Master Guide to Income-tax Act.
21. Inserted by the Finance Act, 1964, w.e.f. 1-4-1964.
22. Renumbered as clause (22B) by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1989.
- 22a. For the meaning of the expression "fair market value", see Taxmann's Direct Taxes Manual, Vol. 3.
23. Substituted by the Finance (No. 2) Act, 2009, w.e.f. 1-4-2010. Prior to its substitution, clause (23) read as under:

'(23) "firm", "partner" and "partnership" have the meanings respectively assigned to them in the Indian Partnership Act, 1932 (9 of 1932); but the expression "partner" shall also include any person who, being a minor, has been admitted to the benefits of partnership ;'
24. Section 4 of the Indian Partnership Act, 1932, defines expressions "firm", "partner" and "partnership" as follows :

' "Partnership" is the relation between persons who have agreed to share the profits of a business carried on by all or any of them acting for all.

Persons who have entered into partnership with one another are called individually "partners" and collectively "a firm", and the name under which their business is carried on is called the "firm name".'
25. For definition of "designated partner", "limited liability partnership" and "partner" under Limited Liability Partnership Act, 2008, see **Appendix**.
26. Inserted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1989.
27. Inserted by the Finance Act, 2005, w.e.f. 1-4-2006.
28. For relevant case laws, see Taxmann's Master Guide to Income-tax Act.
29. For the meaning of the terms/expression "income", "includes" and "profits and gains", see Taxmann's Direct Taxes Manual, Vol. 3.
30. Inserted by the Finance Act, 1972, w.e.f. 1-4-1973.
31. Substituted for "or by a trust or institution of national importance referred to in clause (d) of sub-section (1) of section 80F" by the Direct Tax Laws (Amendment) Act, 1989, w.e.f. 1-4-1989. Earlier, the said expression was substituted for ", not being contributions made with a specific direction that they shall form part of the corpus of the trust or institution" by the Direct Tax Laws (Amendment) Act, 1987, with effect from the same date.
32. Now omitted.
33. Substituted for "or by any university or other educational institution referred to in sub-clause (vi) or by any hospital or other institution referred to in sub-clause (via)" by the Finance Act, 2006, w.e.f. 1-4-2007. Earlier the quoted words were inserted by the Finance Act, 2006, w.r.e.f. 1-4-1999.
34. Inserted by the Finance (No. 2) Act, 2009, w.e.f. 1-4-2010.
35. Inserted by the Direct Tax Laws (Amendment) Act, 1989, w.r.e.f. 1-4-1962.
36. For the meaning of the expression "benefit or perquisite", see Taxmann's Direct Taxes Manual, Vol. 3.
37. Inserted by the Finance (No. 2) Act, 1980, w.e.f. 1-4-1980.
38. For the meaning of the expression "benefit or perquisite", see Taxmann's Direct Taxes Manual, Vol. 3.
39. Inserted by the Finance Act, 1990, w.r.e.f. 1-4-1962.
40. Inserted by the Finance Act, 1990, w.r.e.f. 1-4-1967.
41. Inserted by the Finance Act, 1990, w.r.e.f. 1-4-1972.
42. Relettered by the Finance Act, 1990, w.r.e.f. 1-4-1962. Earlier the original sub-clause (va) was inserted by the Finance Act, 1964, w.e.f. 1-4-1964.
43. Inserted by the Finance Act, 1992, w.e.f. 1-4-1993.
44. Inserted by the Finance Act, 2006, w.e.f. 1-4-2007.



