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Special Issue on Union Budget 2014-15
THE INSTITUTE OF COMPANY SECRETARIES OF INDIA (ICSI) 
WELCOMES THE UNION BUDGET 2014-15

“The Institute of Companies Secretaries of India (ICSI) welcomes the Union Budget 2014-15. The budget proposals are conducive for the growth of India Inc and it restates the Government’s commitment to the sustainable and inclusive development of the nation. It will go a long way in providing desired impetus to the areas like Power, Banking, Agriculture, Defense, Infrastructure, Manufacturing and Tourism by creating a growth oriented framework. There has been a mix of both short term and long term measures towards promoting overall development of the economy by focusing on all the key constituents like Administrative reforms, promoting FDI, Corporate Governance, & Sustainable development of agriculture.

The budget provides reliefs to individual tax payers, provides measures to revive the economy, by promoting investments, rationalize tax provisions to reduce litigation, and boosting domestic production. To facilitate trade, “Indian customs Single Window Project” is a welcome move.

The budget has also proposed measures to energize capital markets and to bring legislative reforms in the financial sector. The assurance of completion of consultation process on enactment of Indian Financial Code, formulation of Modern Monetary Policy, convergence with IFRS by adoption of new Indian Accounting Standards is acknowledged as a step towards better financial management and governance.”

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PRESIDENT, ICSI

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THE CURRENT ECONOMIC SITUATION AND THE CHALLENGES

- Decisive vote for change represents the desire of the people to grow, free themselves from the curse of poverty and use the opportunity provided by the society. Country in no mood to suffer unemployment, inadequate basic amenities, lack of infrastructure and apathetic governance.

- Challenging situation due to Sub five per cent growth and double digit inflation.

- Continued slow-down in many emerging economies a threat to sustained global recovery.

- Recovery seen with the growth rate of world economy projected at 3.6 per cent in 2014 vis-à-vis in 2013.

- First budget of this NDA government to lay down a broad policy indicator of the direction in which we wish to take this country.

- Steps announced are only the beginning of the journey towards a sustained growth of 7-8 per cent or above within the next 3-4 years along with macro-economic stabilization.

- Growing aspirations of people will be reflected in the development strategy of the Government led by the Prime minister Shri Narendra Modi and its mandate of “Sab ka Saath Sab ka Vikas”.

- Need to revive growth in manufacturing and infrastructure sectors.

- Tax to GDP ratio must be improved and Non-tax revenues increased.

Deficit and Inflation

- Decline in fiscal deficit from 5.7% in 2011-12 to 4.5% in 2013-14 mainly achieved by reduction in expenditure rather than by way of realization of higher revenue.

- Improvement in current account deficit from 4.7% in 2012-13 to year end level of 1.7% mainly achieved through restriction on non-essential import and slow-down in overall aggregate demand. Need to keep watch on CAD.

- 4.1 per cent fiscal deficit a daunting task in the backdrop of two years of low GDP growth, static industrial growth, moderate increase in indirect taxes, subsidy burden and not so encouraging tax buoyancy.

* Source: indiabudget.nic.in
The government is committed to achieve this target. Road map for fiscal consolidation outlines fiscal deficit of 3.6% for 2015-16 and 3% for 2016-17.

Inflation has remain at elevated level with gradual moderation in WPI recently.

The problem of black money must be fully addressed.

Bold steps required to enhance economic activities and spur growth in the economy.

**Administrative Initiatives**

- Sovereign right of the Government to undertake retrospective legislation to be exercised with extreme caution and judiciousness keeping in mind the impact of each such measure on the economy and the overall investment climate.

- A stable and predictable taxation regime which will be investor friendly and spur growth.

- Legislative and administrative changes to sort out pending tax demands of more than ₹4 lakh crore under dispute and litigation.

- Resident tax payers enabled to obtain on advance ruling in respect of their income-tax liability above a defined threshold.

- Measures for strengthening the Authority for Advance Rulings.

- Income-tax Settlement Commission scope to be enlarged.

- National Academy for Customs & Excise at Hindupur in Andhra Pradesh.

- The subsidy regime to be made more targeted for full protection to the marginalized, poor and SC/ST.

- New Urea Policy would be formulated.

- Introduction of GST to be given thrust.

- High level committee to interact with trade and industry on regular basis to ascertain areas requiring clarity in tax laws is required to be set up.

- Convergence with International Financial Reporting Standard (IFRS) by Adoption of the new Indian Accounting Standards (2nd AS) by Indian Companies.

- Setting up of Expenditure Management Commission to look into expenditure reforms.

- Employment exchanges to be transformed into career centres. A sum of ₹100 crore provided.
ECONOMIC INITIATIVES

Foreign Direct Investment (FDI)
- Government to promote FDI selectively in sectors.
- The composite cap of foreign investment to be raised to 49 per cent with full Indian management and control through the FIPB route.
- The composite cap in the insurance sector to be increased up to 49 per cent from 26 per cent with full Indian management and control through the FIPB route.
- Requirement of the built up area and capital conditions for FDI to be reduced from 50,000 square metres to 20,000 square metres and from USD 10 million to USD 5 million respectively for development of smart cities.
- The manufacturing units to be allowed to sell its products through retail including E-commerce platforms.

Bank Capitalization
- Requirement to infuse ₹ 2,40,000 crore as equity by 2018 in our banks to be in line with Basel-III norms.
- Capital of banks to be raised by increasing the shareholding of the people in a phased manner.

PSU Capital Expenditure
- PSUs will invest through capital investment a total sum of ₹ 2,47,941 crores in the current financial year.

Smart Cities
- A sum of ₹ 7060 crore is provided in the current fiscal for the project of developing ‘one hundred Smart Cities’

Real Estate
- Incentives for Real Estate Investment Trusts (REITS). Complete pass through for the purpose of taxation.
- A modified REITS type structure for infrastructure projects as the Infrastructure Investment Trusts (INVITS).
- These two instruments to attract long term finance from foreign and domestic sources including the NRIs.
Irrigation

- ₹ 1000 crore provided for “Pradhan Mantri Krishi Sinchayee Yojna” for assured irrigation.

Rural Development

- Shyama Prasad Mukherji Rurban Mission for integrated project based infrastructure in the rural areas.
- ₹ 500 crore for “Deen Dayal Upadhyaya Gram Jyoti Yojana” for feeder separation to augment power supply to the rural areas.
- ₹ 14,389 crore provided for Pradhan Mantri Gram Sadak Yojna (PMGSY).
- More productive, asset creating and with linkages to agriculture and allied activities wage employment would be provided under MGNREGA.
- Under Ajeevika, the provision of bank loan for women SHGs at 4% to be extended to another 100 districts.
- Initial sum of ₹ 100 crore for “Start Up Village Entrepreneurship Programme” for encouraging rural youth to take up local entrepreneurship programs.
- Allocation for National Housing Bank increased to ₹ 8000 crore to support Rural housing.
- New programme “Neeranchal” to give impetus to watershed development in the country with an initial outlay of ₹ 2142 crores.
- Backward Region Grant Fund (BRGF) to be restructured to address intra-district inequalities.

Scheduled Caste/Scheduled Tribe

- An amount of ₹ 50,548 crore is proposed under the SC Plan and ₹ 32,387 crore under TSP.
- For the welfare of the tribals “Van Bandhu Kalyan Yojna” launched with an initial allocation of ₹ 100 crore.

Senior Citizen & Differently Abled Persons

- Varishtha Pension Bima Yojana (VPBY) to be revived for a limited period from 15 August, 2014 to 14 August, 2015 for the benefit of citizens aged 60 years and above.
- A committee will to examine and recommend how unclaimed amounts with PPF, Post Office, saving schemes etc. can be used to protect and further financial interests of the senior citizens?
Government notified a minimum pension of ₹ 1000 per month to all subscriber members of EP Scheme. Initial provision of ₹ 250 crore.

Increase in mandatory wage ceiling of subscription to ₹ 15000. A provision of ₹ 250 crore in the current budget.

EPFO to launch the “Uniform Account Number” Service for contributing members.

Scheme for Assistance to Disabled Persons for purchase/fitting of Aids and Appliances (ADIP) extended to include contemporary aids and assistive devices.

National level institutes for Universal Inclusive Design, Mental Health Rehabilitation and a Centre for Disability Sports to be established.

Assistance to State Governments to establish fifteen new Braille Presses and modernize ten existing Braille Presses.

Government to print currency notes with Braille like signs for visibly challenged persons.

**Women & Child Development**

Outlay of ₹ 50 crores for pilot testing a scheme on “Safety for Women on Public Road Transport”.

Sum of ₹ 150 crores on a scheme to increase the safety of women in large cities.

“Crisis Management Centres” in all the districts of NCT of Delhi this year government and private hospitals.

A sum of ₹ 100 crore is provided for “Beti Bachao, Beti Padhao Yojana”, a focused scheme to generate awareness and help in improving the efficiency of delivery of welfare services meant for women.

School curriculum to have a separate chapter on gender mainstreaming.

**Drinking Water & Sanitation**

20,000 habitations affected with arsenic, fluoride, heavy/toxic elements, pesticides/fertilizers to be provided safe drinking water through community water purification plants in next 3 years.

“Swachh Bharat Abhiyan” to cover every household with sanitation facility by the year 2019.
Health and Family Welfare

- Free Drug Service and Free Diagnosis Service to achieve “Health For All”
- Two National Institutes of Ageing to be set up at AIIMS, New Delhi and Madras Medical College, Chennai.
- A national level research and referral Institute for higher dental studies to be set up.
- AIIMS like institutions in Andhra Pradesh, West Bengal, Vidarbha in Maharashtra and Poorvanchal in UP. A provision of ₹ 500 crores made.
- 12 new government medical colleges to be set up.
- States’ Drug Regulatory and Food Regulatory Systems to be strengthened by creating new drug testing laboratories and strengthening the 31 existing State laboratories.
- 15 Model Rural Health Research Centres to be set up for research on local health issues concerning rural population.
- A national programme in Mission Mode to halt the deteriorating malnutrition situation in India to be put in place within six months.

EDUCATION

School Education

- Government would strive to provide toilets and drinking water in all the girls school in first phase. An amount of ₹ 28635 crore is being funded for Sarv Shiksha Abhiyan (SSA) and ₹ 4966 crore for Rashtriya madhyamic Shiksha Abhiyan (RMSA).
- A School Assessment Programme is being initiated at a cost of ₹ 30 crore.
- ₹ 500 crore provided for “Pandit Madan Mohan Malviya New Teachers Training Programme” to infuse new training tools and motivate teachers.
- ₹ 100 crore provided for setting up virtual classrooms as Communication Linked Interface for Cultivating Knowledge (CLICK) and online courses.

Higher Education

- Jai Prakash Narayan National Centre for Excellence in Humanities to be set up in MP.
- ₹ 500 crore provided for setting up 5 more IITs in the Jammu, Chhattisgarh, Goa, Andhra Pradesh and Kerala.
- 5 IIMs in the States of HP, Punjab, Bihar, Odisha and Rajasthan.
- Simplification of norms to facilitate education loans for higher studies.
Information Technology

- Pan India programme “Digital India” to with an outlay of ₹ 500 crore to be launched.
- Programme for promoting “Good Governance” to be launched. A sum of ₹ 100 crore provided.

Information and Broadcasting

- ₹ 100 crore allocated for 600 new and existing Community Radio Stations.
- Film & Television Institute, Pune and Satyajit Ray Film & Television Institute, Kolkata are proposed to be accorded status of Institutes of national importance and a “National Centre for Excellence in Animation, Gaming and Special Effects to be set up.
- ₹ 100 crore is provided for Kisan TV, to disseminate real time information to the farmers on issues such as new farming techniques, water conservation, organic farming etc.

Urban Development

- Vision of the Government is that 500 urban habitations to be provided support for renewal of infrastructure and services in next 10 years through PPPs.
- Present corpus of Pooled Municipal Debt Obligation Facility facility to be enlarged to ₹ 50,000 Crore from ₹ 5000 crore.
- ₹ 100 crore provided for Metro Projects in Lucknow and Ahmedabad.

Housing

- Extended additional tax incentive on home loans shall be provided to encourage people, especially the young, to own houses.
- Mission on Low Cost Affordable Housing anchored in the National Housing Bank to be set up.
- A sum of ₹ 4000 crores for NHB from the priority sector lending shortfall with a view to increase the flow of cheaper credit for affordable housing to the urban poor/EWS/LIG segment is provided.
- Slum development to be included in the list of Corporate Social Responsibility (CSR) activities to encourage the private sector to contribute more.

Minorities

- A programme for the upgradation of skills and training in ancestral arts for development for the minorities “Upgradation of Traditional Skills in Arts, Resources and Goods” to be launched.
- An additional amount of ₹ 100 crores for Modernization of Madarsas.
Agriculture

- Government to establish two more Agricultural Research Institute of excellence in Assam and Jharkhand with an initial sum of ₹ 100 crore.

- An amount of ₹ 100 crores set aside for “Agri-tech Infrastructure Fund”.

- ₹ 200 crore provided to open Agriculture Universities in Andhra Pradesh and Rajasthan and Horticulture Universities in Telangana and Haryana.

- A scheme to provide every farmer a soil health card in a Mission mode will be launched. ₹ 100 crore has been provided for this purpose and additional ₹ 56 crores to set up 100 Mobile Soil Testing Laboratories across the country.

- To meet the vagaries of climate change a “National Adaptation Fund” with an initial sum an amount of ₹ 100 crore will be set up.

- A sustainable growth of 4% in Agriculture will be achieved.

- Technology driven second green revolution with focus on higher productivity and including “Protein revolution” will be area of major focus.

- To mitigate the risk of Price volatility in the agriculture produce, a sum of ₹ 500 crore is provided for establishing a “Price Stabilization Fund”.

- Central Government to work closely with the State Governments to re-orient their respective APMC Acts.

- Sum of ₹ 50 crores provided for the development of indigenous cattle breeds and an equal amount for starting a blue revolution in inland fisheries.

- Transformation plan to invigorate the warehousing sector and significantly improve post-harvest lending to farmers.

Agriculture Credit

- To provide institutional finance to landless farmers, it is proposed to provide finance to 5 lakh joint farming groups of “Bhoomi Heen Kisan” through NABARD.

- A target of ₹ 8 lakh crore has been set for agriculture credit during 2014-15.

- Corpus of Rural Infrastructure Development Fund (RIDF) raised by an additional ₹ 5000 crores from the target given in the Interim Budget to ₹ 25000 crores.

- Allocation of ₹ 5,000 crore provided for the Warehouse Infrastructure Fund.

- “Long Term Rural Credit Fund” to set up for the purpose of providing refinance support to Cooperative Banks and Regional Rural Banks with an initial corpus of ₹ 5,000 crore.
Amount of ₹ 50,000 crore allocated for Short Term Cooperative Rural Credit.

Sum of ₹ 200 crore for NABARD’s Producers Development and Upliftment Corpus (PRODUCE) for building 2,000 producers organizations over the next two years.

**Food Security**

- Restructuring FCI, reducing transportation and distribution losses and efficacy of PDS to be taken up on priority.
- Government committed to provide wheat and rice at reasonable prices to the weaker sections of the society.
- Government when required will undertake open market sales to keep prices under control.

**INDUSTRY**

- Central Government Departments and Ministries to integrate their services with the e-Biz -a single window IT platform- for services on priority by 31 December this year.
- ₹ 100 crore provided for setting up a National Industrial Corridor Authority.
- Amritsar Kolkata Industrial master planning to be completed expeditiously.
- Master planning of 3 new smart cities in the Chennai-Bengaluru Industrial Corridor region, viz., Ponneri in Tamil Nadu, Krishnapatnam in Andhra Pradesh and Tumkur in Karnataka to be completed.
- Perspective plan for the Bengaluru Mumbai Economic corridor (BMEC) and Vizag-Chennai corridor to be completed with the provision for 20 new industrial clusters.
- Development of industrial corridors with emphasis on Smart Cities linked to transport connectivity to spur growth in manufacturing and urbanization will be accelerated.
- Proposed to establish an Export promotion Mission to bring all stakeholders under one umbrella.
- Apprenticeship Act to be suitably amended to make it more responsive to industry and youth.

**Micro Small and Medium Enterprises (MSME) Sector**

- Skill India to be launched to skill the youth with an emphasis on employability and entrepreneur skills.
- Committee to examine the financial architecture for MSME Sector, remove bottlenecks and create new rules and structures to be set up and give concrete suggestions in three months.
Fund of Funds with a corpus of ₹10,000 crore for providing equity through venture capital funds, quasi equity, soft loans and other risk capital specially to encourage new startups by youth to be set up.

Corpus of ₹200 crore to be set up to establish Technology Centre Network.

Definition of MSME to be reviewed to provide for a higher capital ceiling.

Programme to facilitate forward and backward linkages with multiple value chain of manufacturing and service delivery to be put in place.

Entrepreneur friendly legal bankruptcy framework will be developed for SMEs to enable easy exit.

A nationwide “District level Incubation and Accelerator Programme” to be taken up for incubation of new ideas and necessary support for accelerating entrepreneurship.

Textiles

₹50 crore is provided to set up a Trade Facilitation Centre and a Crafts Museum to develop and promote handloom products and carry forward the rich tradition of handlooms of Varanasi.

Sum of ₹500 crore for developing a Textile mega-cluster at Varanasi and six more at Bareilly, Lucknow, Surat, Kutch, Bhagalpur and Mysore.

₹20 crore to set up a Hastkala Academy for the preservation, revival, and documentation of the handloom/handicraft sector in PPP mode in Delhi.

₹50 crore is provided to start a Pashmina Promotion Programme (P-3) and development of other crafts of Jammu & Kashmir.

INFRASTRUCTURE

An institution to provide support to mainstreaming PPPPs called 4PIndia to be set up with a corpus of ₹500 crores.

Shipping

₹11635 crore will be allocated for the development of Outer Harbour Project in Tuticorin for phase I.

SEZs will be developed in Kandla and JNPT.

Comprehensive policy to be announced to promote Indian ship building industry.
Inland Navigation

- Project on Ganges called ‘Jal Marg Vikas’ to be developed between Allahabad and Haldia.

New Airports

- Scheme for development of new airports in Tier I and Tier II Cities to be launched.

Roads sector

- Sector needs huge amount of investment along with debottlenecking from maze of clearances.

- An investment of an amount of ₹37,880 crores in NHAI and State Roads is proposed which includes ₹3000 crores for the North East.

- Target of NH construction of 8500 km will be achieved in current financial year.

- Work on select expressways in parallel to the development of the Industrial Corridors will be initiated. For project preparation NHAI shall set aside a sum of ₹500 crore.

Energy

- ₹100 crore is allocated for a new scheme “Ultra-Modern Super Critical Coal Based Thermal Power Technology.”

- Comprehensive measures for enhancing domestic coal production are being put in place.

- Adequate quantity of coal will be provided to power plants which are already commissioned or would be commissioned by March 2015.

- An exercise to rationalize coal linkages to optimize transport of coal and reduce cost of power is underway.

New & Renewable Energy

- ₹500 crores provided for Ultra Mega Solar Power Projects in Rajasthan, Gujarat, Tamil Nadu, Andhra Pradesh and Laddakh.

- ₹400 crores provided for a scheme for solar power driven agricultural pump sets and water pumping stations.

- ₹100 crore provided for the development of 1 MW Solar Parks on the banks of canals.

- A Green Energy Corridor Project is being implemented to facilitate evacuation of renewable energy across the country.
Petroleum & Natural Gas

- Production and exploitation of Coal Bed Methane reserves will be accelerated.
- Possibility of using modern technology to revive old or closed wells to be explored.
- Usage of PNG to be rapidly scaled up in a Mission mode.
- Proposal to develop pipelines using appropriate PPP models.

Mining

- Changes, if necessary, in the MMDR Act, 1957 to be introduced to encourage investment in mining sector and promote sustainable mining practices.

FINANCIAL SECTOR

Capital Market

- Ongoing process of consultations with all the stakeholders on the enactment of the Indian Financial Code and reports of the Financial Sector Legislative Reforms Commission (FSLRC) to be completed.
- Government in close consultation with the RBI to put in place a modern monetary policy framework.
- Following measures will be taken to energize Capital markets:
  - Introduction of uniform KYC norms and inter-usability of the KYC records across the entire financial sector.
  - Introduce one single operating demat account
  - Uniform tax treatment for pension fund and mutual fund linked retirement plan

BANKING AND INSURANCE SECTOR

Banking

- Time bound programme as Financial Inclusion Mission to be launched on 15 August this year with focus on the weaker sections of the society.
- Banks to be encouraged to extend long term loans to infrastructure sector with flexible structuring.
- Banks to be permitted to raise long term funds for lending to infrastructure sector with minimum regulatory pre-emption such as CRR, SLR and Priority Sector Lending (PSL).
RBI to create a framework for licensing small banks and other differentiated banks.

Differentiated banks serving niche interests, local area banks, payment banks etc. are contemplated to meet credit and remittance needs of small businesses, unorganized sector, low income households, farmers and migrant work force.

Six new Debt Recovery Tribunals to be set up.

For venture capital in the MSME sector, a ₹ 10,000 crore fund to act as a catalyst to attract private Capital by way of providing equity, quasi equity, soft loans and other risk capital for start-up companies with suitable tax incentives to participating private funds to be established.

**Insurance Sector**

The pending insurance laws (amendment) Bill to be immediately brought for consideration of the Parliament.

The regulatory gap under the Prize Chits and Money Circulation Scheme (Banking) Act, 1978 will be bridged.

**Small Savings**

Kissan Vikas Patra (KVP) to be reintroduced.

A special small savings instrument to cater to the requirements of educating and marriage of the Girl Child to be introduced.

A National Savings Certificate with insurance cover to provide additional benefits for the small saver.

In the PPF Scheme, annual ceiling will be enhanced to ₹ 1.5 lakh p.a. from ₹ 1 lakh at present.

**DEFENCE & INTERNAL SECURITY**

A further sum of ₹ 1000 crore to meet requirement for “One Rank One Pension”.

Capital outlay for Defence increased by ₹ 5000 crore including a sum of ₹ 1000 crore for accelerating the development of the Railway system in the border areas.

Urgent steps would also be taken to streamline the procurement process to make it speedy and more efficient.

₹ 100 crore is provided for construction of a war memorial in the Princes Park, which will be supplemented by a War Museum. I am allocating a sum of ₹ 100 crore for this purpose.

₹ 100 crore is provided to set up a Technology Development Fund for Defence.
**Internal Security**

- ₹ 3000 crore is provided in the current financial year for modernization of state police forces.
- Adequate allocation for Additional Central Assistance for Left Wing Extremist Affected districts.
- ₹ 2250 crore provided to strengthen and modernize border infrastructure.
- ₹ 990 crore allocated for the socio economic development of the villages along the borders.
- A sum of ₹ 150 crore ear-marked for the construction of Marine Police Station, Jetties and for the purchase of boats etc.
- ₹ 50 crores provided for construction of National Police Memorial.

**CULTURE & TOURISM**

- ₹ 200 crore provided to build the Statue of unity (National project).
- Facility of Electronic Travel Authorization (e-Visa) to be introduced in phased manner at nine airports in India.
- Countries to which the Electronic Travel authorisation facility would be extended would be identified in a phased manner.
- ₹ 500 crore provided for developing 5 tourist circuits around specific themes.
- ₹ 100 crore provided for National Mission on Pilgrimage Rejuvenation and Spiritual Augmentation Drive (PRASAD).
- ₹ 200 crore provided for National Heritage City Development and Augmentation Yojana (HRIDAY).
- ₹ 100 crore provided for Archaeological sites preservation.
- Sarnath-Gaya-Varanasi Buddhist circuit to be developed with world class tourist amenities to attract tourists from all over the world.

**Water Resources and cleaning of Ganga**

- ₹ 100 crore provided for Detailed Project Reports for linking of rivers.
- ₹ 2037 crores provided for Integrated Ganga Conservation Mission “NAMAMI GANGE”.
- ₹ 100 crore provided for Ghat development and beautification at Kedarnath, Haridwar, Kanpur, Varanasi, Allahabad, Patna and Delhi.

- NRI Fund for Ganga will be set up.

**Science and Technology**

- Government to strengthen at least five institutions as Technical Research Centres.

- Development of Biotech clusters in Faridabad and Bengaluru.

- Nascent agri-biotech cluster in Mohali to be scaled up. In addition, two new clusters, in Pune and Kolkata to be established.

- Global partnerships will be developed under India’s leadership to transform the Delhi component of the International Centre for Genetic Engineering and Biotechnology (ICGEB) into a world-leader in life sciences and biotechnology.

- Several major space missions planned for 2014-15.

**Sports and Youth Affairs**

- ₹ 200 crore provided for upgrading the indoor and outdoor sports stadiums in Jammu and Kashmir Valley to international standards.

- ₹ 100 crore provided for sports university in Manipur.

- India to start an annual event to promote Unique sports traditions in the Himalayan region games.

- ₹ 100 crore provided for the training of sports women and men for forthcoming Asian games.

- A “Young Leaders Programme” with an initial allocation of ₹ 100 crore to be set up.

**North Eastern States**

- ₹ 100 crore provided for development of organic farming in North Eastern States.

- ₹ 1000 crore provided for development of rail connectivity in the North Eastern Region.

- To provide a strong platform to rich cultural and linguistic identity of the North-East, a new 24x7 channel called “Arun Prabha” will be launched.

**Andhra Pradesh and Telangana**

- Government committed to addressing the issues relating to development of Andhra Pradesh and Telangana in the AP Re-organization Act, 2014. Provision made by various Ministries/Departments to fulfill the obligation of Union Government.
NCT of Delhi

- ₹ 200 crore for power reforms and ₹ 500 crore for water reforms to make Delhi a truly World Class City.
- ₹ 50 crore provided to solve the long term water supply issues to the capital region. Construction of long pending Renuka Dam to be taken up on priority.

Andaman and Nicobar Island and Puducherry

- ₹ 150 crore provided to tide over communication related problems of the Island.
- ₹ 188 crore to Puducherry for meeting commitments for Disaster preparedness.

Displaced Kashmiri Migrants

- ₹ 500 crore provided to support displaced Kashmiri migrants for rebuilding their lives.

Himalayan Studies

- ₹ 100 crore provided to set up a National Centre for Himalayan Studies in Uttarakhand.

BUDGET ESTIMATES

- Mandate to be fulfilled without compromising fiscal consolidation.
- Non-plan Expenditure of ₹ 12,19,892 crore with additional provision for fertilizer subsidy and Capital expenditure for Armed forces.
- ₹ 5,75,000 crore Plan expenditure – increase of 26.9 per cent over actuals of 2013-14.
- Plan increase targeted towards Agriculture, capacity creation in Health and Education, Rural Roads and National Highways Infrastructure, Railways network expansion, clean energy initiatives, development of water resources and river conservation plans.
- Total expenditure of ₹ 17,94,892 crore estimated.
- Gross Tax receipts of ₹ 13,64,524 crore estimated.
- Net to centre of ₹ 9,77,258 crore estimated.
- Fiscal deficit of 4.1% of GDP and Revenue deficit of 2.9% estimated.
- New Statement to separately show plan allocation made for North Eastern Region. Allocation of ₹ 53,706 crore for North East Regions.
Allocation of ₹ 50,548 crore under SCSP and ₹ 32,387 under TSP.

Allocation for women at ₹ 98,030 crore and for children at ₹ 81,075 crore.

**TAX PROPOSALS**


- Measures to revive the economy, promote investment in manufacturing, rationalize tax provisions to reduce litigation, address the problem of inverted duty structure in certain areas. Tax reliefs to individual tax payers.

**DIRECT TAXES PROPOSALS**

- Personal Income-tax exemption limit raised by ₹ 50,000/- that is, from ₹ 2 lakh to ₹ 2.5 lakh in the case of individual taxpayers, below the age of 60 years. Exemption limit raised from ₹ 2.5 lakh to ₹ 3 lakh in the case of senior citizens.

- No change in the rate of surcharge either for the corporates or the individuals, HUFs, firms etc.

- The education cess to continue at 3 percent.

- Investment limit under section 80C of the Income-tax Act raised from ₹ 1 lakh to ₹ 1.5 lakh.

- Deduction limit on account of interest on loan in respect of self occupied house property raised from ₹ 1.5 lakh to ₹ 2 lakh.

- Conducive tax regime to Infrastructure Investment Trusts and Real Estate Investment Trusts to be set up in accordance with regulations of the Securities and Exchange Board of India.

- Investment allowance at the rate of 15 percent to a manufacturing company that invests more than ₹ 25 crore in any year in new plant and machinery. The benefit to be available for three years i.e. for investments upto 31.03.2017.

- Investment linked deduction extended to two new sectors, namely, slurry pipelines for the transportation of iron ore, and semi-conductor wafer fabrication manufacturing units.

- 10 year tax holiday extended to the undertakings which begin generation, distribution and transmission of power by 31.03.2017.

- Income arising to foreign portfolio investors from transaction in securities to be treated as capital gains.
Concessional rate of 15 percent on foreign dividends without any sunset date to be continued.

The eligible date of borrowing in foreign currency extended from 30.06.2015 to 30.06.2017 for a concessional tax rate of 5 percent on interest payments. Tax incentive extended to all types of bonds instead of only infrastructure bonds.

Introduction of a “Roll Back” provision in the Advanced Pricing Agreement (APA) scheme so that an APA entered into for future transactions is also applicable to international transactions undertaken in previous four years in specified circumstances.

Introduction of range concept for determination of arm’s length price in transfer pricing regulations.

To allow use of multiple year data for comparability analysis under transfer pricing regulations.

To remove tax arbitrage, rate of tax on long term capital gains increased from 10 percent to 20 percent on transfer of units of Mutual Funds, other than equity oriented funds.

Income and dividend distribution tax to be levied on gross amount instead of amount paid net of taxes.

In case of non deduction of tax on payments, 30% of such payments will be disallowed instead of 100 percent.

Government to review the DTC in its present shape and take a view in the whole matter.

60 more Ayakar Seva Kendras to be opened during the current financial year to promote excellence in service delivery.

Net Effect of the direct tax proposals to result in revenue loss of ₹22,200 crore.

INDIRECT TAXES PROPOSALS

To boost domestic manufacture and to address the issue of inverted duties, basic customs duty (BCD) reduced on certain items.

To encourage new investment and capacity addition in the chemicals and petrochemicals sector, basic customs duty reduced on certain items.

Steps taken to boost domestic production of electronic items and reduce our dependence on imports. These include imposition of basic customs duty on certain items falling outside the purview of IT Agreement, exemption from SAD on inputs/components for PC manufacturing, imposition of education cess on imported electronic products for parity etc.

Colour picture tubes exempted from basic customs duty to make cathode ray TVs cheaper and more affordable to weaker sections.
To encourage production of LCD and LED TVs below 19 inches in India, basic customs duty on LCD and LED TV panels of below 19 inches reduced from 10 percent to Nil.

To give an impetus to the stainless steel industry, increase in basic customs duty on imported flat-rolled products of stainless steel from 5 percent to 7.5 percent.

Concessional basic customs duty of 5 percent extended to machinery and equipment required for setting up of a project for solar energy production.

Specified inputs for use in the manufacture of EVA sheets and back sheets and flat copper wire for the manufacture of PV ribbons exempted from basic customs duty.

Reduction in basic customs duty from 10 percent to 5 percent on forged steel rings used in the manufacture of bearings of wind operated electricity generators. Exemption from SAD of 4 percent on parts and raw materials required for the manufacture of wind operated generators.

Concessional basic customs duty of 5 percent on machinery and equipment required for setting up of compressed biogas plants (Bio-CNG).

Anthracite coal, bituminous coal, coking coal, steam coal and other coal to attract 2.5 per cent basic customs duty and 2 per cent CVD to eliminate all assessment disputes and transaction costs associated with testing of various parameters of coal.

Basic customs duty on metallurgical coke increased from Nil to 2.5 percent in line with the duty on coking coal.

Duty on ship breaking scrap and melting scrap of iron or steel rationalized by reducing the basic customs duty on ships imported for breaking up from 5 percent to 2.5 percent.

To prevent mis-use and avoid assessment disputes, basic customs duty on semi-processed, half cut or broken diamonds, cut and polished diamonds and coloured gemstones rationalized at 2.5 percent.

To encourage exports, pre-forms of precious and semi-precious stones exempted from basic customs duty.

Duty free entitlement for import of trimmings, embellishments and other specified items increased from 3 percent to 5 percent of the value of their export, for readymade garments.

Export duty on bauxite increased from 10 percent to 20 percent.

For passenger facilitation, free baggage allowance increased from ₹.35,000 to ₹.45,000.

To incentivize expansion of processing capacity, reduction in excise duty on specified food processing and packaging machinery from 10 percent to 6 percent.

Reduction in the excise duty from 12 percent to 6 percent on footwear of retail price exceeding ₹ 500 per pair but not exceeding ₹ 1,000 per pair.

Withdraw concessional excise duty (2 percent without Cenvat benefit and 6 percent with Cenvat benefit) on smart cards and a uniform excise duty at 12 percent.
To develop renewable energy, various items exempted from excise duty.

Exemption to PSF and PFY manufactured from plastic waste and scrap including PET bottles from excise duty with effect from 29th June, 2010 to 7th May, 2012.

Prospective levy of a nominal duty of 2 percent without Cenvat benefit and 6 percent with Cenvat benefit on such PSF and PFY.

Concessional excise duty of 2 percent without Cenvat benefit and 6 percent with Cenvat benefit on sports gloves.

Specific rates of excise duty increased on cigarettes in the range of 11 per cent to 72 per cent.

Excise duty increased from 12 percent to 16 percent on pan masala, from 50 percent to 55 percent on unmanufactured tobacco and from 60 percent to 70 percent on gutkha and chewing tobacco.

Levy of an additional duty of excise at 5 percent on aerated waters containing added sugar.

To finance Clean Environment initiatives, Clean Energy Cess increased from ₹.50 per tonne to ₹.100 per tonne.

Service tax.

To broaden the tax base in Service Tax, sale of space or time for advertisements in broadcast media, extended to cover such sales on other segments like online and mobile advertising. Sale of space for advertisements in print media however would remain excluded from service tax. Service provided by radio-taxis brought under service tax.

Services by air-conditioned contract carriages and technical testing of newly developed drugs on human participants brought under service tax.

Provision of services rules to be amended and tax incidence to be reduced on transport of goods through coastal vessels to promote Indian Shipping industry.

Services provided by Indian tour operators to foreign tourists in relation to a tour wholly conducted outside India to be taken out of the tax net and Cenvat credit for services of rent-a-cab and tour operators to be allowed to promote tourism.

Service tax exempted on loading, unloading, storage, warehousing and transportation of cotton, whether ginned or baled.

Services provided by the Employees’ State Insurance Corporation for the period prior to 1st July 2012 exempted, from service tax.

Exemption available for specified micro insurance schemes expanded to cover all life micro-insurance schemes where the sum assured does not exceed ₹.50,000 per life insured.
For safe disposal of medical and clinical wastes, services provided by common bio-
medical waste treatment facilities exempted.

Tax proposals on the indirect taxes side are estimated to yield ₹.7525 crore.

24X7 customs clearance facility extended to 13 more airports in respect of all export
goods and to 14 more sea ports in respect of specified import and export goods to
facilitate cargo clearance.

‘Indian Customs Single Window Project’ to facilitate trade, to be implemented.

The scheme of Advance Ruling in indirect taxes to be expanded to cover resident
private limited companies. The scope of Settlement Commission to be enlarged to
facilitate quick dispute resolution.

Customs and Central Excise Acts to be amended to expedite the process of disposal
of appeals.
THE FINANCE (No. 2) BILL, 2014

(AS INTRODUCED IN LOK SABHA)

* Source: indiabudget.nic.in
THE FINANCE (No.2) BILL, 2014

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THE NINTH SCHEDULE.
THE FINANCE (No. 2) BILL, 2014

A BILL
to give effect to the financial proposals of the Central Government for the financial year 2014-2015.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the Finance (No. 2) Act, 2014.

(2) Save as otherwise provided in this Act, sections 2 to 71 shall be deemed to have come into force on the 1st day of April, 2014.

CHAPTER II
RATES OF INCOME-TAX

2. (1) Subject to the provisions of sub-sections (2) and (3), for the assessment year commencing on

the 1st day of April, 2014, income-tax shall be charged at the rates specified in Part I of the First Schedule and such tax shall be increased by a surcharge, for purposes of the Union, calculated in each case in the manner provided therein.

(2) In the cases to which Paragraph A of Part I of the First Schedule applies, where the assessee has, in the previous year, any net agricultural income exceeding five thousand rupees, in addition to total income, and the total income exceeds two lakh rupees, then,—

(a) the net agricultural income shall be taken into account, in the manner provided in clause (b) [that is to say, as if the net agricultural income were comprised in the total income after the first two lakh rupees of the total income but without being liable to tax], only for the purpose of charging income-tax in respect of the total income; and

(b) the income-tax chargeable shall be calculated as follows:—

(i) the total income and the net agricultural income shall be aggregated and the amount of income-tax shall be determined in respect of the aggregate income at the rates specified in the said Paragraph A, as if such aggregate income were the total income;

(ii) the net agricultural income shall be increased by a sum of two lakh rupees, and the amount of income-tax shall be determined in respect of the net agricultural income as so increased at the rates specified in the said Paragraph A, as if the net agricultural income as so increased were the total income;

(iii) the amount of income-tax determined in accordance with sub-clause (i) shall be reduced by the amount of income-tax determined in accordance with sub-clause (ii) and the sum so arrived at shall be the income-tax in respect of the total income:

Provided that in the case of every individual, being a resident in India, who is of the age of sixty years or more but less than eighty years at any time during the previous year, referred to in item (II) of Paragraph A of Part I of the First Schedule, the provisions of this sub-section shall have effect as if for the words “two lakh rupees”, the words “two lakh fifty thousand rupees” had been substituted:

Provided further that in the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year, referred to in item (III) of Paragraph A of Part I of the First Schedule, the provisions of this sub-section shall have effect as if for the words “two lakh rupees”, the words “five lakh rupees” had been substituted:

(3) In cases to which the provisions of Chapter XII or Chapter XII-A or section 115JB or section 115JC or sub-section (1A) of section 161 or section 164 or section 164A or section 167B of the
Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act) apply, the tax chargeable shall be determined as provided in that Chapter or that section, and with reference to the rates imposed by sub-section (1) or the rates as specified in that Chapter or section, as the case may be:

Provided that the amount of income-tax computed in accordance with the provisions of section 111A or section 112 of the Income-tax Act, shall be increased by a surcharge, for purposes of the Union, as provided in Paragraph A, B, C, D or E, as the case may be, of Part I of the First Schedule:

Provided further that in respect of any income chargeable to tax under section 115A, 115AB, 115AC, 115ACA, 115AD, 115B, 115BB, 115BBA, 115BBC, 115BBD, 115BBE, 115E, 115JB or 115JC of the Income-tax Act, the amount of income-tax computed under this sub-section shall be increased by a surcharge, for purposes of the Union, calculated,—

(a) in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, or co-operative society or firm or local authority, at the rate of ten per cent. of such income-tax, where the total income exceeds one crore rupees;

(b) in the case of every domestic company,—

(i) at the rate of five per cent. of such income-tax, where the total income exceeds one crore rupees but does not exceed ten crore rupees;

(ii) at the rate of ten per cent. of such income-tax, where the total income exceeds ten crore rupees;

(c) in the case of every company, other than a domestic company,—

(i) at the rate of two per cent. of such income-tax, where the total income exceeds one crore rupees but does not exceed ten crore rupees;

(ii) at the rate of five per cent. of such income-tax, where the total income exceeds ten crore rupees:

Provided also that in the case of persons mentioned in (a) above, having total income chargeable to tax under section 115JC of the Income-tax Act and such income exceeds one crore rupees, the total amount payable as income-tax on such income and surcharge thereon shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided also that in the case of every company having total income chargeable to tax under section 115JB of the Income-tax Act, and such income exceeds one crore rupees but does not exceed ten crore rupees, the total amount payable as income-tax on such income and surcharge thereon, shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided also that in the case of every company having total income chargeable to tax under section 115JB of the Income-tax Act, and such income exceeds ten crore rupees, the total amount payable as income-tax on such income and surcharge thereon, shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds ten crore rupees:

(4) In cases in which tax has to be charged and paid under section 115-O or section 115QA or sub-section (2) of section 115R or section 115TA of the Income-tax Act, the tax shall be charged and paid at the rates as specified in those sections and shall be increased by a surcharge, for purposes of the Union, calculated at the rate of ten per cent. of such tax.

(5) In cases in which tax has to be deducted under sections 193, 194, 194A, 194B, 194BB, 194D and 195 of the Income-tax Act, at the rates in force, the deductions shall be made at the rates specified in Part II of the First Schedule and shall be increased by a surcharge, for purposes of the Union, calculated in cases wherever prescribed, in the manner provided therein.

(6) In cases in which tax has to be deducted under sections 194C, 194DA, 194E, 194EE, 194F, 194G, 194H, 194-I, 194-IA, 194J, 194LA, 194LB, 194LBA, 194LC, 194LD, 196B, 196C and 196D of the Income-tax Act, the deductions shall be made at the rates specified in those sections and shall be increased by a surcharge, for purposes of the Union,—

(a) in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, or co-operative society or firm, being a non-resident, calculated at the rate of ten per cent. of such tax, where the income or the
aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds one crore rupees;

(b) in the case of every company, other than a domestic company, calculated,—

(i) at the rate of two per cent. of such tax, where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds one crore rupees but does not exceed ten crore rupees;

(ii) at the rate of five per cent. of such tax, where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds ten crore rupees.

(7) In cases in which tax has to be collected under the proviso to section 194B of the Income-tax Act, the collection shall be made at the rates specified in Part II of the First Schedule, and shall be increased by a surcharge, for purposes of the Union, calculated, in cases wherever prescribed, in the manner provided therein.

(8) In cases in which tax has to be collected under section 206C of the Income-tax Act, the collection shall be made at the rates specified in that section and shall be increased by a surcharge, for purposes of the Union,—

(a) in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, or co-operative society or firm, being a non-resident, calculated at the rate of ten per cent. of such tax, where the amount or the aggregate of such amounts collected and subject to the collection exceeds one crore rupees;

(b) in the case of every company, other than a domestic company, calculated—

(i) at the rate of two per cent. of such tax, where the amount or the aggregate of such amounts collected and subject to the collection exceeds one crore rupees but does not exceed ten crore rupees;

(ii) at the rate of five per cent. of such tax, where the amount or the aggregate of such amounts collected and subject to the collection exceeds ten crore rupees.

(9) Subject to the provisions of sub-section (10), in cases in which income-tax has to be charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 174A or section 175 or sub-section (2) of section 176 of the Income-tax Act or deducted from, or paid on, income chargeable under the head “Salaries” under section 192 of the said Act or in which the “advance tax” payable under Chapter XVII-C of the said Act has to be computed at the rate or rates in force, such income-tax or, as the case may be, “advance tax” shall be computed with reference to the rates imposed by this sub-section or the rates as specified in that Chapter or section, as the case may be:

Provided that in cases to which the provisions of Chapter XII or Chapter XII-A or section 115JB or section 115JC or Chapter XII-FA or sub-section (1A) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act apply, “advance tax” shall be computed with reference to the rates specified in Part III of the First Schedule and such tax shall be increased by a surcharge, for purposes of the Union, calculated in such cases and in such manner as provided therein:

Provided further that the amount of “advance tax” computed in accordance with the provisions of section 111A or section 112 of the Income-tax Act shall be increased by a surcharge, for purposes of the Union, as provided in Paragraph A, B, C, D or E, as the case may be, of Part III of the First Schedule:

Provided also that in respect of any income chargeable to tax under sections 115A, 115AB, 115AC, 115ACA, 115AD, 115B, 115BB, 115BBA, 115BBC, 115BBD, 115BBE, 115E, 115JB and 115JC of the Income-tax Act, “advance tax” computed under the first proviso shall be increased by a surcharge, for purposes of the Union, calculated,—

(a) in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, or co-operative society or firm or local authority, calculated at the rate of ten per cent. of such “advance tax”, where the total income exceeds one crore rupees;

(b) in the case of every domestic company, calculated—

(i) at the rate of five per cent. of such “advance tax”, where the total income exceeds one crore rupees but does not exceed ten crore rupees;
(ii) at the rate of ten per cent. of such “advance tax”, where the total income exceeds ten crore rupees;

(c) in the case of every company, other than a domestic company, calculated—

(i) at the rate of two per cent. of such “advance tax”, where the total income exceeds one crore rupees but does not exceed ten crore rupees;

(ii) at the rate of five per cent. of such “advance tax”, where the total income exceeds ten crore rupees:

Provided also that in the case of persons mentioned in (a) above, having total income chargeable to tax under section 115JC of the Income-tax Act and such income exceeds one crore rupees but does not exceed ten crore rupees, the total amount payable as “advance tax” on such income and surcharge thereon shall not exceed the total amount payable as “advance tax” on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided also that in the case of every company having total income chargeable to tax under section 115JB of the Income-tax Act, and such income exceeds one crore rupees but does not exceed ten crore rupees, the total amount payable as “advance tax” on such income and surcharge thereon shall not exceed the total amount payable as “advance tax” on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided also that in the case of every company having total income chargeable to tax under section 115JB of the Income-tax Act, and such income exceeds ten crore rupees, the total amount payable as “advance tax” on such income and surcharge thereon, shall not exceed the total amount payable as “advance tax” and surcharge on a total income of ten crore rupees by more than the amount of income that exceeds ten crore rupees.

In cases to which Paragraph A of Part III of the First Schedule applies, where the assessee has, in the previous year or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than the previous year, in such other period, any net agricultural income exceeding five thousand rupees, in addition to total income and the total income exceeds two lakh fifty thousand rupees, then, in charging income-tax under sub-section (2) of section 174 or section 174A or section 175 or sub-section (2) of section 176 of the said Act or in computing the “advance tax” payable under Chapter XVII-C of the said Act, at the rate or rates in force,—

(a) the net agricultural income shall be taken into account, in the manner provided in clause (b) [that is to say, as if the net agricultural income were comprised in the total income after the first two lakh fifty thousand rupees of the total income but without being liable to tax], only for the purpose of charging or computing such income-tax or, as the case may be, “advance tax” in respect of the total income; and

(b) such income-tax or, as the case may be, “advance tax” shall be so charged or computed as follows:—

(i) the total income and the net agricultural income shall be aggregated and the amount of income-tax or “advance tax” shall be determined in respect of the aggregate income at the rates specified in the said Paragraph A, as if such aggregate income were the total income;

(ii) the net agricultural income shall be increased by a sum of two lakh fifty thousand rupees, and the amount of income-tax or “advance tax” shall be determined in respect of the net agricultural income as so increased at the rates specified in the said Paragraph A, as if the net agricultural income were the total income;

(iii) the amount of income-tax or “advance tax” determined in accordance with sub-clause (i) shall be reduced by the amount of income-tax or, as the case may be, “advance tax” determined in accordance with sub-clause (ii) and the sum so arrived at shall be the income-tax or, as the case may be, “advance tax” in respect of the total income:

Provided that in the case of every individual, being a resident in India, who is of the age of sixty years or more but less than eighty years at any time during the previous year, referred to in item (II) of Paragraph A of Part III of the First Schedule, the provisions of this sub-section shall have effect as if for the words “two lakh fifty thousand rupees”, the words “three lakh rupees” had been substituted:

Provided further that in the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year, referred to in item (III) of Paragraph A of Part III of the First Schedule, the provisions of this sub-section shall have effect as if for the words “two lakh fifty thousand rupees”, the words “five lakh rupees” had been substituted:
Provided also that the amount of income-tax or “advance tax” so arrived at, shall be increased by a surcharge for purposes of the Union calculated in each case, in the manner provided therein.

(11) The amount of income-tax as specified in sub-sections (1) to (10) and as increased by the applicable surcharge, for purposes of the Union, calculated in the manner provided therein, shall be further increased by an additional surcharge, for purposes of the Union, to be called the “Education Cess on income-tax”, calculated at the rate of two per cent. of such income-tax and surcharge so as to fulfil the commitment of the Government to provide and finance universalised quality basic education:

Provided that nothing contained in this sub-section shall apply to cases in which tax is to be deducted or collected under the sections of the Income-tax Act mentioned in sub-sections (5), (6), (7) and (8), if the income subjected to deduction of tax at source or collection of tax at source is paid to a domestic company and any other person who is resident in India.

(12) The amount of income-tax as specified in sub-sections (1) to (10) and as increased by the applicable surcharge, for purposes of the Union, calculated in the manner provided therein, shall also be increased by an additional surcharge, for purposes of the Union, to be called the “Secondary and Higher Education Cess on income-tax”, calculated at the rate of one per cent. of such income-tax and surcharge so as to fulfil the commitment of the Government to provide and finance secondary and higher education:

Provided that nothing contained in this sub-section shall apply to cases in which tax is to be deducted or collected under the sections of the Income-tax Act mentioned in sub-sections (5), (6), (7) and (8), if the income subjected to deduction of tax at source or collection of tax at source is paid to a domestic company and any other person who is resident in India.

(13) For the purposes of this section and the First Schedule,—

(a) “domestic company” means an Indian company or any other company which, in respect of its income liable to income-tax under the Income-tax Act, for the assessment year commencing on the 1st day of April, 2014, 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;

(b) “insurance commission” means any remuneration or reward, whether by way of commission or otherwise, for soliciting or procuring insurance business (including business relating to the continuance, renewal or revival of policies of insurance);

(c) “net agricultural income”, in relation to a person, means the total amount of agricultural income, from whatever source derived, of that person computed in accordance with the rules contained in Part IV of the First Schedule;

(d) all other words and expressions used in this section and the First Schedule but not defined in this sub-section and defined in the Income-tax Act shall have the meanings, respectively, assigned to them in that Act.

CHAPTER III
DIRECT TAXES
Income-tax

3. In section 2 of the Income-tax Act,—

(I) after clause (13), the following clause shall be inserted with effect from the 1st day of October, 2014, namely:—

“(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 Exchange Board of India Act, 1992 and notified by the Central Government in this behalf;”;

(II) in clause (14), with effect from the 1st day of April, 2015,—

(A) for the words in the opening portion ‘ “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’, the following shall be substituted, namely:—

‘ “capital asset” means—

(a) property 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, but does not include—

(i) any stock-in-trade [other than the securities referred to in sub-clause (b)];

(B) the Explanation occurring at the end shall be numbered as “Explanation 1” thereof and after the Explanation as so numbered, the following Explanation shall be inserted, namely:—

‘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;’

(iii) for clause (15A), the following clause shall be substituted and shall be deemed to have been substituted with effect from the 1st day of June, 2013,—

‘(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;’

(iv) for clause (16), the following clause shall be substituted and shall be deemed to have been substituted with effect from the 1st day of June, 2013,—

‘(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;’

(v) for clause (21), the following clause shall be substituted and shall be deemed to have been substituted with effect from the 1st day of June, 2013,—

‘(21) “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;’

(vi) in clause (24), after sub-clause (xvi), the following sub-clause shall be inserted with effect from the 1st day of April, 2015, namely:—

“(xvii) any sum of money referred to in clause (ix) of sub-section (2) of section 56;”

(vii) after clause (34), the following clauses shall be inserted and shall be deemed to have been inserted with effect from the 1st day of June, 2013,—

‘(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;’

(viii) in clause (42A),—

(A) in the proviso, with effect from the 1st day of April, 2015,—

(i) for the words “a share held in a company or any other security listed in a recognised stock exchange in India”, the words and brackets “a security (other than a unit) listed in a recognised stock exchange in India” shall be substituted;

(ii) for the words, brackets, figures and letter “a unit of a Mutual Fund specified under clause (23D) of section 10”, the words “a unit of an equity oriented fund” shall be substituted;

(B) in the Explanation 1, in clause (i), after sub-clause (hb), the following sub-clause shall be inserted with effect from the 1st day of October, 2014, namely:—

“(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;’;
(C) after Explanation 3, the following Explanation shall be inserted with effect from the 1st day of April, 2015, namely:—

‘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;’.

4. In the Income-tax Act, save as otherwise expressly provided, and unless the context otherwise requires, the reference to any income-tax authority specified in column (1) of the Table below shall be substituted and shall be deemed to have been substituted with effect from the 1st day of June, 2013 by reference to the authority or authorities specified in the corresponding entry in column (2) of the said Table and such consequential changes as the rules of grammar may require shall be made:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>(1)</th>
<th>(2)</th>
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<tbody>
<tr>
<td>1.</td>
<td>Commissioner</td>
<td>Principal Commissioner or Commissioner</td>
</tr>
<tr>
<td>2.</td>
<td>Director</td>
<td>Principal Director or Director</td>
</tr>
<tr>
<td>3.</td>
<td>Chief Commissioner</td>
<td>Principal Chief Commissioner or Chief Commissioner</td>
</tr>
<tr>
<td>4.</td>
<td>Director General</td>
<td>Principal Director General or Director General</td>
</tr>
</tbody>
</table>

5. In section 10 of the Income-tax Act, with effect from the 1st day of April, 2015,—

(a) in clause (23C),—

(i) after sub-clause (iiiabic), the following Explanation shall be inserted, namely:—

‘Explanation.—For the purposes of sub-clauses (iiiabic) and (iiiadic), any university or other educational institution, hospital or other institution referred therein, shall be considered as being substantially financed by the Government for any previous year, if the Government grant to such university or other educational institution, hospital or other institution exceeds such percentage of the total receipts including any voluntary contributions, as may be prescribed, of such university or other educational institution, hospital or other institution, as the case may be, during the relevant previous year:’;

(ii) after the seventeenth proviso, the following proviso and the Explanation shall be inserted, namely:—

‘Provided also that where the fund or institution referred to in sub-clause (iv) or the trust or institution referred to in sub-clause (v) has been notified by the Central Government or approved by the prescribed authority, as the case may be, or any university or other educational institution referred to in sub-clause (vi) or any hospital or other medical institution referred to in sub-clause (vii), has been approved by the prescribed authority, and the notification or the approval is in force for any previous year, then, nothing contained in any other provision of this section [other than clause (1) thereof] shall operate to exclude any income received on behalf of such fund or trust or institution or university or other educational institution or hospital or other medical institution, as the case may be, from the total income of the person in receipt thereof for that previous year.

Explanation.—In this clause, where any income is required to be applied or accumulated, then, for such purpose the income shall be determined without any deduction or allowance by way of depreciation or otherwise in respect of any asset, acquisition of which has been claimed as an application of income under this clause in the same or any other previous year:’;

(b) after clause (23FB), the following clauses shall be inserted, namely:—

‘(23FC) any income of a business trust by way of interest received or receivable from a special purpose vehicle.

Explanation.—For the purposes of this clause, the expression “special purpose vehicle” means an Indian company in which the business trust holds controlling interest and any specific percentage of shareholding or interest, as may be required by the regulations under which such trust is granted registration;

(23FD) any distributed income, referred to in section 115UA, received by a unit holder from the business trust, not being that proportion of the income which is of the same nature as the income referred to in clause (23FC):’;
(c) in clause (38),—

(i) after the words “unit of an equity oriented fund”, the words “or a unit of a business trust” shall be inserted;

(ii) after the proviso but before the Explanation, the following proviso shall be inserted, namely:—

“Provided further that the provisions of this clause shall not apply in respect of any income arising from transfer of units of a business trust which were acquired in consideration of a transfer referred to in clause (xvii) of section 47.”.

6. In section 10AA of the Income-tax Act, after sub-section (9) but before the Explanation 1, the following sub-section shall be inserted with effect from the 1st day of April, 2015, namely:—

“(10) Where a deduction under this section is claimed and allowed in respect of profits of any of the specified business, referred to in clause (c) of sub-section (8) of section 35AD, for any assessment year, no deduction shall be allowed under the provisions of section 35AD in relation to such specified business for the same or any other assessment year.”.

7. In section 11 of the Income-tax Act, after sub-section (5), the following sub-sections shall be inserted with effect from the 1st day of April, 2015, namely:—

“(6) In this section where any income is required to be applied or accumulated or set apart for application, then, for such purposes the income shall be determined without any deduction or allowance by way of depreciation or otherwise in respect of any asset, acquisition of which has been claimed as an application of income under this section in the same or any other previous year.

(7) Where a trust or an institution has been granted registration under clause (b) of sub-section (1) of section 12AA or has obtained registration at any time under section 12A [as it stood before its amendment by the Finance (No. 2) Act, 1996] and the said registration is in force for any previous year, then, nothing contained in section 10 [other than clause (1) and clause (23C) thereof] shall operate to exclude any income derived from the property held under trust from the total income of the person in receipt thereof for that previous year.”.

8. In section 12A of the Income-tax Act, in sub-section (2), the following provisos shall be inserted with effect from the 1st day of October, 2014, namely:—

“Provided that where registration has been granted to the trust or institution under section 12AA, then, the provisions of sections 11 and 12 shall apply in respect of any income derived from property held under trust of any assessment year preceding the aforesaid assessment year, for which assessment proceedings are pending before the Assessing Officer as on the date of such registration and the objects and activities of such trust or institution remain the same for such preceding assessment year:

Provided further that no action under section 147 shall be taken by the Assessing Officer in case of such trust or institution for any assessment year preceding the aforesaid assessment year only for non-registration of such trust or institution for the said assessment year:

Provided also that provisions contained in the first and second proviso shall not apply in case of any trust or institution which was refused registration or the registration granted to it was cancelled at any time under section 12AA.”.