45. Inserted by the Finance Act, 1972, w.e.f. 1-4-1972.
46. For the meaning of the term "lotteries", *see* Taxmann's Direct Taxes Manual, Vol. 3.
47. Inserted by the Finance Act, 2001, w.e.f. 1-4-2002.
48. Inserted by the Finance Act, 1987, w.e.f. 1-4-1988.
49. Inserted by the Finance (No. 2) Act, 1996, w.e.f. 1-10-1996.
50. Inserted by the Finance Act, 2002, w.e.f. 1-4-2003.
51. Substituted for "clause (vii)" by the Finance Act, 2003, w.e.f. 1-4-2003.
52. Inserted by the Finance (No. 2) Act, 2004, w.e.f. 1-4-2005.
53. Inserted by the Finance Act, 2007, w.e.f. 1-4-2007.
54. Inserted by the Finance (No. 2) Act, 2009, w.e.f. 1-10-2009.
55. Inserted by the Finance Act, 2010, w.e.f. 1-6-2010.
56. Inserted by the Finance Act, 2012, w.e.f. 1-4-2013.
57. Inserted by the Finance (No. 2) Act, 2014, w.e.f. **1-4-2015**.
- \*Should be read as "sub-clause".
58. Words "sub-section (1) of" omitted by the Direct Tax Laws (Amendment) Act, 1989, w.r.e.f. 1-4-1988. Earlier, that expression was inserted by the Direct Tax Laws (Amendment) Act, 1987, with effect from the same date.
59. Substituted by the Finance Act, 2007, w.r.e.f. 25-8-1976. Prior to its substitution, clause (25A), as inserted by the Taxation Laws (Extension to Union Territories) Regulation, 1963, w.e.f. 1-4-1963, read as under :
- '(25A) "India" shall be deemed to include the Union territories of Dadra and Nagar Haveli, Goa, Daman and Diu, and Pondicherry,—
- (a) as respects any period, for the purposes of section 6; and
- (b) as respects any period included in the previous year, for the purposes of making any assessment for the assessment year commencing on the 1st day of April, 1963, or for any subsequent year ;'
- 59a. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act.
60. Now Companies Act, 2013.
61. Inserted by the Taxation Laws (Extension to Union Territories) Regulation, 1963, w.e.f. 1-4-1963.
62. Inserted by the Finance (No. 2) Act, 1971, w.e.f. 1-4-1971.
63. Inserted by the Taxation Laws (Extension to Union Territories) Regulation, 1963, w.e.f. 1-4-1963.
- †Now State of Goa.
64. Substituted for "registered office of the company" by the Finance (No. 2) Act, 1971, w.e.f. 1-4-1971.
65. Clauses (26A) and (26B) inserted by the Finance Act, 2006, w.e.f. 1-4-2006.
66. Omitted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.
67. Substituted for "(2)" by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.
68. Inserted by the Finance Act, 1976, w.e.f. 1-6-1976.
69. *See* also Letter F. No. 164/18/77-IT(A-I), dated 13-7-1978. For details, *see* Taxmann's Master Guide to Income-tax Act.
- 69a. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act.
70. For the meaning of the term "interest", *see* Taxmann's Direct Taxes Manual, Vol. 3.
71. Inserted by the Finance Act, 1988, w.e.f. 1-4-1989.
72. Inserted by the Finance Act, 2001, w.e.f. 1-4-2002.
73. For text of section 2(7A) of the Insurance Act, 1938, *see* **Appendix**.
74. Inserted by the Finance (No. 2) Act, 1998, w.e.f. 1-10-1998.
75. Clause (II) of section 2 of the Code of Civil Procedure defines "legal representative" as follows :
- '(II) "legal representative" means a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the

death of the party so suing or sued ;'