9. In section 12AA of the Income-tax Act, after sub-section (3), the following sub-section shall be inserted with effect from the 1st day of October, 2014, namely:—

“(4) Without prejudice to the provisions of sub-section (3), where a trust or an institution has been granted registration under clause (b) of sub-section (1) or has obtained registration at any time under section 12A [as it stood before its amendment by the Finance (No. 2) Act, 1996] and subsequently it is noticed that the activities of the trust or the institution are being carried out in a manner that the provisions of sections 11 and 12 do not apply to exclude either whole or any part of the income of such trust or institution due to operation of sub-section (1) of section 13, then, the Principal Commissioner or the Commissioner may by an order in writing cancel the registration of such trust or institution:

Provided that the registration shall not be cancelled under this sub-section, if the trust or institution proves that there was a reasonable cause for the activities to be carried out in the said manner.”.

10. In section 24 of the Income-tax Act, in clause (b), in the second proviso, for the words “one lakh fifty thousand rupees”, the words “two lakh rupees” shall be substituted with effect from the 1st day of April, 2015.
In section 32AC of the Income-tax Act, with effect from the 1st day of April, 2015,—

(i) after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) Where an assessee, being a company, engaged in the business of manufacture or production of any article or thing, acquires and installs new assets and the amount of actual cost of such new assets acquired and installed during any previous year exceeds twenty-five crore rupees, then, there shall be allowed a deduction of a sum equal to fifteen per cent. of the actual cost of such new assets for the assessment year relevant to that previous year.

Provided that no deduction under this sub-section shall be allowed for the assessment year commencing on the 1st day of April, 2015 to the assessee, which is eligible to claim deduction under sub-section (1) for the said assessment year.

(1B) No deduction under sub-section (1A) shall be allowed for any assessment year commencing on or after the 1st day of April, 2018.”;

(ii) in sub-section (2), after the words, brackets and figure “allowed under sub-section (1)”, the words, brackets, figure and letter “or sub-section (1A)” shall be inserted.

In section 35AD of the Income-tax Act, with effect from the 1st day of April, 2015,—

(a) in sub-section (3), after the words “no deduction shall be allowed under the provisions of”, the words, figures and letters “section 10AA and” shall be inserted;

(b) in sub-section (5),—

(i) in clause (ah), the word “and” occurring at the end, shall be omitted;

(ii) after clause (ah), the following clauses shall be inserted, namely:—

“(ai) on or after the 1st day of April, 2014, where the specified business is in the nature of laying and operating a slurry pipeline for the transportation of iron ore;

(aj) on or after the 1st day of April, 2014, where the specified business is in the nature of setting up and operating a semi-conductor wafer fabrication manufacturing unit, and which is notified by the Board in accordance with such guidelines as may be prescribed; and”;

(c) after sub-section (7), the following sub-sections shall be inserted, namely:—

‘(7A) Any asset in respect of which a deduction is claimed and allowed under this section shall be used only for the specified business, for a period of eight years beginning with the previous year in which such asset is acquired or constructed.

(7B) Where any asset, in respect of which a deduction is claimed and allowed under this section, is used for a purpose other than the specified business during the period specified in sub-section (7A), otherwise than by way of a mode referred to in clause (vii) of section 28, the total amount of deduction so claimed and allowed in one or more previous years, as reduced by the amount of depreciation allowable in accordance with the provisions of section 32, as if no deduction under this section was allowed, shall be deemed to be the income of the assessee chargeable under the head “Profits and gains of business or profession” of the previous year in which the asset is so used.

(7C) Nothing contained in sub-section (7B) shall apply to a company which has become a sick industrial company under sub-section (1) of section 17 of the Sick Industrial Companies (Special Provisions) Act, 1985, during the period specified in sub-section (7A).’;

(d) in sub-section (8), in clause (c), after sub-clause (xi), the following sub-clauses shall be inserted, namely:—

“(xii) laying and operating a slurry pipeline for the transportation of iron ore;

(xiii) setting up and operating a semi-conductor wafer fabrication manufacturing unit notified by the Board in accordance with such guidelines as may be prescribed;”.

In section 37 of the Income-tax Act, in sub-section (1), the Explanation shall be numbered as Explanation 1 thereof and after Explanation 1 as so numbered, the following Explanation shall be inserted with effect from the 1st day of April, 2015, namely:—

“Explanation 2.—For the removal of doubts, it is hereby declared that for the purposes of sub-section (1), any expenditure incurred by an assessee on the activities relating to corporate social responsibility referred to in section 135 of the Companies Act, 2013 shall not be deemed to be an expenditure incurred by the assessee for the purposes of the business or profession.”.
14. In section 40 of the Income-tax Act, in clause (a), with effect from the 1st day of April, 2015,—
   (a) in sub-clause (i),—
   (f) for the portion beginning with the words “during the previous year” and ending with the
words, brackets and figures “sub-section (f) of section 200”, the words, brackets and figures “on
or before the due date specified in sub-section (f) of section 139” shall be substituted;
   (ii) for the proviso, the following proviso shall be substituted, namely:—
   “Provided that where in respect of any such sum, tax has been deducted in any subsequent
year, or has been deducted during the previous year but paid after the due date specified in
sub-section (f) of section 139, such sum shall be allowed as a deduction in computing the
income of the previous year in which such tax has been paid.”;
   (b) in sub-clause (ia),—
   (f) for the portion beginning with the words “any interest, commission or brokerage” and ending
with the words and brackets “for carrying out any work (including supply of labour for carrying out
any work)”, the words “thirty per cent. of any sum payable to a resident” shall be substituted;
   (ii) in the first proviso, after the words, brackets and figures “sub-section (f) of section 139,” the
words “thirty per cent. of” shall be inserted.

15. In section 43 of the Income-tax Act, in clause (5), in the proviso, in clause (e), for the words
“recognised association”, the words and figures “recognised association, which is chargeable to
commodities transaction tax under Chapter VII of the Finance Act, 2013” shall be substituted.

16. In section 44AE of the Income-tax Act, with effect from the 1st day of April, 2015,—
   (i) for sub-section (2), the following sub-section shall be substituted, namely:—
   “(2) For the purpose of sub-section (1), the profits and gains from each goods carriage shall be
an amount equal to seven thousand five hundred rupees for every month or part of a month
during which the goods carriage is owned by the assessee in the previous year or an amount
claimed to have been actually earned from the vehicle, whichever is higher.”;
   (ii) in the Explanation, for clause (a), the following clause shall be substituted, namely:—
   “(a) the expression “goods carriage” shall have the meaning assigned to it in section 2 of the
Motor Vehicles Act, 1988.”;

17. In section 45 of the Income-tax Act, in sub-section (5), after clause (b), the following proviso shall
be inserted with effect from the 1st day of April, 2015, namely:—
   “Provided that any amount of compensation received in pursuance of an interim order of a court,
Tribunal or other authority shall be deemed to be income chargeable under the head “Capital gains”
of the previous year in which the final order of such court, Tribunal or other authority is made.”;

18. In section 47 of the Income-tax Act, with effect from the 1st day of April, 2015,—
   (a) after clause (viia), the following shall be inserted, namely:—
   “(viib) any transfer of a capital asset, being a Government Security carrying a periodic payment
of interest, made outside India through an intermediary dealing in settlement of securities, by a
non-resident to another non-resident.

Explanation.—For the purposes of this clause, “Government Security” shall have the meaning
assigned to it in clause (b) of section 2 of the Securities Contracts (Regulation) Act, 1956;”;
   (b) after clause (xvi), the following shall be inserted, namely:—
   “(xvii) any transfer of a capital asset, being share of a special purpose vehicle to a business
trust in exchange of units allotted by that trust to the transferor.

Explanation.—For the purposes of this clause, the expression “special purpose vehicle” shall
have the meaning assigned to it in the Explanation to clause (23FC) of section 10.’.

19. In section 48 of the Income-tax Act, in the Explanation, in clause (v), for the words “Consumer
Price Index for urban non-manual employees”, the words and brackets “Consumer Price Index (Urban)”
shall be substituted with effect from the 1st day of April, 2016.

20. In section 49 of the Income-tax Act, after sub-section (2AB), the following sub-section shall be
inserted with effect from the 1st day of April, 2015,—
   “(2AC) Where the capital asset, being a unit of a business trust, became the property of the assessee
in consideration of a transfer as referred to in clause (xvii) of section 47, the cost of acquisition of the
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asset shall be deemed to be the cost of acquisition to him of the share referred to in the said clause.”.

21. In section 51 of the Income-tax Act, the following proviso shall be inserted with effect from the 1st day of April, 2015, namely:

“Provided that where any sum of money, received as an advance or otherwise in the course of negotiations for transfer of a capital asset, has been included in the total income of the assessee for any previous year in accordance with the provisions of clause (ix) of sub-section (2) of section 56, then, such sum shall not be deducted from the cost for which the asset was acquired or the written down value or the fair market value, as the case may be, in computing the cost of acquisition.”.

22. In section 54 of the Income-tax Act, in sub-section (1), for the words “constructed, a residential house”, the words “constructed, one residential house in India” shall be substituted with effect from the 1st day of April, 2015.

23. In section 54EC, in sub-section (1), after the proviso, the following proviso shall be inserted with effect from the 1st day of April, 2015, namely:

“Provided further that the investment made by an assessee in the long-term specified asset, from capital gains arising from transfer of one or more original assets, during the financial year in which the original asset or assets are transferred and in the subsequent financial year does not exceed fifty lakh rupees.”.

24. In section 54F of the Income-tax Act, in sub-section (1), for the words “constructed, a residential house”, the words “constructed, one residential house in India” shall be substituted with effect from the 1st day of April, 2015.

25. In section 56 of the Income-tax Act, in sub-section (2), after clause (viii), the following clause shall be inserted with effect from the 1st day of April, 2015, namely:

“(ix) any sum of money received as an advance or otherwise in the course of negotiations for transfer of a capital asset, if,—

(a) such sum is forfeited; and

(b) the negotiations do not result in transfer of such capital asset.”.

26. In section 73 of the Income-tax Act, in the Explanation, for the words “the principal business of which is the business of banking”, the words “the principal business of which is the business of trading in shares or banking” shall be substituted with effect from the 1st day of April, 2015.

27. In section 80C of the Income-tax Act, in sub-section (1), for the words “one lakh rupees”, the words “one hundred and fifty thousand rupees” shall be substituted with effect from the 1st day of April, 2015.

28. In section 80CCD of the Income-tax Act, in sub-section (1), with effect from the 1st day of April, 2015,—

(i) for the words, figures and letters “Where an assessee, being an individual employed by the Central Government or any other employer on or after the 1st day of January, 2004”, the words, figures and letters “Where an assessee, being an individual employed by the Central Government on or after the 1st day of January, 2004 or, being an individual employed by any other employer” shall be substituted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:

“(1A) The amount of deduction under sub-section (1) shall not exceed one hundred thousand rupees.”.

29. In section 80CCE of the Income-tax Act, for the words “one lakh rupees”, the words “one hundred and fifty thousand rupees” shall be substituted with effect from the 1st day of April, 2015.

30. In section 80-IA of the Income-tax Act, in sub-section (4), in clause (iv), in sub-clauses (a), (b) and (c), for the words, figures and letters “the 31st day of March, 2014”, the words, figures and letters “the 31st day of March, 2017” shall respectively be substituted with effect from the 1st day of April, 2015.
31. In section 92B of the Income-tax Act, in sub-section (2), with effect from the 1st day of April, 2015,—

(i) for the words “deemed to be a transaction”, the words “deemed to be an international transaction” shall be substituted;

(ii) after the words “determined in substance between such other person and the associated enterprise”, the words “where the enterprise or the associated enterprise or both of them are non-residents irrespective of whether such other person is a non-resident or not” shall be inserted.

32. In section 92CC of the Income-tax Act, after sub-section (9), the following sub-section shall be inserted with effect from the 1st day of October, 2014, namely:—

“(9A) The agreement referred to in sub-section (1), may, subject to such conditions, procedure and manner as may be prescribed, provide for determining the arm’s length price or specify the manner in which arm’s length price shall be determined in relation to the international transaction entered into by the person during any period not exceeding four previous years preceding the first of the previous years referred to in sub-section (4), and the arm’s length price of such international transaction shall be determined in accordance with the said agreement.”.

33. In section 111A of the Income-tax Act, in sub-section (1), with effect from the 1st day of April, 2015,—

(A) after the words “unit of an equity oriented fund”, the words “or a unit of a business trust” shall be inserted;

(B) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the provisions of this sub-section shall not apply in respect of any income arising from transfer of units of a business trust which were acquired by the assessee in consideration of a transfer as referred to in clause (xvii) of section 47.”.

34. In section 112 of the Income-tax Act, in sub-section (1), with effect from the 1st day of April, 2015,—

(a) in the proviso, occurring after clause (d), for the words “being listed securities or unit”, the words and brackets “being listed securities (other than a unit)” shall be substituted;

(b) in the Explanation, clause (b) shall be omitted.

35. In section 115A of the Income-tax Act, in sub-section (1), in clause (a), with effect from the 1st day of April, 2015,—

(l) after sub-clause (iiab), the following sub-clause shall be inserted, namely:—

“(iiac) distributed income being interest referred to in sub-section (2) of section 194LBA;”;

(lii) in item (BA), after the word, brackets, figures and letters “sub-clause (iiab)”, the words, brackets, figures and letters “or sub-clause (iiac)” shall be inserted;

(iii) in item (D), after the word, brackets, figures and letters “sub-clause (iiab)”, the word, brackets, figures and letters “; sub-clause (iiac)” shall be inserted.

36. In section 115BABC of the Income-tax Act, in sub-section (1), for clause (ii), the following clause shall be substituted with effect from the 1st day of April, 2015, namely:—

“(ii) the amount of income-tax with which the assessee would have been chargeable had his total income been reduced by the aggregate of anonymous donations received in excess of the amount referred to in sub-clause (A) or sub-clause (B) of clause (i), as the case may be.”.

37. In section 115BBD of the Income-tax Act, in sub-section (1), the words, figures and letters “for the previous year relevant to the assessment year beginning on the 1st day of April, 2012 or beginning on the 1st day of April, 2013 or beginning on the 1st day of April, 2014” shall be omitted with effect from the 1st day of April, 2015.

38. In section 115JC of the Income-tax Act, in sub-section (2), with effect from the 1st day of April, 2015,—

(a) in clause (i), the word “and” occurring at the end, shall be omitted;

(b) in clause (ii), for the words, figures and letters “under section 10AA”, the words, figures and letters “under section 10AA; and” shall be substituted;
(c) after clause (ii), the following clause shall be inserted, namely:

“(iii) deduction claimed, if any, under section 35AD as reduced by the amount of depreciation allowable in accordance with the provisions of section 32 as if no deduction under section 35AD was allowed in respect of the assets on which the deduction under that section is claimed.”.

39. In section 115JEE of the Income-tax Act, with effect from the 1st day of April, 2015,—

(A) in sub-section (1), for clause (b), the following clauses shall be substituted, namely:

“(b) section 10AA; or
(c) section 35AD.”;

(B) after sub-section (2), the following sub-section shall be inserted, namely:

“(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the credit for tax paid under section 115JC shall be allowed in accordance with the provisions of section 115JD.”.

40. In section 115-O of the Income-tax Act, after the Explanation to sub-section (1A), the following sub-section shall be inserted with effect from the 1st day of October, 2014, namely:

“(1B) For the purposes of determining the tax on distributed profits payable in accordance with this section, any amount by way of dividends referred to in sub-section (1) as reduced by the amount referred to in sub-section (1A) [hereafter referred to as net distributed profits], shall be increased to such amount as would, after reduction of the tax on such increased amount at the rate specified in sub-section (1), be equal to the net distributed profits.”.

41. In section 115R of the Income-tax Act,—

(a) after the Explanation to sub-section (2), the following sub-section shall be inserted with effect from the 1st day of October, 2014, namely:

“(2A) For the purposes of determining the additional income-tax payable in accordance with sub-section (2), the amount of distributed income referred therein shall be increased to such amount as would, after reduction of the additional income-tax on such increased amount at the rate specified in sub-section (2), be equal to the amount of income distributed by the Mutual Fund.”;

(b) sub-section (3A) shall be omitted with effect from the 1st day of April, 2015.

42. In section 115TA of the Income-tax Act, sub-section (3) shall be omitted with effect from the 1st day of April, 2015.

43. After Chapter XII-F of the Income-tax Act, the following Chapter shall be inserted with effect from the 1st day of April, 2015, namely:

“CHAPTER XII-FA

SPECIAL PROVISIONS RELATING TO BUSINESS TRUSTS

115UA. (1) Notwithstanding anything contained in any other provisions of this Act, any income distributed by a business trust to its unit holders shall be deemed to be of the same nature and in the same proportion in the hands of the unit holder as it had been received by, or accrued to, the business trust.

(2) Subject to the provisions of section 111A and section 112, the total income of a business trust shall be charged to tax at the maximum marginal rate.

(3) If in any previous year, the distributed income or any part thereof, received by a unit holder from the business trust is of the nature as referred to in clause (23FC) of section 10, then, such distributed income or part thereof shall be deemed to be income of such unit holder and shall be charged to tax as income of the previous year.

(4) Any person responsible for making payment of the income distributed on behalf of a business trust to a unit holder shall furnish a statement to the unit holder and the prescribed authority, within such time and in such form and manner as may be prescribed, giving the details of the nature of the income paid during the previous year and such other details as may be prescribed.”.
44. In section 116 of the Income-tax Act,—

(i) after clause (a), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of June, 2013,—

“(aa) Principal Directors General of Income-tax or Principal Chief Commissioners of Income-tax;”;

(ii) after clause (b), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of June, 2013,—

“(ba) Principal Directors of Income-tax or Principal Commissioners of Income-tax.”.

45. In section 133A of the Income-tax Act, with effect from the 1st day of October, 2014,—

(i) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Without prejudice to the provisions of sub-section (1), an income-tax authority acting under this sub-section may for the purpose of verifying that tax has been deducted or collected at source in accordance with the provisions under sub-heading B of Chapter XVII or under sub-heading BB of Chapter XVII, as the case may be, enter, after sunrise and before sunset, any office, or any other place where business or profession is carried on, within the limits of the area assigned to him, or any place in respect of which he is authorised for the purposes of this section by such income-tax authority who is assigned the area within which such place is situated, where books of account or documents are kept and require the deductor or the collector or any other person who may at that time and place be attending in any manner to such work,—

(i) to afford him the necessary facility to inspect such books of account or other documents as he may require and which may be available at such place, and

(ii) to furnish such information as he may require in relation to such matter.”;

(ii) in sub-section (3), in clause (ia), in the proviso, for clause (b), the following clause shall be substituted, namely:—

“(b) retain in his custody any such books of account or other documents for a period exceeding fifteen days (exclusive of holidays) without obtaining the approval of the Principal Chief Commissioner or the Chief Commissioner or the Principal Director General or the Director General or the Principal Commissioner or the Commissioner or the Principal Director or the Director therefor, as the case may be.”;

(iii) in sub-section (3), the following proviso shall be inserted, namely:—

“Provided that no action under clause (ia) or clause (ii) shall be taken by an income-tax authority acting under sub-section (2A).”.

46. After section 133B of the Income-tax Act, the following shall be inserted with effect from the 1st day of October, 2014, namely:—

‘133C. The prescribed income-tax authority, may for the purposes of verification of information in its possession relating to any person, issue a notice to such person requiring him, on or before a date to be specified therein, to furnish information or documents verified in the manner specified therein, which may be useful for, or relevant to, any inquiry or proceeding under this Act.

Explanation.—In this section, the term “proceeding” shall have the meaning assigned to it in clause (b) of the Explanation to section 133A.’.

47. In section 139 of the Income-tax Act, with effect from the 1st day of April, 2015,—

(a) in sub-section (4C),—

(i) after clause (e), the following clauses shall be inserted, namely:—

“(ea) Mutual Fund referred to in clause (23D) of section 10;

(eb) securitisation trust referred to in clause (23DA) of section 10;

(ec) venture capital company or venture capital fund referred to in clause (23FB) of section 10;”;

(ii) after the words “or infrastructure debt fund”, the words “or Mutual Fund or securitisation trust or venture capital company or venture capital fund” shall be inserted;

(b) after sub-section (4D), the following sub-section shall be inserted, namely:—

“(4E) Every business trust, which is not required to furnish return of income or loss under any other provisions of this section, shall furnish the return of its income in respect of its income or loss in every previous year and all the provisions of this Act shall, so far as may be, apply if it were a return required to be furnished under sub-section (1).”.
48. In section 140 of the Income-tax Act, with effect from the 1st day of October, 2014,—

(i) in the marginal heading, for the word “signed”, the word “verified” shall be substituted;
(ii) for the words “signed and verified”, wherever they occur, the word “verified” shall be substituted;
(iii) for the words “sign and verify”, wherever they occur, the word “verify” shall be substituted;
(iv) in clause (a),—

(a) in sub-clause (iv), for the word “sign”, the word “verify” shall be substituted;
(b) in the proviso, for the word “signing”, the word “verifying” shall be substituted.

49. For section 142A of the Income-tax Act, the following section shall be substituted with effect from the 1st day of October, 2014, namely:—

142A. (f) The Assessing Officer may, for the purposes of assessment or reassessment, make a reference to a Valuation Officer to estimate the value, including fair market value, of any asset, property or investment and submit a copy of report to him.

(2) The Assessing Officer may make a reference to the Valuation Officer under sub-section (f) whether or not he is satisfied about the correctness or completeness of the accounts of the assessee.

(3) The Valuation Officer, on a reference made under sub-section (f), shall, for the purpose of estimating the value of the asset, property or investment, have all the powers that he has under section 38A of the Wealth-tax Act, 1957.

(4) The Valuation Officer shall, estimate the value of the asset, property or investment after taking into account such evidence as the assessee may produce and any other evidence in his possession gathered, after giving an opportunity of being heard to the assessee.

(5) The Valuation Officer may estimate the value of the asset, property or investment to the best of his judgment, if the assessee does not co-operate or comply with his directions.

(6) The Valuation Officer shall send a copy of the report of the estimate made under sub-section (f) or sub-section (5), as the case may be, to the Assessing Officer and the assessee, within a period of six months from the end of the month in which a reference is made under sub-section (f).

(7) The Assessing Officer may, on receipt of the report from the Valuation Officer, and after giving the assessee an opportunity of being heard, take into account such report in making the assessment or reassessment.

Explanations.—In this section, “Valuation Officer” has the same meaning as in clause (r) of section 2 of the Wealth-tax Act, 1957.

50. In section 145 of the Income-tax Act, with effect from the 1st day of April, 2015,—

(i) in sub-section (2), for the words “accounting standards”, the words “income computation and disclosure standards” shall be substituted;
(ii) in sub-section (3), for the words, brackets and figure “or accounting standards as notified under sub-section (2), have not been regularly followed by the assessee”, the words, brackets and figure “has not been regularly followed by the assessee, or income has not been computed in accordance with the standards notified under sub-section (2)” shall be substituted.

51. In section 153 of the Income-tax Act, in Explanation 1, after clause (iii), the following clause shall be inserted with effect from the 1st day of October, 2014, namely:—

“(iv) the period commencing from the date on which the Assessing Officer makes a reference to the Valuation Officer under sub-section (f) of section 142A and ending with the date on which the report of the Valuation Officer is received by the Assessing Officer, or”.

52. In section 153B of the Income-tax Act, in the Explanation, after clause (ii), the following clause shall be inserted with effect from the 1st day of October, 2014, namely:—

“(iiia) the period commencing from the date on which the Assessing Officer makes a reference to the Valuation Officer under sub-section (f) of section 142A and ending with the date on which the report of the Valuation Officer is received by the Assessing Officer, or”.

53. In section 153C of the Income-tax Act, in sub-section (f), for the words, figures and letter “and Amendment of

notice and assess or reassess income of such other person in accordance with the provisions of
section 153A", occurring at the end but before the first proviso, the words, brackets, figures and letter "and that Assessing Officer shall proceed against each such other person and issue notice and assess or reassess the income of the other person in accordance with the provisions of section 153A, if, that Assessing Officer is satisfied that the books of account or documents or assets seized or requisitioned have a bearing on the determination of the total income of such other person for the relevant assessment year or years referred to in sub-section (1) of section 153A shall be substituted with effect from the 1st day of October, 2014.

54. In section 194A of the Income-tax Act, in sub-section (3), after clause (x), the following clause shall be inserted with effect from the 1st day of October 2014, namely:

"(x) to any income by way of interest referred to in clause (23FC) of section 10."

55. After section 194D of the Income-tax Act, the following section shall be inserted with effect from the 1st day of October, 2014, namely:

"194DA. Any person responsible for paying to a resident any sum under a life insurance policy, including the sum allocated by way of bonus on such policy, other than the amount not includible in the total income under clause (10D) of section 10, shall, at the time of payment thereof, deduct income-tax thereon at the rate of two per cent.

Provided that no deduction under this section shall be made where the amount of such payment or, as the case may be, the aggregate amount of such payments to the payee during the financial year is less than one hundred thousand rupees."

56. After section 194LBA of the Income-tax Act, the following section shall be inserted with effect from the 1st day of October, 2014, namely:

"194LBA. (1) Where any distributed income referred to in section 115UA, being of the nature referred to in clause (23FC) of section 10, is payable by a business trust to its unit holder being a resident, the person responsible for making the payment shall at the time of credit of such payment to the account of the payee or at the time of payment thereof in cash or by the issue of a cheque or draft or by any other mode, whichever is earlier, deduct income-tax thereon at the rate of ten per cent.

(2) Where any distributed income referred to in section 115UA, being of the nature referred to in clause (23FC) of section 10, is payable by a business trust to its unit holder, being a non-resident, not being a company or a foreign company, the person responsible for making the payment shall at the time of credit of such payment to the account of the payee or at the time of payment thereof in cash or by the issue of a cheque or draft or by any other mode, whichever is earlier, deduct income-tax thereon at the rate of five per cent.

57. In section 194LC of the Income-tax Act, with effect from the 1st day of October, 2014,—

(A) in sub-section (1), after the words “by a specified company”, the words “or a business trust” shall be inserted;

(B) in sub-section (2),—

(a) in the opening portion, after the words “by the specified company”, the words “or the business trust” shall be inserted;

(b) for clause (i), the following clause shall be substituted, namely:—

"(i) in respect of monies borrowed by it in foreign currency from a source outside India,—

(a) under a loan agreement at any time on or after the 1st day of July, 2012 but before the 1st day of July, 2017; or

(b) by way of issue of long-term infrastructure bonds at any time on or after the 1st day of July, 2012 but before the 1st day of October, 2014; or

(c) by way of issue of any long-term bond including long-term infrastructure bond at any time on or after the 1st day of October, 2014 but before the 1st day of July, 2017, as approved by the Central Government in this behalf; and”.

58. In section 200 of the Income-tax Act, in sub-section (3), the following proviso shall be inserted with effect from the 1st day of October, 2014, namely:

"Provided that the person may also deliver to the prescribed authority a correction statement for rectification of any mistake or to add, delete or update the information furnished in the statement delivered under this sub-section in such form and verified in such manner as may be specified by the authority.".
In section 200A of the Income-tax Act, in sub-section (1), after the words “where a statement of tax deduction at source”, the words “or a correction statement” shall be inserted with effect from the 1st day of October, 2014.

In section 201 of the Income-tax Act, for sub-section (3), the following sub-section shall be substituted with effect from the 1st day of October, 2014, namely:

“(3) No order shall be made under sub-section (1) deeming a person to be an assessee in default for failure to deduct the whole or any part of the tax from a person resident in India, at any time after the expiry of seven years from the end of the financial year in which payment is made or credit is given.”.

In section 206AA of the Income-tax Act, in sub-section (7), the word “infrastructure” shall be omitted with effect from the 1st day of October, 2014.

In section 220 of the Income-tax Act, with effect from the 1st day of October, 2014,—

(i) after sub-section (1), the following sub-section shall be inserted, namely:

“(1A) Where any notice of demand has been served upon an assessee and any appeal or other proceeding, as the case may be, is filed or initiated in respect of the amount specified in the said notice of demand, then, such demand shall be deemed to be valid till the disposal of the appeal by the last appellate authority or disposal of the proceedings, as the case may be, and any such notice of demand shall have the effect as specified in section 3 of the Taxation Laws (Continuation and Validation of Recovery Proceedings) Act, 1964.”;

(ii) in sub-section (2),—

(a) after the first proviso, the following proviso shall be inserted, namely:

“Provided further that where as a result of an order under sections specified in the first proviso, the amount on which interest was payable under this section had been reduced and subsequently as a result of an order under said sections or section 263, the amount on which interest was payable under this section is increased, the assessee shall be liable to pay interest under sub-section (2) from the day immediately following the end of the period mentioned in the first notice of demand, referred to in sub-section (1) and ending with the day on which the amount is paid”;

(b) in the second proviso, for the words “Provided further”, the words “Provided also” shall be substituted.

In section 269SS of the Income-tax Act, in the opening portion, after the words “cheque or account payee bank draft”, the words “or use of electronic clearing system through a bank account” shall be inserted with effect from the 1st day of April, 2015.

In section 269T of the Income-tax Act, in the opening portion, after the words “cheque or account payee bank draft drawn in the name of the person who has made the loan or deposit”, the words “or by use of electronic clearing system through a bank account” shall be inserted with effect from the 1st day of April, 2015.

In section 271FA of the Income-tax Act, with effect from the 1st day of April, 2015,—

(i) in the marginal heading, for the words “annual information return”, the words “statement of financial transaction or reportable account” shall be substituted;

(ii) for the words “an annual information return”, the words “a statement of financial transaction or reportable account” shall be substituted;

(iii) for the word “return”, wherever it occurs, the word “statement” shall be substituted.
66. After section 271FA of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 2015, namely:—

“271FAA. If a person referred to in clause \((k)\) of sub-section \((t)\) of section 285BA, who is required to furnish a statement under that section, provides inaccurate information in the statement, and where—

(a) the inaccuracy is due to a failure to comply with the due diligence requirement prescribed under sub-section \((7)\) of section 285BA or is deliberate on the part of that person; or

(b) the person knows of the inaccuracy at the time of furnishing the statement of financial transaction or reportable account, but does not inform the prescribed income-tax authority or such other authority or agency; or

(c) the person discovers the inaccuracy after the statement of financial transaction or reportable account is furnished and fails to inform and furnish correct information within the time specified under sub-section \((6)\) of section 285BA,

then, the prescribed income-tax authority may direct that such person shall pay, by way of penalty, a sum of fifty thousand rupees.”.

67. In section 271G of the Income-tax Act, after the words “the Assessing Officer”, the words, figures and letters “or the Transfer Pricing Officer as referred to in section 92CA” shall be inserted with effect from the 1st day of October, 2014.

68. In section 271H of the Income-tax Act, in sub-section \((t)\), in the opening portion, for the words “a person shall be liable to pay”, the words “the Assessing Officer may direct that a person shall pay by way of” shall be substituted with effect from the 1st day of October, 2014.

69. In section 276D of the Income-tax Act, for the words “or with fine equal to a sum calculated at a rate which shall not be less than four rupees or more than ten rupees for every day during which the default continues, or with both”, the words “and with fine” shall be substituted with effect from the 1st day of October, 2014.

70. In section 281B of the Income-tax Act, in sub-section \((2)\), with effect from the 1st day of October, 2014,—

(i) in the first proviso, for the words “two years”, the words “two years or sixty days after the date of order of assessment or reassessment, whichever is later” shall be inserted;

(ii) the second and third proviso shall be omitted.

71. For section 285BA of the Income-tax Act, the following section shall be substituted with effect from the 1st day of April, 2015, namely:—

‘285BA. \((t)\) Any person, being—

(a) an assessee; or

(b) the prescribed person in the case of an office of Government; or

(c) a local authority or other public body or association; or

(d) the Registrar or Sub-Registrar appointed under section 6 of the Registration Act, 1908; or

(e) the registering authority empowered to register motor vehicles under Chapter IV of the Motor Vehicles Act, 1988; or

(f) the Post Master General as referred to in clause \((j)\) of section 2 of the Indian Post Office Act, 1898; or

(g) the Collector referred to in clause \((g)\) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; or

(h) the recognised stock exchange referred to in clause \((f)\) of section 2 of the Securities Contracts (Regulation) Act, 1956; or

Amendment of section 271F.

Penalty for furnishing inaccurate statement of financial transaction or reportable account.

Amendment of section 271G.

Amendment of section 271H.

Amendment of section 276D.

Amendment of section 281B.

Substitution of new section for section 285BA.

Obligation to furnish statement of financial transaction or reportable account.
(i) an officer of the Reserve Bank of India, constituted under section 3 of the Reserve Bank of India Act, 1934; or

(j) a depository referred to in clause (e) of sub-section (1) of section 2 of the Depositories Act, 1996; or

(k) a prescribed reporting financial institution,

who is responsible for registering, or, maintaining books of account or other document containing a record of any specified financial transaction or any reportable account as may be prescribed under any law for the time being in force, shall furnish a statement in respect of such specified financial transaction or such reportable account which is registered or recorded or maintained by him and information relating to which is relevant and required for the purposes of this Act, to the income-tax authority or such other authority or agency as may be prescribed.

(2) The statement referred to in sub-section (1) shall be furnished for such period, within such time and in the form and manner, as may be prescribed.

(3) For the purposes of sub-section (1), “specified financial transaction” means any—

(a) transaction of purchase, sale or exchange of goods or property or right or interest in a property; or

(b) transaction for rendering any service; or

(c) transaction under a works contract; or

(d) transaction by way of an investment made or an expenditure incurred; or

(e) transaction for taking or accepting any loan or deposit,

which may be prescribed:

Provided that the Board may prescribe different values for different transactions in respect of different persons having regard to the nature of such transaction:

Provided further that the value or, as the case may be, the aggregate value of such transactions during a financial year so prescribed shall not be less than fifty thousand rupees.

(4) Where the prescribed income-tax authority considers that the statement furnished under sub-section (1) is defective, he may intimate the defect to the person who has furnished such statement and give him an opportunity of rectifying the defect within a period of thirty days from the date of such intimation or within such further period which, on an application made in this behalf, the said income-tax authority may, in his discretion, allow; and if the defect is not rectified within the said period of thirty days or, as the case may be, the further period so allowed, then, notwithstanding anything contained in any other provision of this Act, such statement shall be treated as an invalid statement and the provisions of this Act shall apply as if such person had failed to furnish the statement.

(5) Where a person who is required to furnish a statement under sub-section (1) has not furnished the same within the specified time, the prescribed income-tax authority may serve upon such person a notice requiring him to furnish such statement within a period not exceeding thirty days from the date of service of such notice and he shall furnish the statement within the time specified in the notice.

(6) If any person, having furnished a statement under sub-section (1), or in pursuance of a notice issued under sub-section (5), comes to know or discovers any inaccuracy in the information provided in the statement, he shall within a period of ten days inform the income-tax authority or other authority or agency referred to in sub-section (1), the inaccuracy in such statement and furnish the correct information in such manner as may be prescribed.

(7) The Central Government may, by rules made under this section, specify—

(a) the persons referred to in sub-section (1) to be registered with the prescribed income-tax authority;

(b) the nature of information and the manner in which such information shall be maintained by the persons referred to in clause (a); and

(c) the due diligence to be carried out by the persons for the purpose of identification of any reportable account referred to in sub-section (1).’.
20

CHAPTER IV

INDIRECT TAXES

Customs

72. In the Customs Act, 1962 (hereinafter referred to as the Customs Act), or in any other law for the time being in force, the reference to any authority specified in column (1) of the Table below shall be substituted by reference to the authority or authorities specified in the corresponding entry in column (2) of the said Table and such consequential changes as the rules of grammar may require shall also be made:—

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Authority</th>
<th>Substitute Authority</th>
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<tbody>
<tr>
<td>1.</td>
<td>Chief Commissioner of Customs</td>
<td>Principal Chief Commissioner of Customs</td>
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<td>or</td>
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<td></td>
<td></td>
<td>Chief Commissioner of Customs</td>
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<tr>
<td>2.</td>
<td>Commissioner of Customs</td>
<td>Principal Commissioner of Customs</td>
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<td>or</td>
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<tr>
<td></td>
<td></td>
<td>Commissioner of Customs</td>
</tr>
</tbody>
</table>

73. In the Customs Act, in section 3, for clauses (a), (b), (c), (cc), (d), (e) and (f), the following clauses shall be substituted, namely:—

“(a) Principal Chief Commissioners of Customs;
(b) Chief Commissioners of Customs;
(c) Principal Commissioners of Customs;
(d) Commissioners of Customs;
(e) Commissioners of Customs (Appeals);
(f) Joint Commissioners of Customs;
(g) Deputy Commissioners of Customs;
(h) Assistant Commissioners of Customs;
i) such other class of officers of customs as may be appointed for the purposes of this Act.”.

74. In the Customs Act, in section 15, in sub-section (1), in the proviso, after the words “the aircraft”, the words “or the vehicle” shall be inserted.

75. In the Customs Act, in section 25, after sub-section (6), the following sub-sections shall be inserted, namely:—

“(7) The mineral oils (including petroleum and natural gas) extracted or produced in the continental shelf of India or exclusive economic zone of India as referred to in section 6 and section 7, respectively, of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, and imported prior to the 7th day of February, 2002 shall be deemed to have been exempted from the whole of the duties of customs leviable on such mineral oils and accordingly, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, no suit or other proceedings in respect of such mineral oils shall be maintained or continued in any court, tribunal or other authority.

(8) Notwithstanding the exemption provided under sub-section (7), no refund of duties of customs paid in respect of the mineral oils specified therein shall be made.”.

76. In the Customs Act, in section 46, in sub-section (3),—

(i) the first proviso shall be omitted;
(ii) for the second proviso, the following proviso shall be substituted, namely:—

“Provided that a bill of entry may be presented even before the delivery of such manifest or report, if the vessel or the aircraft or the vehicle by which the goods have been shipped for importation into India is expected to arrive within thirty days from the date of such presentation.”.

77. In the Customs Act, in section 127A, in clause (f), for the words “Customs and Central Excise Settlement Commission”, the words “Customs, Central Excise and Service Tax Settlement Commission” shall be substituted.
78. In the Customs Act, in section 127B,—

(i) in sub-section (1), in the first proviso, for clause (a), the following clause shall be substituted, namely:—

“(a) the applicant has filed a bill of entry, or a shipping bill, or a bill of export, or made a baggage declaration, or a label or declaration accompanying the goods imported or exported through post or courier, as the case may be, and in relation to such document or documents, a show cause notice has been issued to him by the proper officer;”;

(ii) in clause (c), for the word, figures and letters “section 28AB”, the word, figures and letters “section 28AA” shall be substituted;

(iii) sub-section (2) shall be omitted.

79. In the Customs Act, in section 127L, in sub-section (1), in clause (i), the following Explanation shall be inserted, namely:—

“Explanation.— In this clause, the concealment of particulars of duty liability relates to any such concealment made from the officer of customs.”.

80. In the Customs Act, in section 129A,—

(i) in sub-section (1), in the second proviso, for the words “fifty thousand rupees”, the words “two lakh rupees” shall be substituted;

(ii) in sub-section (1B), in clause (i), for the words “by notification in the Official Gazette”, the words “by order” shall be substituted.

81. In the Customs Act, in section 129B, in sub-section (2A), the first, second and third proviso shall be omitted.

82. In the Customs Act, in section 129D, in sub-section (3), the following proviso shall be inserted, namely:—

“Provided that the Board may, on sufficient cause being shown, extend the said period by another thirty days.”.

83. In the Customs Act, for section 129E, the following section shall substituted, namely:—

“129E. The Tribunal or the Commissioner (Appeals), as the case may be, shall not entertain any appeal,—

(i) under sub-section (1) of section 128, unless the appellant has deposited seven and a half per cent. of the duty demanded or penalty imposed or both, in pursuance of a decision or an order passed by an officer of customs lower in rank than the Commissioner of Customs;

(ii) against the decision or order referred to in clause (a) of sub-section (1) of section 129A, unless the appellant has deposited seven and a half per cent. of the duty demanded or penalty imposed or both, in pursuance of the decision or order appealed against;

(iii) against the decision or order referred to in clause (b) of sub-section (1) of section 129A, unless the appellant has deposited ten per cent. of the duty demanded or penalty imposed or both, in pursuance of the decision or order appealed against:

Provided that the amount required to be deposited under this section shall not exceed rupees ten crores:

Provided further that the provisions of this section shall not apply to the stay applications and appeals pending before any appellate authority prior to the commencement of the Finance (No. 2) Act, 2014.”.

84. In the Customs Act, in section 131BA, in sub-section (4), for the words “The Appellate Tribunal or court”, the words and brackets “The Commissioner (Appeals) or the Appellate Tribunal or the court” shall be substituted.

85. (1) The notification of the Government of India in the Ministry of Finance (Department of Revenue) number G.S.R. 185 (E), dated the 17th March, 2012, issued under sub-section (1) of section 25 of the Customs Act, as specified in column (1) of the Second Schedule, shall stand amended and shall be deemed to have been amended, retrospectively, in the manner specified in column (2) of that Schedule, on and from and up to the corresponding date specified in column (3) of the said Schedule.

(2) For the purposes of sub-section (1), the Central Government shall have and shall be deemed to
have the power to amend the notification with retrospective effect as if the Central Government had the power to amend the said notification under sub-section (1) of section 25 of the Customs Act retrospectively, at all material times.

(3) The refund shall be made of all such duty of customs which has been collected but which would not have been so collected, had the notification referred to in sub-section (1) been in force at all material times, subject to the provision of section 27 of the Customs Act.

(4) Notwithstanding anything contained in section 27 of the Customs Act, an application for the claim of refund of duty of customs under sub-section (3) shall be made within the period of six months from the date on which the Finance (No. 2) Bill, 2014 receives the assent of the President.

(5) No act or omission on the part of any person shall be punishable as an offence which would not have been so punishable had the notification referred to in sub-section (1) not been amended retrospectively.

Explanation.— For the purposes of sub-section (1), the “corresponding date”, in relation to tariff items specified against S.No.141, means the 8th February, 2013 to 10th July, 2014 (both days inclusive).

Customs Tariff

86. In the Customs Tariff Act, 1975 (hereinafter referred to as the Customs Tariff Act), in section 8B, in sub-section (2A),—

(a) for the portion beginning with the words “unless specifically made applicable” and ending with the words “in a special economic zone”, the following shall be substituted, namely:—

“shall not apply to articles imported by a hundred per cent. export-oriented undertaking or a unit in a special economic zone unless,—

(i) specifically made applicable in such notifications or such impositions, as the case may be; or

(ii) the article imported is either cleared as such into the domestic tariff area or used in the manufacture of any goods that are cleared into the domestic tariff area and in such cases safeguard duty shall be levied on that portion of the article so cleared or so used as was leviable when it was imported into India.”;

(b) in the Explanation, the words “free trade zone” shall be omitted.

87. In the Customs Tariff Act, the First Schedule shall be amended in the manner specified in the Third Schedule.

Excise

88. In the Central Excise Act, 1944 (hereinafter referred to as the Central Excise Act) or in Chapter V of the Finance Act, 1994 or in any other law for the time being in force, the reference to any authority specified in column (1) of the Table below shall be substituted by reference to the authority or authorities specified in the corresponding entry in column (2) of the said Table and such consequential changes as the rules of grammar may require shall also be made:—

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<thead>
<tr>
<th>Sl. No.</th>
<th>(1)</th>
<th>(2)</th>
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<tr>
<td>1.</td>
<td>Chief Commissioner of Central Excise</td>
<td>Principal Chief Commissioner of Central Excise or Chief Commissioner of Central Excise</td>
</tr>
<tr>
<td>2.</td>
<td>Commissioner of Central Excise</td>
<td>Principal Commissioner of Central Excise or Commissioner of Central Excise</td>
</tr>
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</table>

89. In the Central Excise Act, in section 2, in clause (b), for the words “Chief Commissioner of Central Excise”, the words “Principal Chief Commissioner of Central Excise, Chief Commissioner of Central Excise, Principal Commissioner of Central Excise” shall be substituted.

90. In the Central Excise Act, after section 15, the following sections shall be inserted, namely:—

“15A. (1) Any person, being—

(a) an assessee; or

(b) a local authority or other public body or association; or

| Amendment of section 2. | Insertion of new sections 15A and 15B. Obligation to furnish information return. |
(c) any authority of the State Government responsible for the collection of value added tax or sales tax; or

(d) an income tax authority appointed under the provisions of the Income-tax Act, 1961; or

(e) a banking company within the meaning of clause (a) of section 45A of the Reserve Bank of India Act, 1934; or

(f) a State Electricity Board; or an electricity distribution or transmission licensee under the Electricity Act, 2003, or any other entity entrusted, as the case may be, with such functions by the Central Government or the State Government; or

(g) the Registrar or Sub-Registrar appointed under section 6 of the Registration Act, 1908; or

(h) a Registrar within the meaning of the Companies Act, 2013; or

(i) the registering authority empowered to register motor vehicles under Chapter IV of the Motor Vehicles Act, 1988; or

(j) the Collector referred to in clause (c) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; or

(k) the recognised stock exchange referred to in clause (f) of section 2 of the Securities Contracts (Regulation) Act, 1956; or

(l) a depository referred to in clause (e) of sub-section (1) of section 2 of the Depositories Act, 1996; or

(m) an officer of the Reserve Bank of India, constituted under section 3 of the Reserve Bank of India Act, 1934,

who is responsible for maintaining record of registration or statement of accounts or any periodic return or document containing details of payment of tax and other details or transaction of goods or services or transactions related to a bank account or consumption of electricity or transaction of purchase, sale or exchange of goods or property or right or interest in a property, under any law for the time being in force, shall furnish an information return of the same in respect of such periods, within such time, form (including electronic form) and manner, to such authority or agency as may be prescribed.

(2) Where the prescribed authority considers that the information submitted in the information return is defective, he may intimate the defect to the person who has furnished such information return and give him an opportunity of rectifying the defect within a period of thirty days from the date of such intimation or within such further period which, on an application made in this behalf, the prescribed authority may allow and if the defect is not rectified within the said period of thirty days or, as the case may be, the further period so allowed, then, notwithstanding anything contained in any other provision of this Act, such information return shall be treated as not submitted and the provisions of this Act shall apply.

(3) Where a person who is required to furnish information return has not furnished the same within the time specified in sub-section (1) or sub-section (2), the prescribed authority may serve upon him a notice requiring furnishing of such information return within a period not exceeding ninety days from the date of service of the notice and such person shall furnish the information return.

15B. If a person who is required to furnish an information return under section 15A fails to do so within the period specified in the notice issued under sub-section (3) thereof, the prescribed authority may direct that such person shall pay, by way of penalty, a sum of one hundred rupees for each day of the period during which the failure to furnish such return continues.”.

91. In the Central Excise Act, in section 31, in clause (g), for the words “Customs and Central Excise Settlement Commission”, the words “Customs, Central Excise and Service Tax Settlement Commission” shall be substituted.

92. In the Central Excise Act, in section 32, in sub-section (1), for the words “the Customs and Central Excise Settlement Commission”, the words “the Customs, Central Excise and Service Tax Settlement Commission” shall be substituted.

93. In the Central Excise Act, in section 32E,—

(i) in sub-section (1),—

(a) in the first proviso, in clause (d), for the word, figures and letters “section 11AB”, the word, figures and letters “section 11AA” shall be substituted;

(b) in the second proviso, for the words “Provided further that”, the following shall
be substituted, namely:—

“Provided further that the Settlement Commission, if it is satisfied that the circumstances exist for not filing the returns referred to in clause (a) of the first proviso to sub-section (1), may after recording the reasons therefor, allow the applicant to make such application:

Provided also that”;

(ii) sub-section (2) shall be omitted.

94. In the Central Excise Act, in section 32-O, in sub-section (1), in clause (i), the following Explanation shall be inserted, namely:—

“Explanation.— In this clause, the concealment of particulars of duty liability relates to any such concealment made from the Central Excise Officer.”.

95. In the Central Excise Act, in section 35B,—

(a) in sub-section (1), in the second proviso, for the words “fifty thousand rupees”, the words “two lakh rupees” shall be substituted;

(b) in sub-section (1B), in clause (i), for the words “by notification in the Official Gazette”, the words “by order” shall be substituted.

96. In the Central Excise Act, in section 35C, in sub-section (2A), the first, second and third proviso shall be omitted.

97. In the Central Excise Act, in section 35E, in sub-section (3), the following proviso shall be inserted, namely:—

“Provided that the Board may, on sufficient cause being shown, extend the said period by another thirty days.”.

98. In the Central Excise Act, for section 35F, the following section shall be substituted, namely:—

“35F. The Tribunal or the Commissioner (Appeals), as the case may be, shall not entertain any appeal,—

(i) under sub-section (1) of section 35, unless the appellant has deposited seven and a half per cent. of the duty demanded or penalty imposed or both, in pursuance of a decision or an order passed by an officer of Central Excise lower in rank than the Commissioner of Central Excise;

(ii) against the decision or order referred to in clause (a) of sub-section (1) of section 35B, unless the appellant has deposited seven and a half per cent. of the duty demanded or penalty imposed or both, in pursuance of the decision or order appealed against;

(iii) against the decision or order referred to in clause (b) of sub-section (1) of section 35B, unless the appellant has deposited ten per cent. of the duty demanded or penalty imposed or both, in pursuance of the decision or order appealed against:

Provided that the amount required to be deposited under this section shall not exceed rupees ten crores:

Provided further that the provisions of this section shall not apply to the stay applications and appeals pending before any appellate authority prior to the commencement of the Finance (No.2) Act, 2014.

Explanation.— For the purposes of this section “duty demanded” shall include,—

(i) amount determined under section 11D;

(ii) amount of erroneous Cenvat credit taken;

(iii) amount payable under rule 6 of the Cenvat Credit Rules, 2001 or the Cenvat Credit Rules, 2002 or the Cenvat Credit Rules, 2004.

99. In the Central Excise Act, section 35L shall be numbered as sub-section (1) thereof, and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

“(2) For the purposes of this Chapter, the determination of any question having a relation to the rate of duty shall include the determination of taxability or excisability of goods for the purpose of assessment.”.

100. In the Central Excise Act, in section 35R, in sub-section (4), for the words “The Appellate
Tribunal or court", the words "The Commissioner (Appeals) or the Appellate Tribunal or court" shall be substituted.

101. (1) In the Pan Masala Packing Machines (Capacity Determination and Collection of Duty) Rules, 2008, as published in the Official Gazette vide notification of the Government of India in the Ministry of Finance (Department of Revenue) number G.S.R. 127 (E), dated the 1st July, 2008, rule 8 shall stand amended and shall be deemed to have been amended retrospectively, in the manner specified in column (2) of the Fourth Schedule, on and from the date specified in column (3) of that Schedule.

(2) For the purposes of sub-section (1), the Central Government shall have and shall be deemed to have the power to make rules with retrospective effect as if the Central Government had the power to make rules under sub-sections (2) and (3) of section 3A of the Central Excise Act, retrospectively, at all material times.

(3) The refund shall be made of all such duty of excise which has been collected but which would not have been so collected, had the rule referred to in sub-section (1), been in force at all material times, subject to the provisions of section 11B of the Central Excise Act.

(4) Notwithstanding anything contained in section 11B of the Central Excise Act, an application for the claim of refund of duty of excise under sub-section (3) shall be made within a period of six months from the date on which the Finance (No. 2) Bill, 2014 receives the assent of the President.

(5) No act or omission on the part of any person shall be punishable as an offence which would not have been so punishable had the rule referred to in sub-section (1) not been amended retrospectively.

102. (1) The notification of the Government of India in the Ministry of Finance (Department of Revenue) number G.S.R. 95 (E), dated the 1st March, 2006 (herein referred to as the first notification) which was superseded vide number G.S.R. 163 (E), dated the 17th March, 2012 (herein referred to as the second notification), issued under sub-section (f) of section 5A of the Central Excise Act, shall, in so far as it relates to the first notification, stand amended and shall be deemed to have been amended retrospectively, in the manner as specified in column (2) of the Fifth Schedule, on and from—

(a) the 29th June, 2010 and up to 16th March, 2012 (both days inclusive) in relation to Chapter 54 or Chapter 55 specified therein, covered under the first notification, that is the date prior to the date of the second notification; and

(b) the 1st March, 2011 and up to 16th March, 2012 (both days inclusive) in relation to Chapter 71 specified therein, covered under the first notification, that is the date prior to the date of the second notification,

as specified in column (3) of the Schedule, against the notification specified in column (1) of that Schedule.

(2) For the purposes of sub-section (1), the Central Government shall have and shall be deemed to have the power to amend the said notification with retrospective effect as if the Central Government had the power to amend the said notification under sub-section (f) of section 5A of the Central Excise Act, retrospectively, at all material times.

(3) The refund shall be made of all such duty of excise which has been collected but which would not have been so collected, had the notification referred to in sub-section (1) been in force at all material times, subject to the provisions of section 11B of the Central Excise Act.

(4) Notwithstanding anything contained in section 11B of the Central Excise Act, an application for the claim of refund of duty of excise under sub-section (3) shall be made within six months from the date on which the Finance (No. 2) Bill, 2014 receives the assent of the President.

(5) No act or omission on the part of any person shall be punishable as an offence which would not have been so punishable had the said notification not been amended retrospectively.

103. (1) The notification of the Government of India in the Ministry of Finance (Department of Revenue) number G.S.R. 163 (E), dated the 17th March, 2012, issued under sub-section (f) of section 5A of the Central Excise Act, as specified in column (1) of the Sixth Schedule, shall stand amended and shall be deemed to have been amended retrospectively, in the manner specified in column (2) of that Schedule, on and from and up to the corresponding dates specified in column (3) of the said Schedule.

(2) For the purposes of sub-section (1), the Central Government shall have and shall be deemed to have the power to amend the said notification with retrospective effect as if the Central Government had the power to amend the said notification under sub-section (f) of section 5A of the Central Excise Act, retrospectively, at all material times.
The refund shall be made of all such duty of excise which has been collected but which would not have been so collected, had the notification referred to in sub-section (1) been in force at all material times, subject to the provisions of section 11B of the Central Excise Act.

Notwithstanding anything contained in section 11B of the Central Excise Act, an application for the claim of refund of duty of excise under sub-section (3) shall be made within six months from the date on which the Finance (No. 2) Bill, 2014 receives the assent of the President.

No act or omission on the part of any person shall be punishable as an offence which would not have been so punishable had the said notification not been amended retrospectively.

Explanation.—For the purposes of sub-section (1), the “corresponding date” in relation to—

(i) tariff items specified against S.No.81, means the 8th February, 2013 to 10th July, 2014 (both days inclusive); and

(ii) Chapters specified against S.No.172A, means the 17th March, 2012 to 10th July, 2014 (both days inclusive).

In the Central Excise Act, the Third Schedule shall be amended in the manner specified in the Seventh Schedule.

In the Central Excise Tariff Act, 1985, the First Schedule shall be amended in the manner specified in the Eighth Schedule.