76. Inserted by the Finance Act, 1987, w.e.f. 1-4-1988.
- 76a. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act.
77. Inserted by the Finance (No. 2) Act, 2009, w.r.e.f. 1-4-2009.
78. Inserted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1989.
79. Inserted by the Finance (No. 2) Act, 1991, w.e.f. 1-4-1991.
80. Shall be inserted by the National Tax Tribunal Act, 2005, with effect from a date yet to be notified. National Tax Tribunal Act, 2005 is declared as unconstitutional by the Supreme Court in *Madras Bar Association v. Union of India* [2014] 49 taxmann.com 575.
81. Inserted by the Finance Act, 1999, w.e.f. 1-4-1999. Earlier these words were omitted by the Finance (No. 2) Act, 1998, w.e.f. 1-4-1999.
82. Should be read as '92B'.
83. ", 113" omitted by the Finance Act, 1965, w.e.f. 1-4-1965.
84. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act.
85. For the meaning of the term/expression "person", "individual" and "Hindu undivided family", *see* Taxmann's Direct Taxes Manual, Vol. 3.
86. For the meaning of the term/expressions "firm", "association of persons", "body of individuals" and "person who has a substantial interest in the company", *see* Taxmann's Direct Taxes Manual, Vol. 3.
87. Inserted by the Finance Act, 2002, w.e.f. 1-4-2002.
- 87a. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act.
88. Clauses (34A) to (34D) inserted by the Finance (No. 2) Act, 2014, w.r.e.f. 1-6-2013.
89. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act.
90. Substituted for "Income-tax" by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.
91. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act.
92. For the meaning of the term "vocation", *see* Taxmann's Direct Taxes Manual, Vol. 3.
93. Inserted by the Finance Act, 1987, w.e.f. 1-4-1987.
94. Now section 2(45) of the Companies Act, 2013. For text of section 2(45) of the Companies Act, 2013, *see* **Appendix**.
95. For text of section 21 of the Indian Penal Code defining "public servant", *see* **Appendix**.
96. Inserted by the Finance (No. 2) Act, 1967, w.e.f. 1-4-1967.
97. "or sub-section (9) of section 80E from any payment referred to therein" omitted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1989. Originally, the said expression was inserted by the Finance Act, 1968, w.e.f. 1-4-1968.
98. Substituted for 'computation of the "advance tax" payable under Chapter XVII-C, the rate or rates of income-tax specified in this behalf in the Finance Act of the relevant year' by the Finance Act, 1970, w.e.f. 1-4-1971.
99. Inserted by the Finance Act, 1976, w.e.f. 1-6-1976.
1. Inserted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.
2. Inserted by the Finance Act, 2002, w.e.f. 1-4-2003.
3. "or section 167A" omitted by the Direct Tax Laws (Amendment) Act, 1989, w.e.f. 1-4-1989.

Earlier this expression was inserted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.

4. Inserted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1989.
5. Substituted for "in a case falling under section 164, the rate specified in that section" by the Finance Act, 1976, w.e.f. 1-6-1976.
6. Inserted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.
7. Inserted by the Finance Act, 2002, w.e.f. 1-4-2003.
8. "or section 167A" omitted by the Direct Tax Laws (Amendment) Act, 1989, w.e.f. 1-4-1989. Earlier this expression was inserted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.