In the Finance Act, 1994,—

(A) in section 65B, with effect from such date as the Central Government may, by notification in the Official Gazette, appoint,—

(i) after the words “the rules made thereunder”, the words “but does not include radio taxi” shall be inserted;

(ii) after clause (39), the following clause shall be inserted, namely:—

“(39a) “print media” means,—

(i) “book” as defined in sub-section (1) of section 1 of the Press and Registration of Books Act, 1867, but does not include business directories, yellow pages and trade catalogues which are primarily meant for commercial purposes;

(ii) “newspaper” as defined in sub-section (1) of section 1 of the Press and Registration of Books Act, 1867;”;

(B) in section 66D, with effect from such date as the Central Government may, by notification in the Official Gazette, appoint,—

(i) for clause (g), the following clause shall be substituted, namely:—

“(g) selling of space for advertisements in print media;”;

(ii) in clause (o), for sub-clause (vi), the following sub-clause shall be substituted, namely:—

“(vi) metered cabs or auto rickshaws;”;

(C) in section 67A, for the Explanation, the following Explanation shall be substituted with effect from such date as the Central Government may, by notification in the Official Gazette, appoint, namely:—

“Explanation.—For the purposes of this section, “rate of exchange” means the rate of exchange determined in accordance with such rules as may be prescribed.”;

(D) in section 73, after sub-section (4A), the following sub-section shall be inserted, namely:—

“(4B) The Central Excise Officer shall determine the amount of service tax due under sub-section (2) in the manner specified in the Seventh Schedule;
(b) within one year from the date of notice, where it is possible to do so, in respect of cases falling under the proviso to sub-section (1) or the proviso to sub-section (4A).”;

(E) in section 80, in sub-section (1), for the words, figures and brackets “section 77 or first proviso to sub-section (1) of section 78”, the words and figures “or section 77” shall be substituted;

(F) in section 82, for sub-section (1), the following sub-section shall be substituted, namely:—

“Where the Joint Commissioner of Central Excise or Additional Commissioner of Central Excise or such other Central Excise officer as may be notified by the Board has reasons to believe that any documents or books or things, which in his opinion shall be useful for or relevant to any proceedings under this Chapter, are secreted in any place, he may authorise in writing any Central Excise officer to search for and seize or may himself search and seize such documents or books or things.”;

(G) in section 83,—

(i) for the words, brackets, figures and letter “sub-section (2) of section 9A”, the words, brackets, figures and letters “sub-section (2A) of section 9A” shall be substituted;

(ii) for section “15”, the sections “15, 15A, 15B” shall be substituted;

(H) in section 86,—

(i) in sub-section (1A), in clause (i), for the words “by notification in the Official Gazette”, the words “by order” shall be substituted;

(ii) in sub-section (6A), in clause (a), the words “for grant of stay or” shall be omitted;

(I) in section 87, in clause (c), the following proviso shall be inserted, namely:—

“Provided that where the person (hereinafter referred to as predecessor) from whom the service tax or any other sums of any kind, as specified in this section, is recoverable or due, transfers or otherwise disposes of his business or trade in whole or in part, or effects any change in the ownership thereof, in consequence of which he is succeeded in such business or trade by any other person, all goods, in the custody or possession of the person so succeeding may also be attached and sold by such officer empowered by the Central Board of Excise and Customs, after obtaining the written approval of the Commissioner of Central Excise, for the purposes of recovering such service tax or other sums recoverable or due from such predecessor at the time of such transfer or otherwise disposal or change.”;

(J) in section 94, in sub-section (2), for clause (k), the following clauses shall be substituted, namely:—

“(k) imposition, on persons liable to pay service tax, for the proper levy and collection of the tax, of duty of furnishing information, keeping records and the manner in which such records shall be verified;

(l) make provisions for withdrawal of facilities or imposition of restrictions (including restrictions on utilisation of CENVAT credit) on provider of taxable service or exporter, for dealing with evasion of tax or misuse of CENVAT credit;

(m) authorisation of the Central Board of Excise and Customs or Chief Commissioners of Central Excise to issue instructions, for any incidental or supplemental matters for the implementation of the provisions of this Act;

(n) any other matter which by this Chapter is to be or may be prescribed.”;

(K) in section 95, after sub-section (1J), the following sub-section shall be inserted, namely:—

“(1K) If any difficulty arises in giving effect to section 106 of the Finance (No. 2) Act, 2014, in so far as it relates to amendments made by the said Act, in this Chapter, the Central Government may, by an order, published in the Official Gazette, not inconsistent with the provisions of this Chapter, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of one year from the date on which the Finance (No. 2) Bill, 2014 receives the assent of the President.”;

(L) after section 99, the following section shall be inserted, namely:—

“100. Notwithstanding anything contained in section 66 as it stood prior to the 1st day of July, 2012, no service tax shall be levied or collected in respect of taxable services provided by the Employees’ State Insurance Corporation set up under the Employees’ State Insurance Act, 1948, during the period prior to the 1st day of July, 2012.”.
107. In the Seventh Schedule to the Finance Act, 2001, the tariff item 2402 20 60 and the entries relating thereto shall be omitted.

108. In the Unit Trust of India (Transfer of Undertaking and Repeal) Act, 2002, in section 13, in sub-section (f), for the words, figures and letters “the 31st day of March, 2014”, the words, figures and letters “the 31st day of March, 2019” shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 2014.

109. In the Finance (No. 2) Act, 2004, in Chapter VII, with effect from the 1st day of October, 2014,—

(A) in section 97,—

(i) after clause (3), the following clause shall be inserted, namely:—

“(3A) “business trust” shall have the meaning assigned to it in clause (13A) of section 2 of the Income-tax Act, 1961;”;

(ii) in clause (13), in sub-clause (a), after the words “unit of an equity oriented fund”, the words “or a unit of a business trust” shall be inserted;

(B) in section 98, in the Table, in column (2),—

(i) in the entry at Sl. No. 1,—

(i) after the words “equity share in a company”, the words “or a unit of a business trust” shall be inserted;

(ii) in clause (b), after the word “share” at both the places where they occur, the words “or unit” shall be inserted;

(ii) in the entry at Sl.No. 2,—

(i) after the words “equity share in a company”, the words “or a unit of a business trust” shall be inserted;

(ii) in clause (b), after the word “share” at both the places where they occur, the words “or unit” shall be inserted;

(iii) in the entry at Sl.No. 3, after the words “unit of an equity oriented fund”, the words “or a unit of a business trust” shall be inserted.

110. In the Finance Act, 2005,—

(a) in section 85, in the marginal heading, for the brackets and words “(pan masala and certain tobacco products)”, the words “on certain goods” shall be substituted;

(b) the Seventh Schedule shall be amended in the manner specified in the Ninth Schedule.

111. In the Finance Act, 2010, in section 83, in sub-section (3), for the portion beginning with the words “for the purposes of” and ending with the words “for any other purpose relating thereto”, the following shall be substituted, namely:—

“for the purposes of financing and promoting clean environment and energy initiatives, funding research in the area of clean environment or clean energy, or for any other purpose relating thereto.”.

112. The Finance Act, 2014 is hereby repealed and shall be deemed never to have been enacted.

Declaration under the Provisional Collection of Taxes Act, 1931

It is hereby declared that it is expedient in the public interest that the provisions of clauses 86, 87 [S.Nos (1) and (9)(ii) of the Third Schedule], 104, 105 (S.No.1 of the Eighth Schedule), 107 and 110 of this Bill shall have immediate effect under the Provisional Collection of Taxes Act, 1931.

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28
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Amendment of Finance (No. 2) Act, 2004.
Amendment of Act 18 of 2005.
Amendment of Act 14 of 2010.
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—
THE FIRST SCHEDULE
(See section 2)

PART I

INCOME-TAX

Paragraph A

(I) In the case of every individual other than the individual referred to in items (II) and (III) of this Paragraph or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which any other Paragraph of this Part applies,—

Rates of income-tax

1. where the total income does not exceed Rs. 2,00,000  Nil;
2. where the total income exceeds Rs. 2,00,000 but does not exceed Rs. 5,00,000  10 per cent. of the amount by which the total income exceeds Rs. 2,00,000;
3. where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000  Rs. 30,000 plus 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000;
4. where the total income exceeds Rs. 10,00,000  Rs. 1,30,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 10,00,000.

(II) In the case of every individual, being a resident in India, who is of the age of sixty years or more but less than eighty years at any time during the previous year,—

Rates of income-tax

1. where the total income does not exceed Rs. 2,50,000  Nil;
2. where the total income exceeds Rs. 2,50,000 but does not exceed Rs. 5,00,000  10 per cent. of the amount by which the total income exceeds Rs. 2,50,000;
3. where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000  Rs. 25,000 plus 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000;
4. where the total income exceeds Rs. 10,00,000  Rs. 1,25,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 10,00,000.

(III) In the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year,—

Rates of income-tax

1. where the total income does not exceed Rs. 5,00,000  Nil;
2. where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000  20 per cent. of the amount by which the total income exceeds Rs. 5,00,000;
3. where the total income exceeds Rs. 10,00,000  Rs. 1,00,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 10,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall, in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in the case of persons mentioned above having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.
Paragraph C

In the case of every firm,—

Rates of income-tax

On the whole of the total income 30 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall, in the case of every firm, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in the case of every firm mentioned above having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 30 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall, in the case of every local authority, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in the case of every local authority mentioned above having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph E

In the case of a company,—

Rates of income-tax

I. In the case of a domestic company 30 per cent. of the total income;

II. In the case of a company other than a domestic company—
(i) on so much of the total income as consists of,—

(a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976; or

(b) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,

and where such agreement has, in either case, been approved by the Central Government

(ii) on the balance, if any, of the total income

and  where  such  agreement  has,  in  either  case,  been approved by the Central

50 per cent.;

40 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall, in the case of every company, be increased by a surcharge for the purposes of the Union calculated,—

(i) in the case of every domestic company—

(a) having a total income exceeding one crore rupees, but not exceeding ten crore rupees, at the rate of five per cent. of such income-tax; and

(b) having a total income exceeding ten crore rupees, at the rate of ten per cent. of such income-tax;

(ii) in the case of every company other than a domestic company—

(a) having a total income exceeding one crore rupees but not exceeding ten crore rupees, at the rate of two per cent. of such income-tax; and

(b) having a total income exceeding ten crore rupees, at the rate of five per cent. of such income-tax:

Provided that in the case of every company having a total income exceeding one crore rupees but not exceeding ten crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided further that in the case of every company having a total income exceeding ten crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax and surcharge on a total income of ten crore rupees by more than the amount of income that exceeds ten crore rupees.

PART II

RATES FOR DEDUCTION OF TAX AT SOURCE IN CERTAIN CASES

In every case in which under the provisions of sections 193, 194, 194A, 194B, 194BB, 194D and 195 of the Income-tax Act, tax is to be deducted at the rates in force, deduction shall be made from the income subject to the deduction at the following rates:—

<table>
<thead>
<tr>
<th>Rate of income-tax</th>
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<tbody>
<tr>
<td>10 per cent.</td>
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<tr>
<td>30 per cent.</td>
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<td>30 per cent.</td>
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<td>10 per cent.</td>
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<td>10 per cent.</td>
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</table>

Provided that any debentures or securities for money issued by or on behalf of any local authority or a corporation established by a Central, State or Provincial Act;

Provided that any debentures issued by a company where such debentures are listed on a recognised stock exchange in accordance with the Securities Contracts (Regulation) Act, 1956 (42 of 1956) and any rules made thereunder;
(C) any security of the Central or State Government;

(vi) on any other income

(b) where the person is not resident in India—

(i) in the case of a non-resident Indian—

(A) on any investment income

(B) on income by way of long-term capital gains referred to in section 115E or sub-clause (iii) of clause (c) of sub-section (1) of section 112

(C) on income by way of short-term capital gains referred to in section 111A

(D) on other income by way of long-term capital gains [not being long-term capital gains referred to in clauses (33), (36) and (38) of section 10]

(E) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency (not being income by way of interest referred to in section 194LB or section 194LC)

(F) on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on a subject referred to in the first proviso to sub-section (1A) of section 115A of the Income-tax Act, to the Indian concern, or in respect of any computer software referred to in the second proviso to sub-section (1A) of section 115A of the Income-tax Act, to a person resident in India

(G) on income by way of royalty [not being royalty of the nature referred to in sub-item (b)(i)(F)] payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy

(H) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy

(i) on income by way of winnings from lotteries, crossword puzzles, card games and other games of any sort

(J) on income by way of winnings from horse races

(K) on the whole of the other income

(ii) in the case of any other person—

(A) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency (not being income by way of interest referred to in section 194LB or section 194LC)

(B) on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on a subject referred to in the first proviso to sub-section (1A) of section 115A of the Income-tax Act, to the Indian concern, or in respect of any computer software referred to in the second proviso to sub-section (1A) of section 115A of the Income-tax Act, to a person resident in India

Rate of income-tax:

- 10 per cent.;
- 20 per cent.;
- 10 per cent.;
- 15 per cent.;
- 20 per cent.;
- 20 per cent.;
- 20 per cent.;
- 25 per cent.;
- 25 per cent.;
- 25 per cent.;
- 20 per cent.;
- 20 per cent.;
- 20 per cent.;
- 30 per cent.;
- 30 per cent.;
- 30 per cent.;
- 40 per cent.;
- 20 per cent.;
- 25 per cent.;
- 45 per cent.;
- 50 per cent.;
(C) on income by way of royalty [not being royalty of the nature referred to in sub-item (b)(ii)(B)] payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy

(D) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy

(E) on income by way of winnings from lotteries, crossword puzzles, card games and other games of any sort

(F) on income by way of winnings from horse races

(G) on income by way of short-term capital gains referred to in section 111A

(H) on income by way of long-term capital gains referred to in sub-clause (iii) of clause (c) of sub-section (1) of section 112

(I) on income by way of other long-term capital gains [not being long-term capital gains referred to in clauses (33), (36) and (38) of section 10]

(J) on the whole of the other income

2. In the case of a company—

(a) where the company is a domestic company—

(i) on income by way of interest other than “Interest on securities”

(ii) on income by way of winnings from lotteries, crossword puzzles, card games and other games of any sort

(iii) on income by way of winnings from horse races

(iv) on any other income

(b) where the company is not a domestic company—

(i) on income by way of winnings from lotteries, crossword puzzles, card games and other games of any sort

(ii) on income by way of winnings from horse races

(iii) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency (not being income by way of interest referred to in section 194LB or section 194LC)

(iv) on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1976 where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on a subject referred to in the first proviso to sub-section (1A) of section 115A of the Income-tax Act, to the Indian concern, or in respect of any computer software referred to in the second proviso to sub-section (1A) of section 115A of the Income-tax Act, to a person resident in India

(v) on income by way of royalty [not being royalty of the nature referred to in sub-item (b)(iv)] payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy—

Rate of income-tax

| 10 | 25 per cent. |
| 15 | 30 per cent. |
| 20 | 30 per cent. |
| 25 | 30 per cent. |
| 30 | 30 per cent. |
| 35 | 30 per cent. |
| 40 | 30 per cent. |
| 45 | 30 per cent. |
| 50 | 30 per cent. |
(A) where the agreement is made after the 31st day of March, 1961 but before the 1st day of April, 1976

(B) where the agreement is made after the 31st day of March, 1976

(vi) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and where such agreement is with an Indian concern, the agreement is approved by the Central Government or where it relates to a matter included in the industrial policy, for the time being in force, of the Government of India, the agreement is in accordance with that policy—

(A) where the agreement is made after the 29th day of February, 1964 but before the 1st day of April, 1976

(B) where the agreement is made after the 31st day of March, 1976

(vii) on income by way of short-term capital gains referred to in section 111A

(viii) on income by way of long-term capital gains referred to in sub-clause (iii) of clause (c) of sub-section (1) of section 112

(ix) on income by way of other long-term capital gains [not being long-term capital gains referred to in clauses (33), (36) and (38) of section 10]

(x) on any other income

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<th>Rate of income-tax</th>
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<td>50 per cent.;</td>
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<td>20 per cent.;</td>
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<td>40 per cent.</td>
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**Explanation.**—For the purpose of item 1(b)(i) of this Part, “investment income” and “non-resident Indian” shall have the meanings assigned to them in Chapter XII-A of the Income-tax Act.

**Surcharge on income-tax**

The amount of income-tax deducted in accordance with the provisions of—

(i) item 1 of this Part, shall be increased by a surcharge, for the purposes of the Union, in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act or co-operative society or firm or local authority, being a non-resident, calculated at the rate of ten per cent. of such tax, where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds one crore rupees;

(ii) item 2 of this Part, shall be increased by a surcharge, for purposes of the Union, in the case of every company other than a domestic company, calculated,—

(a) at the rate of two per cent. of such income-tax where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds one crore rupees but does not exceed ten crore rupees; and

(b) at the rate of five per cent. of such income-tax where the income or the aggregate of such incomes paid or likely to be paid and subject to the deduction exceeds ten crore rupees.

**PART III**

**RATES FOR CHARGING INCOME-TAX IN CERTAIN CASES, DEDUCTING INCOME-TAX FROM INCOME CHARGEABLE UNDER THE HEAD “SALARIES” AND COMPUTING “ADVANCE TAX”**

In cases in which income-tax has to be charged under sub-section (4) of section 172 of the Income-tax Act or sub-section (2) of section 174 or section 174A or section 175 or sub-section (2) of section 176 of the said Act or deducted from, or paid on, from income chargeable under the head “Salaries” under section 192 of the said Act or in which the “advance tax” payable under Chapter XVII-C of the said Act has to be computed at the rate or rates in force, such income-tax or, as the case may be, “advance tax” [not being “advance tax” in respect of any income chargeable to tax under Chapter XII or Chapter XII-A or income chargeable to tax under section 115JB or section 115JC or Chapter XII-FA or sub-section (1A) of section 161 or section 164 or section 164A or section 167B of the Income-tax Act at the rates as specified in that Chapter or section or surcharge, wherever applicable, on such “advance tax” in respect of any income chargeable to tax under section 115A or section 115AB or section 115AC or section 115ACA or section 115AD or section 115B or section 115BB or section 115BBA or section 115BBC or section 115BBD or section 115BBE or section 115E or section 115JB or section 115JC] shall be charged, deducted or computed at the following rate or rates:—

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<thead>
<tr>
<th>Rate of tax</th>
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<tbody>
<tr>
<td>10 per cent.</td>
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<tr>
<td>15 per cent.</td>
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<td>25 per cent.</td>
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<td>30 per cent.</td>
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<td>35 per cent.</td>
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<td>40 per cent.</td>
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<tr>
<td>45 per cent.</td>
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<td>50 per cent.</td>
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**Explanation.**—For the purpose of item 1(b)(i) of this Part, “investment income” and “non-resident Indian” shall have the meanings assigned to them in Chapter XII-A of the Income-tax Act.

**Paragraph A**

(i) In the case of every individual other than the individual referred to in items (ii) and (iii) of this Paragraph or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which any other Paragraph of this Part applies,—

<table>
<thead>
<tr>
<th>Rate of advance tax</th>
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<tbody>
<tr>
<td>25 per cent.</td>
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<tr>
<td>25 per cent.</td>
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<tr>
<td>10 per cent.</td>
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<td>20 per cent.</td>
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<td>40 per cent.</td>
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<td>45 per cent.</td>
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<td>50 per cent.</td>
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</table>
Rates of income-tax

(1) where the total income does not exceed Rs. 2,50,000  Nil;
(2) where the total income exceeds Rs. 2,50,000 but does not exceed Rs. 5,00,000  10 per cent. of the amount by which the total income exceeds Rs. 2,50,000;
(3) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000  Rs. 25,000 plus 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000;
(4) where the total income exceeds Rs. 10,00,000  Rs. 1,25,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 10,00,000.

(II) In the case of every individual, being a resident in India, who is of the age of sixty years or more but less than eighty years at any time during the previous year,—

Rates of income-tax

(1) where the total income does not exceed Rs. 3,00,000  Nil;
(2) where the total income exceeds Rs. 3,00,000 but does not exceed Rs. 5,00,000  10 per cent. of the amount by which the total income exceeds Rs. 3,00,000;
(3) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000  Rs. 20,000 plus 20 per cent. of the amount by which the total income exceeds Rs. 5,00,000;
(4) where the total income exceeds Rs. 10,00,000  Rs. 1,20,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 10,00,000.

(III) In the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year,—

Rates of income-tax

(1) where the total income does not exceed Rs. 5,00,000  Nil;
(2) where the total income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000  20 per cent. of the amount by which the total income exceeds Rs. 5,00,000;
(3) where the total income exceeds Rs. 10,00,000  Rs. 1,00,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 10,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall, in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in the case of persons mentioned above having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000  10 per cent. of the total income;
(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000  Rs. 1,000 plus 20 per cent. of the amount by which the total income exceeds Rs. 10,000;
(3) where the total income exceeds Rs. 20,000  Rs. 3,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 20,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall, in the case of every co-operative society, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of ten per cent. of such income-tax:
Provided that in the case of every co-operative society mentioned above having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

**Paragraph C**

In the case of every firm,—

**Rate of income-tax**

On the whole of the total income 30 per cent.

**Surcharge on income-tax**

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall, in the case of every firm, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in the case of firm mentioned above having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

**Paragraph D**

In the case of every local authority,—

**Rate of income-tax**

On the whole of the total income 30 per cent.

**Surcharge on income-tax**

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall, in the case of every local authority, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in the case of local authority mentioned above having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

**Paragraph E**

In the case of a company,—

**Rates of income-tax**

I. In the case of a domestic company 30 per cent. of the total income;

II. In the case of a company other than a domestic company—

(i) on so much of the total income as consists of,—

(a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976; or

(b) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,

and where such agreement has, in either case, been approved by the Central Government

(ii) on the balance, if any, of the total income 40 per cent.

**Surcharge on income-tax**

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall, be increased by a surcharge for the purposes of the Union calculated,—

(i) in the case of every domestic company,—

(a) having a total income exceeding one crore rupees but not exceeding ten crore rupees, at the rate of five per cent. of such income-tax; and
(b) having a total income exceeding ten crore rupees, at the rate of ten per cent. of such income-tax;

(ii) in the case of every company other than a domestic company,—

(a) having a total income exceeding one crore rupees but not exceeding ten crore rupees, at the rate of two per cent. of such income-tax; and

(b) having a total income exceeding ten crore rupees, at the rate of five per cent. of such income-tax:

Provided that in the case of every company having a total income exceeding one crore rupees but not exceeding ten crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided further that in the case of every company having a total income exceeding ten crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax and surcharge on a total income of ten crore rupees by more than the amount of income that exceeds ten crore rupees.

PART IV

RULES FOR COMPUTATION OF NET AGRICULTURAL INCOME

Rule 1.— Agricultural income of the nature referred to in sub-clause (a) of clause (1A) of section 2 of the Income-tax Act shall be computed as if it were income chargeable to income-tax under that Act under the head “Income from other sources” and the provisions of sections 57 to 59 of that Act shall, so far as may be, apply accordingly:

Provided that sub-section (2) of section 58 shall apply subject to the modification that the reference to section 40A therein shall be construed as not including a reference to sub-sections (3) and (4) of section 40A.

Rule 2.— Agricultural income of the nature referred to in sub-clause (b) or sub-clause (c) of clause (1A) of section 2 of the Income-tax Act [other than income derived from any building required as a dwelling-house by the receiver of the rent or revenue of the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c)] shall be computed as if it were income chargeable to income-tax under that Act under the head “Profits and gains of business or profession” and the provisions of sections 30, 31, 32, 36, 37, 38, 40, 40A [other than sub-sections (3) and (4) thereof], 41, 43, 43A, 43B and 43C of the Income-tax Act shall, so far as may be, apply accordingly.

Rule 3.— Agricultural income of the nature referred to in sub-clause (c) of clause (1A) of section 2 of the Income-tax Act, being income derived from any building required as a dwelling-house by the receiver of the rent or revenue of the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c) shall be computed as if it were income chargeable to income-tax under that Act under the head “Income from house property” and the provisions of sections 23 to 27 of that Act shall, so far as may be, apply accordingly.

Rule 4.—Notwithstanding anything contained in any other provisions of these rules, in a case—

(a) where the assessee derives income from sale of tea grown and manufactured by him in India, such income shall be computed in accordance with rule 8 of the Income-tax Rules, 1962, and sixty per cent. of such income shall be regarded as the agricultural income of the assessee;

(b) where the assessee derives income from sale of centrifuged latex or cenex or latex based crepes (such as pale latex crepe) or brown crepes (such as estate brown crepe, re-milled crepe, smoked blanket crepe or flat bark crepe) or technically specified block rubbers manufactured or processed by him from rubber plants grown by him in India, such income shall be computed in accordance with rule 7A of the Income-tax Rules, 1962, and sixty-five per cent. of such income shall be regarded as the agricultural income of the assessee;

(c) where the assessee derives income from sale of coffee grown and manufactured by him in India, such income shall be computed in accordance with rule 7B of the Income-tax Rules, 1962, and sixty per cent. or seventy-five per cent., as the case may be, of such income shall be regarded as the agricultural income of the assessee.

Rule 5.— Where the assessee is a member of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) which in the previous year has either no income chargeable to tax under the Income-tax Act or has total income not exceeding the maximum amount not chargeable to tax in the case of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) but has any agricultural income, then, the agricultural income or loss of the association or body shall be computed in accordance with these rules and the share of the assessee in the agricultural income or loss so computed shall be regarded as the agricultural income or loss of the assessee.

Rule 6.— Where the result of the computation for the previous year in respect of any source of agricultural income is a loss, such loss shall be set off against the income of the assessee, if any, for that previous year from any other source of agricultural income:

Provided that where the assessee is a member of an association of persons or a body of individuals and the share of the assessee in the agricultural income of the association or body, as the case may be, is a loss, such loss shall not be set off against any income of the assessee from any other source of agricultural income.
Rule 7.—Any sum payable by the assessee on account of any tax levied by the State Government on the agricultural income shall be deducted in computing the agricultural income.

Rule 8.—(1) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 2014, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013, is a loss, then, for the purposes of sub-section (2) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2006, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2007, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2008, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2009, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2010, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2011, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2012 or the 1st day of April, 2013,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2012, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2013,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2013, shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 2014.

(2) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 2015, or, by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than the previous year, in such other period, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013 or the 1st day of April, 2014, is a loss, then, for the purposes of sub-section (10) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2007, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013 or the 1st day of April, 2014,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2008, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013 or the 1st day of April, 2014,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2009, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013 or the 1st day of April, 2014,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2010, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013 or the 1st day of April, 2014,
(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2011, to
the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment
year commencing on the 1st day of April, 2012 or the 1st day of April, 2013 or the 1st day of April, 2014,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2012, to
the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment
year commencing on the 1st day of April, 2013 or the 1st day of April, 2014,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2013,
to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment
year commencing on the 1st day of April, 2014,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2014,
shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing
on the 1st day of April, 2015.

(3) Where any person deriving any agricultural income from any source has been succeeded in such capacity by another
person, otherwise than by inheritance, nothing in sub-rule (1) or sub-rule (2) shall entitle any person, other than the person
incurring the loss, to have it set off under sub-rule (1) or, as the case may be, sub-rule (2).

(4) Notwithstanding anything contained in this rule, no loss which has not been determined by the Assessing Officer under the
provisions of these rules or the rules contained in the First Schedule to the Finance Act, 2006 (21 of 2006) or of the First Schedule
to the Finance Act, 2007 (22 of 2007) or of the First Schedule to the Finance Act, 2008 (18 of 2008) or of the First Schedule to the
Finance (No.2) Act, 2009 (33 of 2009) or of the First Schedule to the Finance Act, 2010 (14 of 2010) or of the First Schedule to the
Finance Act, 2011 (8 of 2011) or of the First Schedule to the Finance Act, 2012 (23 of 2012) or of the First Schedule to the
Finance Act, 2013 (17 of 2013) shall be set off under sub-rule (1) or, as the case may be, sub-rule (2).

Rule 9.—Where the net result of the computation made in accordance with these rules is a loss, the loss so computed shall be
ignored and the net agricultural income shall be deemed to be nil.

Rule 10.—The provisions of the Income-tax Act relating to procedure for assessment (including the provisions of section 288A
relating to rounding off of income) shall, with the necessary modifications, apply in relation to the computation of the net agricultural
income of the assessee as they apply in relation to the assessment of the total income.