9. Inserted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1989.
10. Substituted for "section 115B or, as the case may be, section 164" by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.
11. Inserted by the Finance Act, 2002, w.e.f. 1-4-2003.
12. Inserted by the Finance Act, 1972, w.e.f. 1-4-1972.
13. Inserted by the Finance Act, 1978, w.e.f. 1-4-1978.
14. Substituted for ", 194D and 195" by the Finance (No. 2) Act, 1991, w.e.f. 1-10-1991.
15. Substituted by the Finance Act, 1992, w.e.f. 1-6-1992. Prior to its substitution, sub-clause (iii) was inserted by the Finance (No. 2) Act, 1991, w.e.f. 1-10-1991.
- 15a. Italicised words shall be inserted by the Finance Act, 2015, w.e.f. **1-4-2016**.
16. Substituted for "an agreement entered into by the Central Government under section 90, whichever is applicable by virtue of the provisions of section 90" by the Finance Act, 2006, w.e.f. 1-6-2006.
17. See also Circular No. 153, dated 30-11-1974. For details, see Taxmann's Master Guide to Income-tax Act.
18. For the meaning of the expression "recognised provident fund", see Taxmann's Direct Taxes Manual, Vol. 3.
19. Substituted for "Commissioner" by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1988.
20. Inserted by the Finance (No. 2) Act, 2014, w.e.f. 1-6-2013.
21. Prior to omission, clause (39) was substituted by the Direct Tax Laws (Second Amendment) Act, 1989, w.e.f. 1-4-1989. Earlier clause (39) was omitted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1989 and was later reintroduced by the Direct Tax Laws (Amendment) Act, 1989, w.e.f. 1-4-1989.
22. For the meaning of the expressions "regular assessment" and "relative", see Taxmann's Direct Taxes Manual, Vol. 3.
23. Inserted by the Finance Act, 1990, w.e.f. 1-4-1989.
- 23a. For relevant case laws, see Taxmann's Master Guide to Income-tax Act.
24. Inserted by the Finance Act, 1999, w.e.f. 1-4-2000.
25. Inserted by the Finance (No. 2) Act, 1962, w.e.f. 1-4-1962.
26. See also Circular No. 415, dated 14-3-1985, Circular No. 704, dated 28-4-1995 and Circular No. 6/2015, dated 9-4-2015 (In case of units of mutual fund under Fixed Maturity Plans on extension of their term). For details and relevant case laws, see Taxmann's Master Guide to Income-tax Act.
27. Substituted for the portion beginning with "short-term capital asset" and ending with "preceding the date of its transfer ;" by the Finance Act, 1973, w.e.f. 1-4-1974. Earlier clause (42A) was first amended by the Finance Act, 1966, w.e.f. 1-4-1966 and later by the Finance Act, 1968, w.e.f. 1-4-1969.
28. For the meaning of the expressions "held", "not more than" and "immediately preceding the date of its transfer", see Taxmann's Direct Taxes Manual, Vol. 3.
29. Substituted for "sixty" by the Finance (No. 2) Act, 1977, w.e.f. 1-4-1978.
30. Inserted by the Finance Act, 1987, w.e.f. 1-4-1988.
31. Substituted for "a share held in a company or any other security listed in a recognized stock exchange in India" by the Finance (No. 2) Act, 2014, w.e.f. **1-4-2015**. Earlier the quoted words were amended by the Finance Act, 1994, w.e.f. 1-4-1995.
32. Inserted by the Finance Act, 1994, w.e.f. 1-4-1995.
33. Substituted for "a unit of a Mutual Fund specified under clause (23D) of section 10" by the Finance (No. 2) Act, 2014, w.e.f. **1-4-2015**.
34. Inserted by the Finance Act, 2005, w.e.f. 1-4-2006.
35. Inserted by the Finance (No. 2) Act, 2014, w.e.f. **1-4-2015**.
36. Renumbered as *Explanation 1* by the Finance Act, 1994, w.e.f. 1-4-1995.
37. Substituted for "clauses (i) to (iii)" by the Finance (No. 2) Act, 1967, w.e.f. 1-4-1967.
38. Inserted by the Finance (No. 2) Act, 1967, w.e.f. 1-4-1967.
39. Inserted by the Finance Act, 1994, w.e.f. 1-4-1995.

40. Inserted by the Finance Act, 1995, w.e.f. 1-4-1996.
41. Inserted by the Finance Act, 1999, w.e.f. 1-4-2000.
42. Inserted by the Finance Act, 2003, w.e.f. 1-4-2004.
43. Inserted by the Finance Act, 2007, w.e.f. 1-4-2008.
44. Inserted by the Finance (No. 2) Act, 2014, w.e.f. 1-10-2014.
45. Inserted by the Finance Act, 1994, w.e.f. 1-4-1995.
46. For text of clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956. *See Appendix.*
47. Inserted by the Finance Act, 2007, w.e.f. 1-4-2008.
48. Inserted by the Finance (No. 2) Act, 2014, w.e.f. **1-4-2015**.
49. Inserted by the Finance Act, 1987, w.e.f. 1-4-1988.
- 49a. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act.
50. Inserted by the Finance Act, 1999, w.e.f. 1-4-2000. Earlier clause (42C) was inserted by the Direct Tax Laws (Second Amendment) Act, 1989, w.e.f. 1-4-1990 and later on omitted by the Finance Act, 1990, w.e.f. 1-4-1990.
51. For the meaning of the terms "slump sale" and "tax", *see* Taxmann's Direct Taxes Manual, Vol. 3.
52. Substituted by the Finance Act, 1965, w.e.f. 1-4-1965.
53. Inserted by the Finance Act, 2005, w.e.f. 1-4-2006.
54. Inserted by the Finance Act, 1965, w.e.f. 1-4-1965.
55. Chapter XXII-B was omitted by the Finance Act, 1990, w.e.f. 1-4-1990.
56. Omitted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1989. Original clause (43B) was inserted by the Finance (No. 2) Act, 1971, w.e.f. 1-1-1972.
57. Substituted by the Direct Tax Laws (Amendment) Act, 1987 [as amended by the Direct Tax Laws (Amendment) Act, 1989], w.r.e.f. 1-4-1988. Prior to substitution, clause (44) was substituted by the Finance Act, 1963, w.r.e.f. 1-4-1962.
58. Inserted by the Finance (No. 2) Act, 2014, w.r.e.f. 1-6-2013.
59. Inserted by the Taxation Laws (Amendment) Act, 2006, w.e.f. 13-7-2006.
60. Omitted by the Finance Act, 1965, w.e.f. 1-4-1965.
61. For relevant case laws, *see* Taxmann's Master Guide to Income-tax Act. For Letter F. No. 34/11/65-IT(A-I), dated 15-1-1966, Circular No. 751, dated 10-2-1997, Circular No. 2/2008, dated 22-2-2008 and Letter [F. No. 500/111/12009-FTD-1(Pt.)], dated 29-5-2012, *see* Taxmann's Master Guide to Income-tax Act.
62. Substituted by the Taxation Laws (Amendment) Act, 1984, w.e.f. 1-4-1985.
63. For the meaning of the terms/expression "transfer", "sale", "exchange", "relinquishment" and "extinguishment of any rights therein", *see* Taxmann's Direct Taxes Manual, Vol. 3.
64. Inserted by the Finance Act, 1987, w.e.f. 1-4-1988.
65. Inserted by the Finance Act, 2005, w.e.f. 1-4-2006.
66. Inserted by the Finance Act, 1987, w.e.f. 1-4-1988.
67. For text of section 53A of the Transfer of Property Act, 1882, *see Appendix.*
68. *Explanation* renumbered as *Explanation 1* by the Finance Act, 2012, w.r.e.f. 1-4-1962.
69. Inserted by the Finance Act, 2012, w.r.e.f. 1-4-1962.
70. Inserted by the Finance Act, 2005, w.e.f. 1-4-2006. Earlier clause (48) was omitted by the Direct Tax Laws (Amendment) Act, 1987, w.e.f. 1-4-1989. It was later reintroduced by the Direct Tax Laws (Amendment) Act, 1989, w.e.f. 1-4-1989 and again omitted by the Finance Act, 1992, w.e.f. 1-4-1993.
71. Inserted by the Finance (No. 2) Act, 2009, w.r.e.f. 1-4-2009.
72. For specified bonds, *see* Taxmann's Master Guide to Income-tax Act. *See* also rules 8B & 8C and Form No. 5B.
73. Inserted by the Finance (No. 2) Act, 2009, w.r.e.f. 1-4-2009. Original *Explanation* prior to its omission by the Finance Act, 2006, w.e.f. 1-4-2006, read as under :

*'Explanation.*—For the purposes of this clause, the expressions "infrastructure capital company" and

"infrastructure capital fund" shall have the same meanings respectively assigned to them in clauses (a) and (b) of *Explanation 1* to clause (23G) of section 10.'