Rule 11.—For the purposes of computing the net agricultural income of the assessee, the Assessing Officer shall have the
same powers as he has under the Income-tax Act for the purposes of assessment of the total income.
and date (1) (2) (3) of amendment

<table>
<thead>
<tr>
<th>Notification No. and date</th>
<th>Amendment</th>
<th>Period of effect of amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.S.R.185(E), dated the 17th March, 2012[12/2012-Customs, dated the 17th March, 2012]</td>
<td>In the said notification, in the Table, for S. No. 141 and the entries relating thereto, the following S. No. and entries shall be substituted and shall be deemed to have been substituted with effect from the date specified in column (3), namely:–</td>
<td>From 8th February, 2013 to 10th July, 2014 (both days inclusive)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
<th>(5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>“141</td>
<td>2711 12 00, 2711 13 00, 2711 19 00</td>
<td>Liquefied propane and butane mixture, liquefied propane, liquefied butane and liquefied petroleum gases (LPG) imported by the Indian Oil Corporation Limited, Hindustan Petroleum Corporation Limited or Bharat Petroleum Corporation Limited for supply to household domestic consumers or to non-domestic exempted category (NDEC) customers.</td>
<td>Nil</td>
<td>-</td>
</tr>
</tbody>
</table>

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THE THIRD SCHEDULE
(See section 87)

In the First Schedule to the Customs Tariff Act,—

(1) in Chapter 24, the tariff item 2402 20 60 and the entries relating thereto shall be omitted;

(2) in Chapter 40, in tariff item 4015 90 20, for the entry in column (3), the entry “kg.” shall be substituted;

(3) in Chapter 41, for the entry in column (3) occurring against all the tariff items of heading 4102, the entry “kg.” shall be substituted;

(4) in Chapter 49, for the entry in column (3) occurring against all the tariff items of headings 4901, 4909 and 4910, the entry “u” shall be substituted;

(5) in Chapter 73, for the entry in column (3) occurring against all the tariff items of headings 7308, 7323 and 7324, the entry “u” shall be substituted;

(6) in Chapter 82, for the entry in column (3) occurring against all the tariff items of headings 8205 and 8208, the entry “u” shall be substituted;

(7) in Chapter 83, for the entry in column (3) occurring against all the tariff items of heading 8301, the entry “u” shall be substituted;

(8) in Chapter 84,—

(i) for the entry in column (3) occurring against all the tariff items of headings 8405 and 8466, the entry “u” shall be substituted;

(ii) in tariff items 8418 61 00, 8418 69 10, 8418 69 20, 8418 69 30, 8418 69 40, 8418 69 50, 8418 69 90, 8418 69 90, 8421 91 00, 8421 99 00, 8432 80 10, 8432 80 20, 8432 80 90, 8432 90 10, 8432 90 90, 8473 30 10, 8473 30 20, 8473 30 30, 8473 30 40, 8473 30 91, 8473 30 92, 8473 30 99, 8473 40 10, 8473 40 90, 8473 50 00 and 8483 90 00, for the entry in column (3) against each of them, the entry “u” shall be substituted;

(9) in Chapter 85,—

(i) for the entry in column (3) occurring against all the tariff items of headings 8503, 8529, 8532, 8533, 8534, 8535 and 8536, the entry “u” shall be substituted;

(ii) for the entries in column (4) occurring against tariff items 8517 62 90 and 8517 69 90, the entry “10%” shall be substituted;

(iii) in tariff items 8517 70 10, 8518 90 00 and 8538 10 10, for the entry in column (3) against each of them, the entry “u” shall be substituted;

(iv) for the entry in column (3) occurring against all the tariff items of heading 8544, the entry “m” shall be substituted;

(10) in Chapter 90, in tariff items 9004 90 90, 9005 80 90, 9026 90 00, 9031 10 00, 9031 20 00, 9031 41 00, 9031 49 00 and 9031 90 00, for the entry in column (3) against each of them, the entry “u” shall be substituted;

(11) in Chapter 91, in tariff items 9110 12 00, 9110 19 00, 9110 90 00 and 9113 10 00, for the entry in column (3) against each of them, the entry “u” shall be substituted.
THE FOURTH SCHEDULE
(See section 101)

Provisions of the Pan Masala Packing Machines (Capacity Determination and Collection of Duty) Rules, 2008 to be amended

| --- | --- | --- |
| In the Pan Masala Packing Machines (Capacity Determination and Collection of Duty) Rules, 2008, in rule 8, for the first proviso, the following proviso shall be substituted with effect from the date specified in column (3), namely:–

“Provided that where a manufacturer uses an operating machine to produce pouches of different retail sale prices during a month, he shall be liable to pay the duty applicable to the pouch bearing the highest retail sale price for the whole month.”. | 13th April, 2010. | 5 |

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<table>
<thead>
<tr>
<th>Notification No. and date</th>
<th>Amendment</th>
<th>Period of effect of amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.S.R. 95(E), dated the 1st March, 2006 [5/2006-Central Excise, dated the 1st March, 2006]</td>
<td>(1) In the said notification, in the Table, after serial number 2B and the entries relating thereto, the following serial number and entries shall be inserted and shall be deemed to have been inserted with effect from the date and up to the period specified in column (3), namely:–</td>
<td>29th June, 2010 to 16th March, 2012 (both days inclusive)</td>
</tr>
<tr>
<td></td>
<td>(1) Polyester staple fibre or polyester filament yarn manufactured from plastic scrap or plastic waste including waste polyethylene terephthalate bottles</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) Tow manufactured and captively consumed within the factory of its production for the manufacture of goods specified in entry (1)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;2C 54 or 55 Nil -&quot;;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;(l) Articles of – Nil 8&quot;;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) gold,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) silver,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) platinum,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(d) palladium,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(e) rhodium,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(f) iridium,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(g) osmium, or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(h) ruthenium,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>not bearing a brand name</td>
<td></td>
</tr>
</tbody>
</table>
THE SIXTH SCHEDULE
(See section 103)

<table>
<thead>
<tr>
<th>Notification No. and date</th>
<th>Amendment</th>
<th>Period of effect of amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.S.R. 163(E), dated the 17th March, 2012 [12/2012-Central Excise, dated the 17th March, 2012]</td>
<td>(1) In the said notification, in the Table, for serial number 81 and the entries relating thereto, the following serial number and entries shall be substituted and shall be deemed to have been substituted with effect from the date and up to the period specified in column (3), namely:–</td>
<td>From 8th February, 2013 to 10th July, 2014 (both days inclusive)</td>
</tr>
<tr>
<td></td>
<td>“81 2711 12 00, 2711 13 00, 2711 19 00</td>
<td>Liquefied Propane and Butane mixture, Liquefied Propane, Liquefied Butane and Liquefied Petroleum Gases (LPG) for supply to household domestic consumers or to Non-Domestic Exempted Category (NDEC) customers by the Indian Oil Corporation Limited, Hindustan Petroleum Corporation Limited or Bharat Petroleum Corporation Limited</td>
</tr>
<tr>
<td>(2) In the said notification, in the Table, for serial number 172A and the entries relating thereto, the following serial number and entries shall be substituted and shall be deemed to have been substituted with effect from the date and up to the period specified in column (3), namely:–</td>
<td>From 17th March, 2012 to 10th July, 2014 (both days inclusive)</td>
<td></td>
</tr>
<tr>
<td>“172A 54 or 55</td>
<td>Polyester staple fibre or polyester filament yarn manufactured from plastic scrap or plastic waste including waste polyethylene terephthalate bottles (2) Tow manufactured and captively consumed within the factory of its production for the manufacture of goods specified in entry (1)</td>
<td>Nill -;</td>
</tr>
</tbody>
</table>
In the Third Schedule to the Central Excise Act,—

(i) in S.No. 15, for the entry in column (2), the entry “2101 11 or 2101 12 00” shall be substituted;

(ii) after S.No. 30 and the entries relating thereto, the following S. No. and entries shall be inserted, namely:—

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Heading, sub-heading or tariff item</th>
<th>Description of goods</th>
</tr>
</thead>
<tbody>
<tr>
<td>30A.</td>
<td>3002 20 or 3002 30 00</td>
<td>Vaccines (other than those specified under the National Immunisation Program)*</td>
</tr>
</tbody>
</table>

(iii) after S.No. 36 and the entries relating thereto, the following S. Nos. and entries shall be inserted, namely:—

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>36A.</td>
<td>3215 90 10</td>
<td>Fountain pen ink</td>
</tr>
<tr>
<td>36B.</td>
<td>3215 90 20</td>
<td>Ball pen ink</td>
</tr>
<tr>
<td>36C.</td>
<td>3215 90 40</td>
<td>Drawing ink*</td>
</tr>
</tbody>
</table>

(iv) after S.No. 38 and the entries relating thereto, the following S. No. and entries shall be inserted, namely:—

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>38A.</td>
<td>3306 10 10</td>
<td>Tooth powder*</td>
</tr>
</tbody>
</table>

(v) after S.No. 53 and the entries relating thereto, the following S. Nos. and entries shall be inserted, namely:—

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>53A.</td>
<td>39 or 40</td>
<td>Nipples for feeding bottles</td>
</tr>
<tr>
<td>53B.</td>
<td>4015</td>
<td>Surgical rubber gloves or medical examination rubber gloves*</td>
</tr>
</tbody>
</table>

(vi) after S.No. 62 and the entries relating thereto, the following S. No. and entries shall be inserted, namely:—

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>62A.</td>
<td>7310 or 7326 or any other Chapter</td>
<td>Mathematical boxes, geometry boxes and colour boxes, pencil sharpeners*</td>
</tr>
</tbody>
</table>

(vii) after S.No. 65 and the entries relating thereto, the following S. No. and entries shall be inserted, namely:—

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>65A.</td>
<td>8215</td>
<td>All goods*</td>
</tr>
</tbody>
</table>

(viii) in S.No.68, for the entry in column (3), the entry “All goods except goods specified in sub-heading 8415 20” shall be substituted;

(ix) for S.No.69 and the entries relating thereto, the following S.No. and entries shall be substituted, namely:—

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>69.</td>
<td>8418 21 00, 8418 29 00, 8418 30 90, 8418 69 20</td>
<td>All goods*</td>
</tr>
</tbody>
</table>
(x) in S.No. 70, for the entry in column (2), the entry “8421 21” shall be substituted;

(xii) in S.No. 73, for the entry in column (3), the entry “Typewriters” shall be substituted;

(xiii) in S.No. 76, for the entry in column (3), the entry “All goods other than parts falling under tariff item 8506 90 00” shall be substituted;

(xiv) in S.No. 76A, for the entry in column (3), the entry “All goods other than parts falling under tariff item 8508 70 00” shall be substituted;

(xv) in S.No. 77, for the entry in column (3), the entry “All goods other than parts falling under tariff item 8509 90 00” shall be substituted;

(xvi) in S.No. 78, for the entry in column (3), the entry “All goods other than parts falling under tariff item 8510 90 00” shall be substituted;

(xvii) in S.No. 79, for the entry in column (3), the entry “All goods other than parts falling under tariff item 8513 90 00” shall be substituted;

(xviii) in S.No. 81, for the entry in column (3), the entry “Telephone sets including telephones with cordless handsets and for cellular networks or for other wireless networks; videophones” shall be substituted;

(xix) after S.No. 81B and the entries relating thereto, the following S. No. and entries shall be inserted, namely:–

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>81C.</td>
<td>8517</td>
<td>Wireless data modem cards with PCMCIA or USB or PCI express ports;</td>
</tr>
</tbody>
</table>

(xx) in S.No. 84, for the entry in column (3), the entry “All goods except goods specified in tariff items 8523 21 00, 8523 29 60 to 8523 29 90, 8523 41 20 to 8523 41 50, 8523 49 30, 8523 49 50 to 8523 49 90, 8523 52 10, 8523 59, 8523 80 20, 8523 80 30 and 8523 80 60” shall be substituted;

(xxi) after S.No. 84 and the entries relating thereto, the following S.No. and entries shall be inserted, namely:–

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>84A.</td>
<td>8523 80 20</td>
<td>Packaged software or canned software.</td>
</tr>
</tbody>
</table>

Explanation.—For the purposes of this Schedule, “Packaged software or canned software” means a software developed to meet the needs of variety of users, and which is intended for sale or capable of being sold off the shelf.;

(xxii) for S.No.89 and the entries relating thereto, the following S.No. and entries shall be substituted, namely:–

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>89.</td>
<td>8517 or 8525 60</td>
<td>Mobile handsets including Cellular Phones and Radio trunking terminals;</td>
</tr>
</tbody>
</table>

(xxiii) in S.No.94, for the entry in column (3), the entry “All goods except lamps for automobiles” shall be substituted.

(xxiv) after S.No. 94 and the entries relating thereto, the following S.No. and entries shall be inserted, namely:–

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>94A.</td>
<td>Chapter 84 or 85</td>
<td>Goods capable of performing two or more functions of items specified at S.Nos. 67 to 94;</td>
</tr>
</tbody>
</table>

(xxv) after S.No. 99 and the entries relating thereto, the following S.No. and entries shall be inserted, namely:–

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>99A.</td>
<td>9619</td>
<td>All goods.</td>
</tr>
</tbody>
</table>
In the First Schedule to the Central Excise Tariff Act, 1985,—

1. in Chapter 24,—

(a) for the entries in column (4) occurring against tariff items 2401 10 10, 2401 10 20, 2401 10 30, 2401 10 40, 2401 10 50, 2401 10 60, 2401 10 70, 2401 10 80, 2401 10 90, 2401 20 10, 2401 20 20, 2401 20 30, 2401 20 40, 2401 20 50, 2401 20 60, 2401 20 70, 2401 20 80 and 2401 20 90, the entry “55%” shall be substituted;

(b) in tariff items 2402 10 10 and 2402 10 20, for the entry in column (4), the entry “12 % or Rs. 2250 per thousand, whichever is higher” shall be substituted;

(c) in tariff item 2402 20 10, for the entry in column (4), the entry “Rs. 990 per thousand” shall be substituted;

(d) in tariff item 2402 20 20, for the entry in column (4), the entry “Rs. 1995 per thousand” shall be substituted;

(e) in tariff item 2402 20 30, for the entry in column (4), the entry “Rs. 990 per thousand” shall be substituted;

(f) in tariff item 2402 20 40, for the entry in column (4), the entry “Rs. 1490 per thousand” shall be substituted;

(g) in tariff item 2402 20 50, for the entry in column (4), the entry “Rs. 1995 per thousand” shall be substituted;

(h) the tariff item 2402 20 60 and the entries relating thereto shall be omitted;

(i) in tariff item 2402 90 10, for the entry in column (4), the entry “Rs. 2250 per thousand” shall be substituted;

(j) in tariff items 2402 90 20 and 2402 90 90, for the entry in column (4), the entry “12% or Rs. 2250 per thousand, whichever is higher” shall be substituted;

(k) in the heading 2403, in sub-heading 2403 19, after the tariff item 2403 19 10, for the tariff item occurring as “2403 19”, the tariff item “2403 19 21” shall be substituted;

(l) for the entries in column (4) occurring against tariff items 2403 99 10, 2403 99 30 and 2403 99 90, the entry “70%” shall be substituted.

2. in Chapter 40, in tariff item 4015 90 20, for the entry in column (3), the entry “kg.” shall be substituted;

3. in Chapter 41, for the entry in column (3) occurring against all the tariff items of heading 4102, the entry “kg.” shall be substituted;

4. in Chapter 49, for the entry in column (3) occurring against all the tariff items of headings 4901, 4909 and 4910, the entry “u” shall be substituted;

5. in Chapter 73, for the entry in column (3) occurring against all the tariff items of headings 7308, 7323 and 7324, the entry “u” shall be substituted;

6. in Chapter 82, for the entry in column (3) occurring against all the tariff items of headings 8205 and 8208, the entry “u” shall be substituted;

7. in Chapter 83, for the entry in column (3) occurring against all the tariff items of heading 8301, the entry “u” shall be substituted;

8. in Chapter 84,—

(i) for the entry in column (3) occurring against all the tariff items of headings 8405 and 8466, the entry “u” shall be substituted;

(ii) in tariff items 8418 61 00, 8418 69 10, 8418 69 20, 8418 69 30, 8418 69 40, 8418 69 50, 8418 69 90, 8421 91 00, 8421 99 00, 8432 80 10, 8432 80 20, 8432 80 90, 8432 90 10, 8432 90 90, 8473 30 10, 8473 30 20, 8473 30 30, 8473 30 40, 8473 30 91, 8473 30 92, 8473 30 99, 8473 40 10, 8473 40 90, 8473 50 00 and 8483 90 00, for the entry in column (3) against each of them, the entry “u” shall be substituted;

9. in Chapter 85,—

(i) for the entry in column (3) occurring against all the tariff items of heading 8503, 8529, 8532, 8533, 8534, 8535 and 8536, the entry “u” shall be substituted;

(ii) in tariff items 8517 70 10, 8518 90 00 and 8538 10 10, for the entry in column (3) against each of them, the entry “u” shall be substituted;

(iii) for the entry in column (3) occurring against all the tariff items of heading 8544, the entry “m” shall be substituted;

10. in Chapter 90, in tariff items 9004 90 90, 9005 80 90, 9026 90 00, 9031 10 00, 9031 20 00, 9031 41 00, 9031 49 00 and 9031 90 00, for the entry in column (3) against each of them, the entry “u” shall be substituted;

11. in Chapter 91, in tariff items 9110 12 00, 9110 19 00, 9110 90 00 and 9113 10 00 for the entry in column (3) against each of them, the entry “u” shall be substituted.
In the Seventh Schedule to the Finance Act, 2005,—

(i) after tariff item 2106 90 20 and the entries relating thereto, the following sub-heading and entries shall be inserted, namely:

<table>
<thead>
<tr>
<th>Tariff item</th>
<th>Description of goods</th>
<th>Unit</th>
<th>Rate of duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>“2202 10”</td>
<td>Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured:</td>
<td>l</td>
<td>5%</td>
</tr>
</tbody>
</table>

(ii) tariff item 2402 20 60 and the entries relating thereto shall be omitted.
STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to give effect to the financial proposals of the Central Government for the financial year 2014-2015. The notes on clauses explain the various provisions contained in the Bill.

ARUN JAITLEY.

NEW DELHI;
The 7th July, 2014.

PRESIDENT’S RECOMMENDATION UNDER ARTICLES 117 AND 274 OF THE CONSTITUTION OF INDIA

[Copy of letter No.F.2(8)-B(D)/2014, dated the 7th July, 2014 from Shri Arun Jaitley, Minister of Finance, to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Bill, recommends, under clauses (1) and (3) of article 117, read with clause (1) of article 274, of the Constitution of India, the introduction of the Finance (No.2) Bill, 2014 to the Lok Sabha and also recommends to the Lok Sabha the consideration of the Bill.

2. The Bill will be introduced in the Lok Sabha immediately after the presentation of the Budget on the 10th July, 2014.
**Income-tax**

*Clause 2*, read with the First Schedule to the Bill, specifies the rates at which income-tax is to be levied on income chargeable to tax for the assessment year 2014-15. Further, it lays down the rates at which tax is to be deducted at source during the financial year 2014-15 from income other than “Salaries” subject to such deductions under the Income-tax Act; and the rates at which “advance tax” is to be paid, tax is to be deducted at source from, or paid on, income chargeable under the head “Salaries” and tax is to be calculated and charged in special cases for the financial year 2014-15.

**Rates of income-tax for the assessment year 2014-15**

Part I of the First Schedule to the Bill specifies the rates at which income is liable to tax for the assessment year 2014-15. These rates are the same as those specified in Part III of the First Schedule to the Finance Act, 2013, for the purposes of deduction of tax at source from “Salaries”, computation of “advance tax” and charging of income-tax in special cases during the financial year 2013-14.

**Rates for deduction of tax at source during the financial year 2014-15 from income other than “Salaries”**

Part II of the First Schedule to the Bill specifies the rates at which income-tax is to be deducted at source during the financial year 2014-15 from income other than “Salaries”. The rates are the same, as those specified in Part II of the First Schedule to the Finance Act, 2013 for the purposes of deduction of income-tax at source during the financial year 2013-14.

The amount of tax so deducted shall be increased by a surcharge in the case of—

(i) every non-resident (other than a company) at the rate of ten per cent. where the income or the aggregate of income paid or likely to be paid and subject to deduction exceeds one crore rupees;

(ii) every company other than a domestic company at the rate of two per cent. where the income or the aggregate of income paid or likely to be paid and subject to deduction exceeds one crore rupees but does not exceed ten crore rupees;

(iii) every company other than a domestic company at the rate of five per cent. where the income or the aggregate of income paid or likely to be paid and subject to deduction exceeds ten crore rupees.

**Rates for deduction of tax at source from “Salaries”, computation of “advance tax” and charging of income-tax in special cases during the financial year 2014-15**

Part III of the First Schedule to the Bill specifies the rates at which income-tax is to be deducted at source from, or paid on, income under the head “Salaries” and also the rates at which “advance tax” is to be paid, tax is to be deducted at source from, or paid on, income chargeable under the head “Salaries” and tax is to be calculated and charged in special cases for the financial year 2014-15.

Paragraph A of this Part specifies the rates of income-tax as under:

(i) in the case of every individual [other than those specifically mentioned in sub-paras (ii) and (iii)] or Hindu undivided family or every association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which any other Paragraph of this Part applies:—

<table>
<thead>
<tr>
<th>Range</th>
<th>Rate of Income-tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to Rs.2,50,000</td>
<td>Nil</td>
</tr>
<tr>
<td>Rs. 2,50,001 to Rs. 5,00,000</td>
<td>10 per cent.</td>
</tr>
<tr>
<td>Rs. 5,00,001 to Rs. 10,00,000</td>
<td>20 per cent.</td>
</tr>
<tr>
<td>Above Rs. 10,00,000</td>
<td>30 per cent.;</td>
</tr>
</tbody>
</table>

(ii) in the case of every individual, being a resident in India, who is of the age of sixty years or more but less than the age of eighty years at any time during the previous year:—

<table>
<thead>
<tr>
<th>Range</th>
<th>Rate of Income-tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to Rs.3,00,000</td>
<td>Nil</td>
</tr>
<tr>
<td>Rs. 3,00,001 to Rs. 5,00,000</td>
<td>10 per cent.</td>
</tr>
<tr>
<td>Rs. 5,00,001 to Rs. 10,00,000</td>
<td>20 per cent.</td>
</tr>
<tr>
<td>Above Rs. 10,00,000</td>
<td>30 per cent.;</td>
</tr>
</tbody>
</table>

(iii) in the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year:—

<table>
<thead>
<tr>
<th>Range</th>
<th>Rate of Income-tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to Rs.5,00,000</td>
<td>Nil</td>
</tr>
<tr>
<td>Rs. 5,00,001 to Rs. 10,00,000</td>
<td>20 per cent.</td>
</tr>
<tr>
<td>Above Rs. 10,00,000</td>
<td>30 per cent.</td>
</tr>
</tbody>
</table>

The surcharge in cases of persons referred to in this paragraph, having income above one crore rupees, shall be levied at the rate of ten per cent. Marginal relief will be provided.

**Notes on clauses**

**Paragraph B of this Part** specifies the rates of income-tax in the case of every co-operative society. In such cases, the rates of tax will continue to be the same as those specified for the assessment year 2014-15. The surcharge in cases of co-operative societies, having income above one crore rupees shall be levied at the rate of ten per cent. Marginal relief will be provided.

**Paragraph C of this Part** specifies the rate of income-tax in the case of every firm. In such cases, the rate of tax will continue to be the same as that specified for the assessment year 2014-15. The surcharge in cases of firms, having income above one crore rupees shall be levied at the rate of ten per cent. Marginal relief will be provided.

**Paragraph D of this Part** specifies the rate of income-tax in the case of every local authority. In such cases, the rates of tax will continue to be the same as those specified for the assessment year 2014-15. The surcharge in cases of local authorities, having income above one crore rupees shall be levied at the rate of ten per cent. Marginal relief will be provided.

**Paragraph E of this Part** specifies the rates of income-tax in the case of companies. In both the cases of domestic companies and companies other than domestic companies, the rate of tax will continue to be the same as that specified for the assessment year 2014-15.

Surcharge in the case of domestic companies having total income above one crore rupees but not above ten crore rupees shall be levied at the rate of five per cent. In the case of domestic companies having total income above ten crore rupees, surcharge shall be levied at the rate of ten per cent. In the case of companies other than domestic companies having total income above one crore rupees but not above ten crore rupees, surcharge shall be levied at the rate of two per cent. In the case of companies other than domestic companies having
total income above ten crore rupees surcharge shall be levied at the rate of five per cent. Marginal relief will be provided.

In all other cases (including sections 115JB, 115-O, 115QA, 115R, 115TA, etc.) the surcharge will be applicable at the rate of ten per cent.

“Education Cess” at the rate of two per cent. and “Secondary and Higher Education Cess” at the rate of one per cent. shall continue to be levied in all cases covered under Part III of the First Schedule. In the cases covered under Part II of the First Schedule, there will be no levy of the Education Cess and Secondary and Higher Education Cess on tax deducted or collected at source in the case of domestic company and any other person who is resident in India. Both the cesses would continue to apply on tax deducted at source in the case of salary payments. These would also continue to be levied in the cases of persons not resident in India and companies other than domestic company.

Clause 3 of the Bill seeks to amend section 2 of the Income-tax Act relating to definitions.

It is proposed to amend the said section so as to insert a new clause (13A) to define “business trust” to mean 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 Exchange Board of India Act, 1992 and notified by the Central Government in this behalf.

This amendment will take effect from 1st October, 2014.

The existing provisions of clause (14) of section 2 defines the term “capital asset”. The term is defined to include property of any kind held by an assessee whether or not connected with his business or profession but does not include any stock-in-trade or personal assets as provided in the definition.

It is further proposed to amend the said clause (14) so as to provide that the term “capital asset” shall include any security held by a Foreign Institutional Investor which has invested in such security in accordance with the regulations made under the Securities Exchange Board of India Act, 1992.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

It is also proposed to amend section 2 so as to substitute the definitions of clause (15A), clause (16) and clause (27) relating to “Chief Commissioner”, “Commissioner” and “Director General” or “Director”. It is further proposed to insert clauses (34A), (34B), (34C) and (34D) so as to define the terms “Principal Chief Commissioner of Income-tax”, “Principal Commissioner of Income-tax”, “Principal Director General of Income-tax” and “Principal Director of Income-tax” to mean a person appointed to be an income-tax authority under section 117 of the Act.

These amendments will take effect retrospectively from 1st June, 2013.

The existing provisions contained in clause (24) of section 2 defines the term “income”. It is proposed to amend the said clause (24) so as to include any sum of money referred to in clause (ix) of sub-section (2) of section 56 in the definition of income.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

The existing provisions contained in clause (42A) of section 2 provide that short-term capital asset means a capital asset held by an assessee for not more than thirty-six months immediately preceding the date of its transfer. However, in the case of a share held in a company or any other security listed in a recognised stock exchange in India or a unit of the Unit Trust of India or a unit of a Mutual Fund or a zero coupon bond, the period of holding for qualifying it as short-term capital asset is twelve months.

It is proposed to amend the aforesaid clause so as to provide that in case of a share held in a company which is not listed in a recognised stock exchange, the period of holding for the purpose of its qualification as a short-term capital asset, shall not be more than thirty-six months and for that purpose the words “a share held in a company or any other security listed in a recognised stock exchange in India” shall be substituted with the words “a security (other than a unit) listed in a recognised stock exchange in India”. Further, in the case of a unit corresponding period of holding of twelve months, shall be limited to a unit of an equity oriented fund.

It is further proposed to insert an Explanation to define the expression “equity oriented fund”.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

It is also proposed to provide in clause (42A) of section 2 that in the case of capital asset being units 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 such share or shares were held by the assessee.

This amendment will take effect from 1st October, 2014.

Clause 4 of the Bill seeks to make consequential amendments in the Income-tax Act in view of the amendments made in section 2 of the said Act relating to definitions of the expressions “Chief Commissioner”, “Commissioner” and “Director General or Director”.

These amendments will take effect retrospectively from 1st June, 2013.

Clause 5 of the Bill seeks to amend section 10 of the Income-tax Act relating to incomes not included in total income.

Under the existing provisions contained in clause (23C) of the aforesaid section, exemption is provided in respect of income of university or other educational institutions, hospital or any other institution mentioned therein, if such university or other educational institution, hospital or any other institution which such university of other educational institution, hospital or any other institution are wholly or substantially financed by the Government.

It is proposed to amend the aforesaid clause so as to insert an Explanation to provide that any university or other educational institution, hospital or other institution referred therein, shall be considered as being substantially financed by the Government for any previous year, if the Government grant to such university or other educational institution, hospital or other institution exceeds such percentage of the total receipts including any voluntary contributions as may be prescribed, of such university or other educational institution, hospital or other institution, as the case may be, during the relevant previous year.

It is further proposed to amend the said clause to provide that where the fund or institution referred to in sub-clause (iv) or trust or institution referred to in sub-clause (v) or any university or other educational institution referred to in sub-clause (vi) or any hospital or other medical institution referred to in sub-clause
(via), has been notified by the Central Government or approved by the prescribed authority and the notification or the approval is in force for any previous year, then nothing contained in any other provision of this section [other than clause (1) thereof] shall operate to exclude any income received on behalf of such fund or trust or institution or university or other educational institution or hospital or other medical institution, as the case may be, from the total income of the person in receipt thereof for that previous year.

It is also proposed to provide that income for the purposes of application shall be determined without any deduction or allowance by way of depreciation or otherwise in respect of any asset, acquisition of which has been claimed as an application of income under clause (23C) of section 10 or section 11 in any previous year.

It is proposed to insert a new clause (23FC) in section 10 so as to provide that any income of a business trust by way of interest received or receivable from a special purpose vehicle would not be included in the total income of the trust. It is further proposed to define the term “special purpose vehicle” to mean an Indian company in which the business trust holds controlling interest and any specific percentage of shareholding or interest, as may be required by the regulations under which such trust is granted registration.

It is proposed to insert a new clause (23FD) in section 10 so as to provide that the provisions of the said clause shall also be applicable to units of a business trust as it is applicable to units of an equity oriented fund. It is also proposed to provide that the provisions of this clause shall not apply in respect of any income arising from transfer of any units of a business trust which were acquired in consideration of a transfer referred to in clause (23FC) of this section, shall not be included in the total income of such unit holder.

It is proposed to amend clause (38) of section 10 so as to provide that the provisions of the said clause shall also be applicable to units of a business trust as it is applicable to units of an equity oriented fund. It is also proposed to provide that the provisions of this clause shall not apply in respect of any income arising from transfer of any units of a business trust which were acquired in consideration of a transfer referred to in clause (xvii) of section 47.

These amendments will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 6 of the Bill seeks to amend section 10AA of the Income-tax Act, relating to special provision in respect of newly established Units in Special Economic Zones.

The existing provisions contained in aforesaid section 10AA, inter alia, provide for a deduction in respect of the profits and gains derived from the export of articles or things or from providing services.

It is proposed to amend the said section 10AA by inserting a new sub-section (10) so as to provide that where deduction under section 10AA has been availed by any specified business for any assessment year, no deduction under section 35AD shall be allowed in relation to such specified business for the same or any other assessment year.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 7 of the Bill seeks to amend section 11 of the Income-tax Act relating to income from property held for charitable or religious purposes.

The existing provisions of the aforesaid section contain a primary condition that for grant of exemption in respect of income derived from property held under trust, such income should be applied for the charitable purposes in India, and where such income cannot be so applied during the previous year, it has to be accumulated in the prescribed modes.

It is proposed to insert sub-sections (6) and (7) in the said section so as to provide that—

(i) where any income is required to be applied or accumulated or set apart for application, then, for such purposes the income shall be determined without any deduction or allowance by way of depreciation or otherwise in respect of any asset, acquisition of which has been claimed as an application of income under this section in any previous year, and

(ii) where a trust or an institution has been granted registration under clause (b) of sub-section (1) of section 12AA or has obtained registration at any time under section 12A as it stood before its amendment by the Finance (No. 2) Act, 1996 and the said registration is in force for any previous year, then, nothing contained in section 10 [other than clause (1) and clause (23C) thereof] shall operate to exclude any income derived from the property held under trust from the total income of the person in receipt thereof for that previous year.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 8 of the Bill seeks to amend section 12A of the Income-tax Act relating to conditions for applicability of sections 11 and 12.

Under the existing provisions of aforesaid section 12A, conditions to be fulfilled by a trust or an institution before it can claim exemption have been provided under sections 11 and 12 of the Act. It is provided that before any benefit of exemption is claimed, the trust or institution should apply for registration under section 12AA and only after such registration has been granted such trust or institution shall be eligible to claim the benefit of such exemption. In case of trusts or institutions which apply for registration after the 1st day of June, 2007, the registration shall be effective only for the assessment years following the financial year in which application has been made.

It is proposed to amend the said section so as to provide that once a registration under section 12AA is granted to a charitable organisation in a financial year, then, such registration would also entitle the entity for the benefits of sections 11 and 12 in cases for prior years where the assessment proceedings are pending before the Assessing Officer on the date of registration, if the objects and the activities are the same which have been considered by the Commissioner while granting registration.

No action under section 147 shall be taken by the Assessing Officer in case of such trust or institution for any assessment year preceding first assessment year for which the registration applies, merely for the reason that such trust or institution has not obtained registration under section 12AA for the said assessment year.

Further, the above benefits would not be available where the registration to the trust or institution has been refused or cancelled by the Commissioner at any time.
Clause 9 of the Bill seeks to amend section 12AA of the Income-tax Act relating to procedure for registration.

Under the existing provisions contained in sub-section (3) of the aforesaid section, where a trust or an institution has been granted registration and subsequently the Commissioner is satisfied that the activities of such trust or institution are not genuine or are not being carried out in accordance with the objects of the trust or institution, as the case may be, then he shall pass an order in writing, cancelling the registration of such trust or institution.

It is proposed to insert a new sub-section (4) in section 12AA so as to provide that where a trust or an institution has been granted registration and subsequently it is noticed that the activities of the trust or the institution are being carried out in a manner that the provisions of sections 11 and 12 do not apply to exclude either whole or any part of the income of such trust or institution due to operation of sub-section (1) of section 13, then the Commissioner or Principal Commissioner may by order in writing cancel the registration of such trust or institution. However, the registration shall not be cancelled under the said sub-section, if the aforesaid trust or institution proves that there was a reasonable cause for the activities to be carried out in the said manner.

This amendment will take effect from 1st October, 2014.

Clause 10 of the Bill seeks to amend section 24 of the Income-tax Act relating to deductions from income from house property.

The existing provisions contained in section 24 provide that income chargeable under the head “income from house property” shall be computed after making a deduction of a sum equal to thirty per cent. of the annual value and where the property is acquired with borrowed capital, the amount of any interest payable on such capital. The second proviso to clause (b) of the said section, _inter alia_, provides that in case of a self-occupied property where the acquisition or construction of the property is completed within three years from the end of financial year in which the capital is borrowed, the amount of deduction under that clause shall not exceed one lakh fifty thousand rupees.

It is proposed to amend the second proviso to clause (b) of section 24, so as to increase the limit of deduction on account of interest in respect of property referred to in sub-section (2) of section 23 to two lakh rupees.

This amendment will take effect from 1st April, 2015 and will accordingly apply, in relation to the assessment year 2015-16 and subsequent years.

Clause 11 of the Bill seeks to amend section 32AC of the Income-tax Act relating to Investment in new plant or machinery.

The existing provisions contained in sub-section (1) of aforesaid section provide that where an assessee, being a company, engaged in the business of manufacture or production of any article or thing, acquires and installs new asset after the 31st day of March, 2013 but before the 1st day of April, 2015 and the aggregate amount of actual cost of such new assets exceeds one hundred crore rupees, then, there shall be allowed a deduction,—

(a) for the assessment year commencing on the 1st April, 2014, of a sum equal to fifteen per cent. of the actual cost of new assets acquired and installed after the 31st March, 2013 but before the 1st April, 2014, if the aggregate amount of actual cost of such new assets exceeds one hundred crore rupees; and

(b) for the assessment year commencing on the 1st April, 2015, of a sum equal to fifteen per cent. of the actual cost of new assets acquired and installed after the 31st March, 2013 but before the 1st April, 2015, as reduced by the amount of deduction allowed, if any, under clause (a).

It is proposed to insert a new sub-section (1A) in section 32AC so as to provide that where an assessee, being a company, engaged in the business of manufacture or production of any article or thing, acquires and installs new asset and the amount of actual cost of the new assets acquired and installed during any previous year exceeds twenty-five crore rupees, then, there shall be allowed a deduction of a sum equal to fifteen per cent. of the actual cost of such new assets for the assessment year relevant to that previous year.

It is further proposed to insert a proviso so as to provide that no deduction under sub-section (1A) shall be allowed for the assessment year beginning on the 1st day of April, 2015 to the assessee who is eligible to claim deduction under sub-section (1) of the said section for the said assessment year.

It is also proposed to insert a new sub-section (1B) in the said section 32AC so as to provide that no deduction under sub-section (1A) shall be allowed for any assessment year commencing on or after the 1st day of April, 2018.

Sub-section (2) of the aforesaid section provides that if any new asset acquired and installed by the assessee is sold or otherwise transferred, except in connection with the amalgamation or demerger, within a period of five years from the date of its installation, the amount of deduction allowed under sub-section (1) in respect of such new asset shall be deemed to be the income of the assessee chargeable under the head “Profits and gains of business or profession” of the previous year in which such new asset is sold or otherwise transferred, in addition to taxability of gains, arising on account of transfer of such new asset.

It is proposed to amend sub-section (2) of section 32AC to make a reference to sub-section (1A) so as to bring the assessee under the said newly inserted sub-section into the purview of said sub-section (2).

These amendments will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 12 of the Bill seeks to amend section 35AD of the Income-tax Act relating to deduction in respect of expenditure on specified business.

The existing provisions contained in section 35AD, _inter alia_, provide a deduction in respect of any expenditure of capital nature incurred, other than expenditure incurred on the acquisition of any land or goodwill or financial instrument, wholly and exclusively for the purposes of any specified business carried on by the assessee during the previous year in which such expenditure is incurred. The said section also provides that deduction under the provisions of Chapter VI-A under the heading “C.—Deductions in respect of certain incomes” shall not be available to any specified business which has claimed deduction under the said section.

It is proposed to amend sub-section (3) of the aforesaid section so as to provide that no deduction shall be allowed to the specified business under section 10AA for any assessment
It is further proposed to insert new clauses (ai) and (aj) in sub-section (5) of the aforesaid section to specify that the date of commencement of operation shall be on or after the 1st April, 2014 where the specified business is in the nature of laying and operating a slurry pipeline for the transportation of iron ore or in the nature of setting up and operating a semi-conductor wafer fabrication manufacturing unit and which is notified by the Board in accordance with such guidelines as may be prescribed.

It is also proposed to insert a new sub-section (7A) in section 35AD so as to provide that any asset in respect of which a deduction is claimed and allowed under this section shall be used only for the specified business, for a period of eight years beginning with the previous year in which such asset is acquired or constructed.

It is also proposed to insert a new sub-section (7B) in the aforesaid section so as to provide that where any asset, in respect of which a deduction is claimed and allowed under this section is used for a purpose other than the specified business during the period specified in sub-section (7A) otherwise than by way of a mode referred to in clause (vii) of section 28, the total amount of deduction so claimed and allowed in one or more previous years, as reduced by the amount of depreciation allowable in accordance with the provisions of section 32 as if no deduction under said section 35AD was allowed, shall be deemed to be the income of the assessee chargeable under the head “Profits and gains of business or profession” of the previous year in which the asset is so used.

It is also proposed to insert a new sub-section (7C) in the aforesaid section so as to provide that nothing contained in sub-section (7B) shall apply to a company which has become a sick industrial company under sub-section (1) of section 17 of the Sick Industrial Companies (Special Provisions) Act, 1985, during the period specified in sub-section (7A).

It is also proposed to amend sub-section (8) of section 35AD so as to include the following businesses as specified business for the purposes of deduction under this section,—

(i) laying and operating a slurry pipeline for the transportation of iron ore;

(ii) setting up and operating a semi-conductor wafer fabrication manufacturing unit notified by the Board in accordance with the prescribed guidelines.

These amendments will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent assessment years.

Clause 13 of the Bill seeks to amend section 37 of the Income-tax Act relating to general expenditure.

The existing provisions contained in sub-section (1) of the aforesaid section provide that any expenditure (not being expenditure of the nature described in sections 30 to 36 and not being in the nature of capital expenditure or personal expenses of the assessee), laid out or expended wholly and exclusively for the purposes of the business or profession shall be allowed in computing the income chargeable under the head “Profits and gains of business or profession”.

It is proposed to insert a new Explanation in sub-section (1) of section 37 so as to clarify that for the purposes of sub-section (1) of the said section, any expenditure incurred by an assessee on the activities relating to corporate social responsibility referred to in section 135 of the Companies Act, 2013 shall not be deemed to be an expenditure incurred by the assessee for the purposes of the business or profession.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 14 of the Bill seeks to amend section 40 of the Income-tax Act relating to amounts not deductible.

The provisions of section 40 specify the amounts which shall not be deducted in computing the income chargeable under the head “Profits and gains of business or profession”.

The existing provisions contained in sub-clause (i) of clause (a) of aforesaid section provide that payment of any sum by way of interest (not being interest on a loan issued for public subscription before the 1st day of April, 1938), royalty, fees for technical services or other sum chargeable under this Act which are payable outside India or in India to a non-resident, not being a company or a foreign company on which tax is deductible under Chapter XVII-B, shall be disallowed in case of non-deduction of tax or non-payment of tax after deduction during the previous year, or in the subsequent year before the expiry of time prescribed under sub-section (1) of section 200.

It is proposed to amend sub-clause (i) of clause (a) of aforesaid section to provide that disallowance under the said sub-clause will be attracted, if, after deduction of tax during the previous year, the same has not been paid on or before the due date of filing of return of income specified in sub-section (1) of section 139.

The existing proviso to the aforesaid sub-clause provides that where in respect of any such sum, tax has been deducted in any subsequent year or, has been deducted in the previous year but paid in any subsequent year after the expiry of the time prescribed under sub-section (1) of section 200, such sum shall be allowed as a deduction in computing the income of the previous year in which such tax has been paid.

It is proposed to substitute the said proviso so as to provide that where in respect of any such sum, tax has been deducted in any subsequent year, or has been deducted during the previous year but paid after the due date specified in sub-section (1) of section 139, such sum shall be allowed as a deduction in computing the income of the previous year in which such tax has been paid.

The existing provisions contained in sub-clause (ia) of clause (a) of the aforesaid section provide that payment of any sum by way of interest, commission or brokerage, rent, royalty, fees for professional services or fees for technical services payable to a resident on which tax is deductible under Chapter XVII-B, or amounts payable to a contractor or sub-contractor, being resident, for carrying out any work (including supply of labour for carrying out any work) on which tax is deductible under Chapter XVII-B, shall be disallowed in case of non-deduction of tax or after deduction if the same is not paid on or before the due date of filing of return of income specified in sub-section (1) of section 139.

It is further proposed to amend sub-clause (ia) of clause (a) of aforesaid section to provide that disallowance under the said sub-clause shall be restricted to thirty per cent. and the provisions of this section shall be applicable to all expenditure, which is payable to a resident, on which tax is deductible under the sub-heading “B.-Deduction at source” of Chapter XVII.

The existing provisions contained in first proviso of
sub-clause (ia) of clause (a) of aforesaid section provide that where in respect of any such sum, tax has been deducted in any subsequent year, or has been deducted during the previous year but paid after the due date specified in sub-section (1) of section 139, such sum shall be allowed as a deduction in computing the income of the previous year in which such tax has been paid.

It is also proposed to amend first proviso of sub-clause (ia) of clause (a) of aforesaid section to provide that where in respect of any such sum, tax has been deducted in any subsequent year, or has been deducted during the previous year but paid after the due date specified in sub-section (1) of section 139, thirty per cent. of such sum shall be allowed as a deduction in computing the income of the previous year in which such tax has been paid.

These amendments will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 15 of the Bill seeks to amend section 43 of the Income-tax Act relating to definitions of certain terms relevant to income from profits and gains of business or profession.

The existing provisions contained in clause (5) of section 43 define the term speculative transaction. The proviso to the said clause (5) excludes certain category of transactions as speculative transactions. Clause (e) of the said proviso provides that eligible transaction in respect of trading in commodity derivatives carried out in a recognised association shall not be considered to be a speculative transaction.

It is proposed to amend clause (e) of the said proviso so as to provide that eligible transaction in respect of trading in commodity derivatives carried out in a recognised association which is chargeable to commodities transaction tax under Chapter VII of the Finance Act, 2013 shall not be considered to be a speculative transaction.

This amendment will take effect retrospectively from 1st April, 2014 and, will accordingly, apply in relation to the assessment year 2014-15 and subsequent assessment years.

Clause 16 of the Bill seeks to amend section 44AE of the Income-tax Act, relating to special provision for computing profits and gains of business of plying, hiring or leasing goods carriages.

Under the existing provisions contained in sub-section (1) of the aforesaid section, in the case of an assessee, who owns not more than ten goods carriages and who is engaged in the business of plying, hiring or leasing such goods carriages, the income of such business chargeable to tax under the head “Profits and gains of business or profession” is deemed to be the aggregate of the profits and gains from all the goods carriages owned by him in the previous year. Sub-section (2) of the aforesaid section inter alia provides that in the case of heavy goods vehicles, the profits and gains from each such goods carriages shall be deemed to be an amount equal to five thousand rupees, and four thousand five hundred rupees in the case of vehicles other than heavy goods vehicles, for every month or part of a month during which the vehicles are owned by the assessee or an amount higher than the aforesaid amount as declared by him in his return of income.

It is proposed to substitute the said sub-section (2) so as to provide that for the purposes of sub-section (1) amount of profit and gains for all types of goods carriages shall be seven thousand five hundred rupees per month or part of a month for each goods carriage or the amount claimed to be actually earned by the assessee, whichever is higher.

It is further proposed to make consequential amendment in the Explanation to said section to omit the reference to heavy goods vehicle.

These amendments will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 17 of the Bill seeks to amend section 45 of the Income-tax Act relating to capital gains.

The existing provisions contained in section 45 provide for charging of any profits or gains arising from transfer of a capital asset. Sub-section (5) provides for taxation of capital gains arising from transfer by way of compulsory acquisition, where the compensation is enhanced or further enhanced by a court, Tribunal or other authority. Clause (b) of the said sub-section provides that where the amount of compensation is enhanced by any court, Tribunal or other authority, it shall be deemed to be income chargeable of the previous year in which amount is received by the assessee.

It is proposed to insert a proviso to said clause (b) of sub-section (5) of the aforesaid section, so as to provide that any amount of compensation received in pursuance of an interim order of a court, Tribunal or other authority shall be deemed to be income chargeable under the head “Capital gains” of the previous year in which the final order of such court, Tribunal or other authority is made.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 18 of the Bill seeks to amend section 47 of the Income-tax Act relating to transactions not regarded as transfer.

The existing provision contained in section 47 provides that certain transactions shall not be considered as transfer for the purpose of charging capital gains.

It is proposed to insert a new clause (viib) in the said section so as to provide that any transfer of a capital asset, being a Government Security carrying a periodic payment of interest, made outside India through an intermediary dealing in settlement of securities, by a non-resident to another non-resident shall not be considered as transfer for the purpose of charging capital gains. It is also proposed to define the term “Government Security”.

It is further proposed to amend the said section by inserting a new clause (vii) so as to provide that any transfer of a capital asset, being share of a special purpose vehicle, to a business trust in exchange of units allotted by that trust to the transferor shall not be regarded as transfer for the purposes of section 45. The special purpose vehicle will have the same meaning as provided in Explanation to clause (23FCA) of section 10.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 19 of the Bill seeks to amend section 48 of the Income-tax Act relating to mode of computation.

The existing provisions contained in section 48 prescribe the mode of computation of income chargeable under the head capital gains. Clause (v) of the Explanation to the said section defines the term “Cost Inflation Index” in relation to the previous year, means Index as may be prescribed having regard to seventy-five per cent. of average rise in the Consumer Price Index for
urban non-manual employees for the immediately preceding previous year to such previous year.

It is proposed to amend the said clause so as to provide that “Cost Inflation Index” in relation to the previous year, means Index as may be prescribed having regard to seventy-five per cent. of average rise in the Consumer Price Index (Urban) for the immediately preceding previous year to such previous year.

This amendment will take effect from 1st April, 2016 and will, accordingly, apply in relation to the assessment year 2016-17 and subsequent assessment years.

Clause 20 of the Bill seeks to amend section 49 of the Income-tax Act relating to cost with reference to certain modes of acquisition.

The existing provisions of the aforesaid section provide for the ways of determining cost with reference to certain modes of acquisition.

It is proposed to amend section 49 so as to provide that where the capital asset, being a unit of a business trust, became the property of the assessee in consideration of a transfer referred to in clause (xvii) of section 47, the cost of acquisition of the asset shall be deemed to be the cost of acquisition to him of the share referred to in the said clause.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 21 of the Bill seeks to amend section 51 of the Income-tax Act relating to advance money received.

The existing provisions contained in section 51 provide that where any capital asset was on any previous occasion the subject of negotiations for its transfer, any advance or other money received and retained by the assessee in respect of such negotiations shall be deducted from the cost for which the asset was acquired or the written down value or the fair market value, as the case may be, in computing the cost of acquisition.

It is proposed to insert a proviso in the said section, so as to provide that where any sum of money received as an advance or otherwise in the course of the negotiations for transfer of a capital asset has been included in the total income of the assessee for any previous year in accordance with the provisions of clause (ix) of sub-section (2) of section 56, then, such sum shall not be deducted from the cost for which the asset was acquired or the written down value or the fair market value, as the case may be, in computing the cost of acquisition.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 22 of the Bill seeks to amend section 54 of the Income-tax Act relating to profit on sale of property used for residence.

The existing provisions contained in sub-section (1) of section 54 provide that where capital gain arises from the transfer of a long-term capital asset, being a residential house, and the assessee within a period of one year before or two years after the date of transfer purchases, or within a period of three years after the date of transfer constructs, a residential house then the amount of capital gains to the extent invested in the new residential house is exempted.

It is proposed to amend the aforesaid sub-section so as to provide that the exemption is available, if the investment is made in purchase or construction of one residential house situated in India.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to assessment year 2015-16 and subsequent years.

Clause 23 of the Bill seeks to amend section 54EC of the Income-tax Act relating to capital gain not to be charged on investment in certain bonds.

The existing provisions contained in sub-section (1) of section 54EC provide that where capital gain arises from the transfer of a long-term capital asset and the assessee has within a period of six months invested the whole or part of capital gains in the long-term specified asset, the proportionate capital gains so invested in the long-term specified asset out of total capital gain shall not be charged to tax. The proviso to the said sub-section provides that the investment made in the long-term specified asset during any financial year shall not exceed fifty lakh rupees.

It is proposed to insert a proviso below first proviso in said sub-section (1) so as to provide that the investment made by an assessee in the long-term specified asset, from capital gains arising from transfer of one or more original assets, during the financial year in which the original asset or assets are transferred and in the subsequent financial year does not exceed fifty lakh rupees.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to assessment year 2015-16 and subsequent years.

Clause 24 of the Bill seeks to amend section 54F of the Income-tax Act relating to capital gain on transfer of certain capital assets not to be charged in case of investment in residential house.

The existing provisions contained in sub-section (1) of section 54F provide that where capital gain arises from transfer of a long-term capital asset, not being a residential house, and the assessee within a period of one year before or two years after the date of transfer purchases, or within a period of three years after the date of transfer constructs, a residential house then the portion of capital gains in the ratio of cost of new asset to the net consideration received on transfer is exempted.

It is proposed to amend the aforesaid sub-section so as to provide that the exemption is available if the investment is made in purchase or construction of one residential house situated in India.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to assessment year 2015-16 and subsequent years.

Clause 25 of the Bill seeks to amend section 56 of the Income-tax Act relating to income from other sources.

It is proposed to insert a new clause (ix) in sub-section (2) of the aforesaid section so as to provide that where any sum of money received as an advance or otherwise in the course of the negotiations for transfer of a capital asset, is forfeited and the negotiations do not result in transfer of such capital asset, then, such sum shall be chargeable to income-tax under the head “income from other sources”.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 26 of the Bill seeks to amend section 73 of the Income-tax Act relating to losses in speculation business.
The existing provisions of section 73 provide that losses incurred in respect of a speculation business cannot be set off or carried forward and set off except against the profits of any other speculation business. *Explanation* to section 73 provides that in case of a company deriving its income mainly under the head business (other than a company whose principal business is business of banking or granting of loans and advances), and where any part of its business consists of purchase or sale of shares such business shall be deemed to be speculation business for the purpose of this section.

It is proposed to amend the said *Explanation* to section 73 so as to provide that the provisions of the said *Explanation* shall also not be applicable to a company the principal business of which is the business of trading in shares.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to assessment year 2015-16 and subsequent years.

Clause 27 of the Bill seeks to amend section 80C of the Income-tax Act relating to deduction in respect of life insurance premia, deferred annuity, contributions to provident fund, subscription to certain equity shares or debentures, etc.

The existing provisions of sub-section (1) of section 80C provide that in computing the total income of an assessee, being an individual or a Hindu undivided family, there shall be deducted, in accordance with and subject to the provisions of the said section, the whole of the amount paid or deposited in the previous year, being the aggregate of the sums referred to in sub-section (2), as does not exceed one lakh rupees.

It is proposed to amend sub-section (1) so as to raise the limit of deduction from one lakh rupees to one hundred and fifty thousand rupees.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 28 of the Bill seeks to amend section 80CCD of the Income-tax Act relating to deduction in respect of contribution to pension scheme of Central Government.

The existing provisions contained in sub-section (1) of section 80CCD, *inter alia*, provide that in the case of an individual, employed by the Central Government or any other employer on or after 1st January, 2004, who has in the previous year paid or deposited any amount in his account under a pension scheme notified or as may be notified by the Central Government, a deduction of such amount not exceeding ten per cent. of his salary is allowed. This is subject to a limit of one lakh rupees provided under section 80CCE.

It is proposed to amend sub-section (1) of the said section so as to provide that an individual employed by the Central Government on or after 1st January, 2004 or, being an individual employed by any other employer shall be allowed a deduction of the amount deposited by him in his account under a pension scheme notified or as may be notified by the Central Government to the extent it does not exceed ten per cent. of his salary.

It is further proposed to insert new sub-section (1A) so as to provide that the amount of deductions under sub-section (1) shall not exceed one hundred thousand rupees.

These amendments will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 29 of the Bill seeks to amend section 80CCE of the Income-tax Act relating to limit on deductions under sections 80C, 80CCC and 80CCD.

The existing provisions contained in the aforesaid section provide that the aggregate amount of deduction under section 80C, section 80CCC and section 80CCD shall not exceed one lakh rupees.

It is proposed to amend section 80CCE so as to raise the limit of deduction from one lakh rupees to one hundred and fifty thousand rupees.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 30 of the Bill seeks to amend section 80-IA of the Income-tax Act relating to deductions in respect of profits and gains from industrial undertakings or enterprises engaged in infrastructure development, etc.

The existing provisions contained in clause (iv) of sub-section (4) of section 80-IA provide that a deduction shall be allowed to an undertaking which,– (a) is set up in any part of India for the generation and distribution of power if it begins to generate power at any time during the period beginning on 1st April, 1993 and ending on 31st March, 2014; (b) starts transmission or distribution by laying a network of new transmission or distribution lines at any time during the period beginning on 1st April, 1999 and ending on 31st March, 2014; (c) undertakes substantial renovation and modernisation of the existing network of transmission or distribution lines at any time during the period beginning on 1st April, 2004 and ending on 31st March, 2014.

It is proposed to amend sub-clauses (a), (b) and (c) of clause (iv) of the said sub-section so as to extend the time limit from 31st March, 2014 to 31st March, 2017.

These amendments will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 31 of the Bill seeks to amend section 92B of the Income-tax Act relating to meaning of international transaction.

The existing provisions of section 92B provide for the meaning of “international transaction” for the purposes of applicability of transfer pricing regime. Sub-section (1) defines International transaction as a transaction between two or more associated enterprises, either or both of whom are non-residents, in the nature of purchase, sale or lease of tangible or intangible property or provision of services or lending or borrowing of money or any transaction having a bearing on profits, income, losses or assets of such enterprises.

Sub-section (2) of the said section provides for deeming of a transaction between an enterprise and unrelated third party as a transaction between two associated enterprises subject to the condition that there exists a prior agreement in relation to the relevant transaction between the third party and associated enterprise or the terms of the relevant transaction are determined in substance between such third party and the associated enterprise.

It is proposed to amend the said sub-section (2) so as to provide that the relevant transaction shall be deemed to be an international transaction, where the enterprise or the associated enterprise or both of them are non-residents irrespective of whether such other person is a non-resident or not.
This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 32 of the Bill seeks to amend section 92CC of the Income-tax Act relating to advance pricing agreement.

The existing provisions of section 92CC empowers the Board to enter into an advance pricing agreement, with the approval of the Central Government, with any person for determining arm’s length price or specifying the manner in which arm’s length price is to be determined in relation to an international transaction which is to be entered into by such person. The agreement entered into is valid for a period, not exceeding five previous years, as may be mentioned in the agreement. Once the advance pricing agreement is entered into, the arm’s length price of the international transaction, which is the subject matter of the same, is determined in accordance with such agreement. Sub-section (9) of the said section empowers the Board to prescribe the scheme specifying therein the manner, form, procedure and any other matter generally in respect of advance pricing agreement.

It is proposed to insert a new sub-section (9A) in section 92CC to provide that an advance pricing agreement may, subject to such conditions, procedure and manner as may be prescribed, provide for determining the arm’s length price or specify the manner in which arm’s length price shall be determined in relation to an international transaction entered into by the person during any period not exceeding four previous years preceding the first of the previous year for which the agreement applies in case of future transactions. It is further provided that where such agreement provides for determination in respect of past transactions, the arm’s length price of such transactions shall be determined in accordance with the agreement.

This amendment will take effect from 1st October, 2014.

Clause 33 of the Bill seeks to amend section 111A of the Income-tax Act relating to tax on short-term capital gains in certain cases.

The provisions of sub-section (1) of section 111A provide for the levy of tax at concessional rate of fifteen per cent. in certain cases.

It is proposed to amend the said sub-section so as to provide that the concessional rate of tax shall apply to the transfer of a unit of a business trust as they apply in case of a unit of an equity oriented fund. It is further proposed that the provisions of this sub-section shall not apply in respect of any income arising from transfer of units of a business trust which were acquired by the assessee in consideration of a transfer referred to in clause (ii), as the case may be.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 34 of the Bill seeks to amend section 112 of the Income-tax Act relating to tax on long-term capital gains.

The existing provisions contained in section 112 provide for tax payable in the case of income arising from the transfer of a long-term capital asset. The proviso to sub-section (1) provides that where the tax payable in respect of any income arising from transfer of a long-term capital asset, being listed securities or unit or zero coupon bond exceeds ten per cent. of the amount of capital gains without indexation adjustment, such excess shall be ignored.

It is proposed to amend the aforesaid proviso so as to provide that where the tax payable in respect of any income arising from transfer of a long-term capital asset being listed securities (other than a unit) or zero coupon bond exceeds ten per cent. of the amount of capital gains without indexation adjustment, such excess shall be ignored.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 35 of the Bill seeks to amend section 115A of the Income-tax Act, relating to tax on dividends, royalty and technical service fees in the case of foreign companies.

The existing provisions of sub-section (1) of section 115A provide the rates at which income-tax shall be payable, where a total income of non-resident (not being a company) or a foreign company, includes any income by way of dividends (other than dividends referred to in section 115-O); or interest received from Government or an Indian concern or monies borrowed or debt incurred by the Government or the Indian concern in foreign currency; or interest received from an infrastructure debt fund referred to in clause (47) of section 10; or income received in respect of units, purchased in foreign currency, of a Mutual Fund specified under clause (23D) of section 10 or the Unit Trust of India.

It is proposed to amend clause (a) of sub-section (1) of section 115A to insert a new sub-clause (iia) so as to provide that where the total income of a non-resident (not being a company) or a foreign company includes distributed income being interest referred to in sub-section (2) of section194LBA such income shall be taxable at the rate of five per cent.

It is further proposed to make consequential amendments in item (BA) and item (D) of clause (a) of sub-section (1) of section 115A.

These amendments will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 36 of the Bill seeks to amend section 115BBC of the Income-tax Act relating to anonymous donations to be taxed in certain cases.

The existing provisions of section 115BBC of the Income-tax Act provide for computation of income-tax payable by an assessee, being a person in receipt of income on behalf of any university or other educational institution referred to in sub-clause (iiia) or sub-clause (vii) or any hospital; or other institution referred to in sub-clause (iiia) or sub-clause (via) or any fund or institution referred to in sub-clause (v) of clause (23C) of section 10 or any trust or institution referred to in section 11, where such income includes any income by way of anonymous donation.

It is proposed to amend clause (ii) of the said section to provide that the income-tax payable shall be the aggregate of-

(i) the amount of income-tax calculated at the rate of thirty per cent. on the aggregate of anonymous donations received in excess of the higher of the following, namely:-

(A) five per cent. of the total donations received by the assessee; or

(B) one lakh rupees; and

(ii) the amount of income-tax with which the assessee would have been chargeable had his total income been reduced by the aggregate of the anonymous donations received in excess of the amount referred to in sub-clause (A) or sub-clause (B) of clause (i), as the case may be.
This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 37 of the Bill seeks to amend section 115BBD of the Income-tax Act relating to tax on certain dividends received from foreign companies.

The existing provisions of the aforesaid section provide that where the total income of an assessee, being an Indian company, for the previous year relevant to the assessment year beginning on the 1st day of April, 2012 or beginning on the 1st day of April, 2013 or beginning on the 1st day of April, 2014, includes any income by way of dividends declared, distributed or paid by a specified foreign company, the income-tax payable shall be the aggregate of the amount of income-tax calculated on the income by way of such dividends at the rate of fifteen per cent. and the amount of income-tax with which the assessee would have been chargeable had its total income been reduced by the amount of aforesaid income by way of dividends. It is further provided that no deductions in respect of any expenditure or allowance shall be allowed for computing its income by way of dividend.

It is proposed to amend section 115BBD to provide that the provisions of taxation of foreign dividends shall continue to apply to foreign dividends received during the financial year 2014-15 and subsequent years.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 38 of the Bill seeks to amend section 115JC of the Income-tax Act relating to the provisions for payment of tax by certain persons other than a company.

The existing provisions of section 115JC provide that the total income shall be increased by deductions claimed under Part C of Chapter VI-A and deductions claimed under section 10AA to arrive at adjusted total income.

It is proposed to insert a new clause (iii) in sub-section (2) so that the total income shall be increased by the deduction claimed under section 35AD as reduced by the amount of depreciation allowable in accordance with the provisions of section 32 to arrive at adjusted total income.

These amendments will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 39 of the Bill seeks to amend section 115JEE of the Income-tax Act relating to application of the Chapter XII-BA to certain persons.

The existing provisions of sub-section (1) of section 115JEE provide that the Chapter shall be applicable to any person who has claimed a deduction under Part C of Chapter VI-A or claimed a deduction under section 10AA. Further the present provisions of sub-section (2) of section 115JEE provide that the Chapter shall not be applicable to an individual or an Hindu undivided family or an association of persons or a body of individuals, whether incorporated or not, or an artificial juridical person, if the adjusted total income does not exceed twenty lakh rupees.

It is proposed to insert a new clause (c) in sub-section (1) so as to apply the Chapter to a person who has claimed deduction under section 35AD.

It is further proposed to insert a new sub-section (3) in section 115JEE so as to provide that notwithstanding anything contained in sub-section (1) or sub-section (2), the credit for tax paid under section 115JC shall be allowed in accordance with the provisions of section 115JD.

These amendments will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 40 of the Bill seeks to amend section 115-O of the Income-tax Act relating to tax on distributed profits of domestic companies.

Sub-section (1) of the said section provides that any amount declared, distributed or paid by a domestic company by way of dividends shall be charged to additional income-tax at the rate of fifteen per cent.

It is proposed to amend the aforesaid section so as to provide that for the purposes of determining the tax on distributed profits payable in accordance with the said section, any amount by way of dividends referred to in sub-section (1) as reduced by the amount referred to in sub-section (1A) of the said section [referred to as net distributed profits], shall be increased to such amount as would, after reduction of the tax on such increased amount at the rate specified in sub-section (1), be equal to the net distributed profits.

This amendment will take effect from 1st October, 2014.

Clause 41 of the Bill seeks to amend section 115R of the Income-tax Act relating to tax on distributed income to unit holders.

Sub-section (2) of aforesaid section provides that any amount of income distributed by the specified company or a Mutual Fund to its unit holder shall be charged to additional income-tax at the rate of twenty-five per cent., where the income is distributed to any person being an individual or a Hindu undivided family, and at the rate of thirty per cent. on income distributed to any person other than an individual or a Hindu undivided family. It is further provided that an additional tax at the rate of five per cent. shall be levied in case of income distributed by a Mutual Fund under an Infrastructure Debt Fund Scheme to a person who is non-resident.

It is proposed to amend the said section to provide that for the purposes of determining the additional income-tax payable in accordance with said sub-section (2), the amount of distributed income, referred to therein, shall be increased to such amount as would, after reduction of the additional income-tax on such increased amount at the rate specified in sub-section (2), be equal to the amount of income distributed by the Mutual Fund.

This amendment will take effect from 1st October, 2014.

The existing provisions contained in sub-section (3A) of section 115R provide that the person responsible for making payment of the income distributed by the Unit Trust of India or a Mutual Fund and the Unit Trust of India or the Mutual Fund, as the case may be, shall on or before the 15th September in each year, furnish to the prescribed income-tax authority, a statement in the prescribed form and verified in the prescribed manner, giving the details of the amount of income distributed to unit holders during the previous year, the tax paid thereon and such other relevant details as may be prescribed.

It is proposed to omit sub-section (3A) of the aforesaid section 115R.

This amendment will take effect from 1st October, 2014.

Clause 42 of the Bill seeks to amend section 115TA of the Income-tax Act relating to tax on distributed income to investors.
The existing provisions contained in sub-section (3) of section 115TA provides that the person responsible for making payment of the income distributed by the securitisation trust shall, on or before the 15th September in each year, furnish to the prescribed income-tax authority, a statement in the prescribed form and verified in the prescribed manner, giving the details of the amount of income distributed to investors during the previous year, the tax paid thereon and such other relevant details as may be prescribed.

It is proposed to omit sub-section (3) of the aforesaid section 115TA.

This amendment will take effect from 1st April, 2015.

Clause 43 of the Bill seeks to insert a new Chapter XII-FA in the Income-tax Act which deals with “Special Provisions Relating to Business Trusts”.

The said Chapter proposes—

(a) to provide that the distributed income in the hands of the unit holders will be of the same nature and in the same proportion as the income in the hands of the trust;

(b) to provide that the total income of the trust other than capital gain would be taxed in the hands of the trust at the maximum margin rate and capital gain would be taxed in accordance with sections 111A and 112;

(c) to provide that any distributed income or part thereof received by a unit holder from the business trust is of the same nature as the income referred to in clause (23FC) of section 10, then, such distributed income or part thereof shall be deemed to be the income of such unit holder and shall be charged to tax as income of the previous year;

(d) to provide that the person responsible for making payment of income or any part thereof distributed on behalf of a business trust to a unit holder, shall provide a statement to the unit holder and the prescribed authority in such time and in the form and manner as may be prescribed.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 44 of the Bill seeks to amend section 116 of the Income-tax Act relating to income-tax authorities.

Section 116 specifies the income-tax authorities.

It is proposed to include Principal Chief Commissioners of Income-tax, Principal Commissioners of Income-tax, Principal Directors General of Income-tax and Principal Directors of Income-tax as income-tax authorities under the said section 116.

These amendments will take effect retrospectively from 1st June, 2013.

Clause 45 of the Bill seeks to amend section 133A of the Income-tax Act relating to power of survey.

The existing provision contained in section 133A empowers the income-tax authority to enter a premises in which business or profession is carried out for the purposes of survey.

It is proposed to amend section 133A so as to insert sub-section (2A) after sub-section (2) so as to provide that without prejudice to the provisions of sub-section (1), an income-tax authority acting under this sub-section may for the purpose of verifying that tax has been deducted or collected at source in accordance with the provisions under sub-heading B of Chapter XVII or under sub-heading BB of Chapter XVII, as the case may be, enter, after sunrise and before sunset, any office, or any other place where business or profession is carried on, within the limits of the area assigned to him, or any place in respect of which he is authorised for the purposes of this section by such income-tax authority who is assigned the area within which such place is situated, where books of account or documents are kept and require the deductor or the collector or any other person who may at that time and place be attending in any manner to such work,—

(i) to afford him the necessary facility to inspect such books of account or other documents as he may require and which may be available at such place, and

(ii) to furnish such information as he may require in relation to such matter.

Under the existing provisions of clause (b) of the proviso to clause (ia) of sub-section (3) of the aforesaid section 133A, an income-tax authority acting under the section may retain in his custody any such books of account or other documents only for a period of ten days (exclusive holidays) without obtaining the approval of the Chief Commissioner or Director General therefor, as the case may be.

It is proposed to substitute the aforesaid clause (b) of the proviso to clause (ia) in sub-section (3) of the aforesaid section 133A so as to provide that an income-tax authority under the said section shall not retain in his custody any such books of account or other documents for a period exceeding fifteen days (exclusive of holidays) without obtaining the approval of the Principal Chief Commissioner or Chief Commissioner or Principal Director General or Director General or Principal Commissioner or Commissioner or Principal Director or Director therefor, as the case may be.

It is also proposed to insert a new proviso in sub-section (3) so as to provide that no action under clause (ia) or clause (ii) shall be taken by an income-tax authority acting under sub-section (2A).

These amendments will take effect from 1st October, 2014.

Clause 46 of the Bill seeks to insert a new section 133C in the Income-tax Act relating to power to call for information by prescribed income-tax authority.

It is proposed to insert a new section 133C so as to provide that for the purposes of verification of information in its possession relating to any person, prescribed income-tax authority, may, issue a notice to such person requiring him, on or before a date to be specified, to furnish information or documents, verified in the manner specified therein which may be useful for, or relevant to, any enquiry or proceeding under this Act.

This amendment will take effect from 1st October, 2014.

Clause 47 of the Bill seeks to amend section 139 of the Income-tax Act relating to return of income.

The existing provisions contained in sub-section (4C) of section 139, inter alia, provide for filing return of income by certain entities whose income is exempt under section 10 of the Act.

It is proposed to amend sub-section (4C) of section 139 so as to provide that Mutual Fund referred to in clause (23D) of section 10 and securitisation trust referred to in clause (23DA) of section 10 and Venture Capital Company or Venture Capital Fund referred to in clause (23FB) of section 10 shall, if the total income in respect of which such fund, trust or company is
assessable, without giving effect to the provisions of section 10, exceeds the maximum amount which is not chargeable to income-tax, furnish a return of such income of the previous year in the prescribed form and verified in the prescribed manner and setting forth such other particulars as may be prescribed and all the provisions of the Act, so far as may be, apply as if it were a return required to be furnished under sub-section (1) of the said section 139.

It is also proposed to insert a new sub-section (4E) in section 139 so as to provide for filing of return of income by business trust which is not required to furnish return of income or loss under any other provision of the section.

These amendments will take effect from 1st April, 2015.

Clause 48 of the Bill seeks to amend section 140 of the Income-tax Act relating to return by whom to be signed. Section 140 of the Act relates to return by whom to be signed and verified. It is proposed to amend section 140 of the Act, so as to dispense with the condition of signing the income-tax return and accordingly to omit the statutory requirement of signing such return. With this amendment, only the condition of verifying of the income-tax return will apply.

This amendment will take effect from 1st October, 2014.

Clause 49 of the Bill seeks to substitute section 142A of the Income-tax Act relating to estimate by Valuation Officer in certain cases.

Under the existing provisions contained in the said section, the Assessing Officer may, for the purpose of making an assessment or reassessment, require the Valuation Officer to make an estimate of the value of any investment, any bullion, jewellery or fair market value of any property. On receipt of the report of the Valuation Officer, the Assessing Officer may after giving the assessee an opportunity of being heard take into account such report for the purposes of assessment or reassessment.

It is proposed to substitute the said section 142A so as to provide that the Assessing Officer may, for the purposes of assessment or reassessment, require a reference to a Valuation Officer to estimate the value, including fair market value of any asset, property or investment and submit a copy of report to him.

Sub-section (2) seeks to provide that the Assessing Officer may make a reference under sub-section (1) whether or not he is satisfied about the correctness or completeness of the accounts of the assessee.

Sub-section (3) seeks to provide that the Valuation Officer, on a reference made under sub-section (1), shall, for the purpose of estimating the value of the asset, property or investment, have all the powers that he has under section 38A of the Wealth-tax Act.

Sub-section (4) seeks to provide that the Valuation Officer shall, estimate the value of the asset, property or investment after taking into account the evidence produced by the assessee and any other evidence in his possession gathered, after giving an opportunity of being heard to the assessee.

Sub-section (5) seeks to provide that the Valuation Officer may estimate the value of the asset, property or investment to the best of his judgment, if the assessee does not co-operate or comply with his direction.

Sub-section (6) seeks to provide that the Valuation Officer shall send a copy of the report of the estimate made under sub-section (4) or sub-section (5) to the Assessing Officer and the assessee, within a period of six months from the end of the month in which a reference is made under sub-section (1).

Sub-section (7) seeks to provide that the Assessing Officer on receipt of the report from the Valuation Officer may, after giving the assessee an opportunity of being heard, take into account such report in making the assessment or reassessment.

Explanation occurring after the proposed sub-section (7) seeks to provide that the “Valuation Officer” shall have the same meaning as in clause (r) of section 2 of the Wealth-tax Act.

This amendment will take effect from 1st October, 2014.

Clause 50 of the Bill seeks to amend section 145 of the Income-tax Act relating to method of accounting.

The existing provisions contained in sub-section (1) of the said section provide that Income chargeable under the head “Profits and gains of business or profession” or “Income from other sources” shall, subject to the provisions of sub-section (2) of the said section, be computed in accordance with either cash or mercantile system of accounting regularly employed by the assessee. The existing provisions contained in sub-section (2) of the said section provide that the Central Government may notify in the Official Gazette from time to time, the accounting standards to be followed by any class of assessee or in respect of any class of income. The existing provision of sub-section (3) of the said section provides that where the Assessing Officer is not satisfied about the correctness or completeness of the accounts of the assessee, or where the method of accounting provided in sub-section (1) or accounting standards as notified under sub-section (2), have not been regularly followed by the assessee, the Assessing Officer may make an assessment in the manner provided in section 144.

It is proposed to amend sub-section (2) of section 145 to provide that the Central Government may notify in the Official Gazette from time to time income computation and disclosure standards to be followed by any class of assessee or in respect of any class of income.

It is also proposed to amend sub-section (3) of the aforesaid section to provide that where the Assessing Officer is not satisfied with the correctness or completeness of the accounts of the assessee, or where the method of accounting provided in sub-section (1), has not been regularly followed by the assessee, or income has not been computed in accordance with the standards notified under sub-section (2), the Assessing Officer may make an assessment in the manner provided in section 144.

These amendments will take effect from 1st April, 2015 and will, accordingly, apply in relation to the assessment year 2015-16 and subsequent years.

Clause 51 of the Bill seeks to amend section 153 of the Income-tax Act relating to time limit for completion of assessments and reassessments.

The existing provisions contained in Explanation 1 to section 153 provide that certain periods specified therein are to be excluded while computing the period of limitation for the purposes of the said section.

It is proposed to insert a new clause (iv) in Explanation 1 so as to provide that the period commencing from the date on which the Assessing Officer makes a reference to Valuation Officer under sub-section (1) of section 142A and ending with the date on which the report of the Valuation Officer is received by the Assessing Officer shall be excluded in computing the period of limitation for the purposes of section 153.

This amendment will take effect from 1st October, 2014.

Clause 52 of the Bill seeks to amend section 153B of the Income-tax Act relating to time limit for completion of assessment under section 153A.
The existing provisions contained in the Explanation to section 153B provide that certain periods specified therein are to be excluded while computing the period of limitation laid down in the said section for completion of assessment under section 153A.

It is proposed to insert a new clause (jia) in the aforesaid Explanation so as to provide that the period commencing from the date on which the Assessing Officer makes a reference to Valuation Officer under sub-section (1) of section 142A of the Income-tax Act and ending with the date on which the report of the Valuation Officer is received by the Assessing Officer shall be excluded in computing the period of limitation for the purposes of section 153B.

This amendment will take effect from 1st October, 2014.

Clause 53 of the Bill seeks to amend section 153C of the Income-tax Act relating to assessment of income of any other person.

The existing provisions contained in sub-section (1) of the aforesaid section provide that notwithstanding anything contained in section 139, section 147, section 148, section 149, section 151 and section 153, where the Assessing Officer is satisfied that any money, bullion, jewellery or other valuable article or thing or books of account or documents seized or requisitioned belongs or belong to a person, other than the person referred to in section 153A, then the books of account or documents or assets seized or requisitioned shall be handed over to the Assessing Officer having jurisdiction over such other person and that Assessing Officer shall proceed against each such other person and issue such other person notice and assess or reassess income of such other person in accordance with the provisions of section 153A.

It is proposed to amend the said sub-section so as to provide that notwithstanding anything contained in section 139, section 147, section 148, section 149, section 151 and section 153, where the Assessing Officer is satisfied that any money, bullion, jewellery or other valuable article or thing or books of account or documents seized or requisitioned belongs or belong to a person, other than the person referred to in section 153A, then the books of account or documents or assets seized or requisitioned shall be handed over to the Assessing Officer having jurisdiction over such other person and that Assessing Officer shall proceed against each such other person and issue such other person notice and assess or reassess income of such other person in accordance with the provisions of section 153A.

This amendment will take effect from 1st October, 2014.

Clause 54 of the Bill seeks to amend section 194A of the Income-tax Act relating to deduction of tax at source on interest other than “interest on securities”.

It is proposed to insert a new clause (xi) in sub-section (3) of section 194A so as to exempt from deduction of tax at source, the interest income payable by special purpose vehicle to a business trust.

This amendment will take effect from 1st October, 2014.

Clause 55 of the Bill seeks to insert a new section 194DA in the Income-tax Act relating to payment in respect of life insurance policy.

It is proposed to insert a new section 194DA so as to provide that any person responsible for paying to a resident any sum under a life insurance policy, including the sum allocated by way of bonus on such policy, other than the amount not includible in the total income under clause (10D) of section 10, shall, at the time of payment thereof, deduct income-tax thereon at the rate of two per cent.

It is further proposed to provide that no deduction shall be made where the amount of such payment or, as the case may be, the aggregate amount of such payments to the payee during the financial year is less than one hundred thousand rupees.

This amendment will take effect from 1st October, 2014.

Clause 56 of the Bill seeks to insert a new section 194LBA in the Income-tax Act which relates to certain income from business trust.

The said new section proposes to provide for deduction of tax at the rate of five per cent. in case of non-resident unit holders and at the rate of ten per cent. in case of resident unit holders of business trust on that portion of distributed income of the trust which is taxable in the hands of unit holder.

This amendment will take effect from 1st October, 2014.

Clause 57 of the Bill seeks to amend section 194LC of the Income-tax Act relating to income by way of interest from Indian company.

Under the existing provisions of the aforesaid section, the beneficial provision of lower rate of withholding tax is available on payment made by an Indian company subject to the conditions provided therein.

It is proposed to amend the said section to provide for the benefit of reduced withholding tax on interest income in case of external commercial borrowings by business trust, subject to the same conditions provided in the section.

The existing provisions contained in sub-section (2) of section 194LC specify the interest eligible for lower withholding tax rate of five per cent. It shall be the interest income payable by the specified company on borrowings made by it in foreign currency from sources outside India by way of long-term infrastructure bonds or under a loan agreement subject to approval by the Central Government. The sub-section further provides that the borrowing should be made at any time on or after the 1st day of July, 2012 but before the 1st day of July, 2015.

It is proposed to amend sub-section (2) of the aforesaid section to provide that the borrowings can be made before 1st July, 2017 instead of currently provided cut-off date of 1st July, 2015. It is further proposed to provide that the benefit of the section would be available to all long-term bonds including long-term infrastructure bonds.

These amendments will take effect from 1st October, 2014.

Clause 58 of the Bill seeks to amend section 200 of the Income-tax Act relating to duty of person deducting tax.

The existing provisions contained in sub-section (3) of the aforesaid section provide that any person deducting any sum or after 1st April, 2005 in accordance with the foregoing provisions of Chapter XVII or, as the case may be, any person being an employer referred to in sub-section (1A) of section 192 shall, after paying the tax deducted to the credit of the Central Government within the prescribed time, prepare such statements for such period as may be prescribed and deliver or cause to be delivered to the prescribed income-tax authority or the person
authorised by such authority such statement in such form and verified in such manner and setting forth such particulars and within such time as may be prescribed.

It is proposed to insert a proviso to the aforesaid sub-section so as to provide that the person who delivered statement under the aforesaid sub-section may also deliver to the prescribed authority a correction statement for rectification of any mistake or to add, delete or update the information furnished in the statement delivered under this sub-section in such form and verified in such manner as may be specified by the authority.

This amendment will take effect from 1st October, 2014.

Clause 59 of the Bill seeks to amend section 200A of the Income-tax Act relating to processing of statements of tax deducted at source.

The existing provisions contained in sub-section (1) of the aforesaid section provide that where a statement of tax deduction at source has been made by a person deducting any sum under section 200, such statement shall be processed in the manner provided in the said sub-section.

It is proposed to amend sub-section (1) of the aforesaid section so as to include the correction statement in addition to the statement of tax deduction at source.

This amendment will take effect from 1st October, 2014.

Clause 60 of the Bill seeks to amend section 201 of the Income-tax Act relating to consequences of failure to deduct or pay.

The existing provisions contained in sub-section (3) of section 201 provide that no order shall be made under sub-section (1) deeming a person to be an assessee in default for failure to deduct the whole or any part of the tax from a person resident in India, at any time after the expiry of two years from the end of the financial year in a case where the statement referred to in section 200 has been filed, and in any other case six years from the end of the financial year in which payment is made or credit is given.

It is proposed to substitute sub-section (3) of section 201 so as to provide that no order shall be made under sub-section (1) of the said section deeming a person to be an assessee in default for failure to deduct the whole or any part of the tax from a person resident in India, at any time after the expiry of seven years from the end of the financial year in which payment is made or credit is given.

This amendment will take effect from 1st October, 2014.

Clause 61 of the Bill seeks to amend section 206AA of the Income-tax Act relating to requirement to furnish Permanent Account Number.

Under the existing provisions contained in sub-section (7) of the aforesaid section it is provided that section 206AA shall not apply in respect of payment of interest on long-term infrastructure bonds referred to in section 194LC of the Act.

It is proposed to amend sub-section (7) to provide that section 206AA shall not apply in respect of payment of interest on long-term bonds referred to in section 194LC of the Act.

This amendment will take effect from 1st October, 2014.

Clause 62 of the Bill seeks to amend section 220 of the Income-tax Act relating to when tax payable and when assessee deemed in default.

The existing provision contained in sub-section (1) of the aforesaid section provides that any amount specified as payable in a notice of demand under section 156 shall be paid within thirty days of the service of notice at the place and to the person mentioned in the notice.

It is proposed to insert a new sub-section in the said section so as to provide that where any notice of demand has been served upon an assessee and any appeal or other proceeding, as the case may be, is filed or initiated in respect of the amount specified in the said notice of demand, then, such demand shall be deemed to be valid till the disposal of the appeal by the last appellate authority or disposal of the proceedings, as the case may be, and any such notice of demand shall have the effect as specified in section 3 of the Taxation Laws (Continuation and Validation of Recovery Proceedings) Act, 1964.

The first proviso to sub-section (2) of the said section provides that where as a result of an order under section 154, or section 155, or section 250, or section 254, or section 260, or section 262, or section 264 or an order of the Settlement Commission under sub-section (4) of section 245D, the amount on which interest was payable under this section had been reduced, the interest shall be reduced accordingly and the excess interest paid, if any, shall be refunded.

It is proposed to insert second proviso in the said section so as to provide that where as a result of an order under sections specified in the first proviso, the amount on which interest was payable under this section had been reduced and subsequently as a result of an order under said sections or section 263, the amount on which interest was payable under this section is increased, the assessee shall be liable to pay interest under sub-section (2) from the day immediately following the end of the period mentioned in the first notice of demand, referred to in sub-section (1) and ending with the day on which the amount is paid.

These amendments will take effect from the 1st October, 2014.

Clause 63 of the Bill seeks to amend section 269SS of the Income-tax Act relating to mode of taking or accepting certain loans and deposits.

The existing provisions of the aforesaid section provide that no person shall take from any other person any loan or deposit otherwise than by an account payee cheque or account payee bank draft, if the amount of such loan or deposit or aggregate of such loans or deposits is twenty thousand rupees or more.

It is proposed to amend the aforesaid section so as to provide that no person shall take or accept from any other person any loan or deposit otherwise than by an account payee cheque or account payee bank draft or use of electronic clearing system through a bank account if, the amount of such loan or deposit or the aggregate amount of such loans or deposits is twenty thousand rupees or more.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to assessment year 2015-16 and subsequent years.

Clause 64 of the Bill seeks to amend section 269T of the Income-tax Act relating to mode of repayment of certain loans and deposits.

The existing provisions of the aforesaid section provide that no loan or deposit shall be repaid otherwise than by an account payee cheque or account payee bank draft, if the amount of such loan or deposit together with interest or the aggregate amount of such loans or deposits together with interest, if any payable thereon, is twenty thousand rupees or more.
It is proposed to amend section 269T so as to provide that no person shall repay any loan or deposit made with it otherwise than by an account payee cheque or account payee bank draft drawn in the name of the person who has made the loan or deposit or by use of electronic clearing system through a bank account if, the amount of the loan or deposit together with interest or the aggregate amount of such loans or deposits together with interest, if any payable thereon, is twenty thousand rupees or more.

This amendment will take effect from 1st April, 2015 and will, accordingly, apply in relation to assessment year 2015-16 and subsequent years.

Clause 65 of the Bill seeks to amend section 271FA of the Income-tax Act relating to penalty for failure to furnish annual information return.

The existing provisions of section 271FA provides for penalty for failure to furnish an annual information return.

It is proposed to amend the said section so as to provide for penalty for failure to furnish statement of financial transaction or reportable account.

This amendment will take effect from 1st April, 2015.

Clause 66 of the Bill seeks to insert a new section 271FAA in the Income-tax Act to provide for penalty for furnishing inaccurate statement of financial transaction or reportable account.

It is proposed to insert a new section 271FAA so as to provide that if a person referred to in clause (k) of sub-section (1) of section 285BA, who is required to furnish a statement of financial transaction or reportable account, provides inaccurate information in the statement and where (a) the inaccuracy is due to a failure to comply with the due diligence requirement prescribed under sub-section (7) of section 285BA or is deliberate on the part of that person; or (b) the person knows of the inaccuracy at the time of furnishing the statement of financial transaction or reportable account, but does not inform the prescribed income-tax authority or such other authority or agency; or (c) the person discovers the inaccuracy after the statement of financial transaction or reportable account is furnished and fails to inform and furnish correct information within the time specified under sub-section (6) of section 285BA, then, the prescribed income-tax authority may direct that such person shall pay, by way of penalty, a sum of fifty thousand rupees.

This amendment will take effect from 1st April, 2015.

Clause 67 of the Bill seeks to amend section 271G of the Income-tax Act relating to levy of penalty for failure to furnish information or document under section 92D of the Act.

Under the existing provisions of section 271G, if any person who has entered into an international transaction or specified domestic transactions fails to furnish any such document or information as required by sub-section (3) of section 92D, then, such person shall be liable to a penalty of a sum equal to two per cent. of the value of international transaction or specified domestic transaction for each failure. The said section provides that the above penalty may be levied by the Assessing Officer or the Commissioner (Appeals).

It is proposed to amend section 271G to include Transfer Pricing Officer as referred to in section 92CA, as an authority competent to levy the penalty under the section 271G in addition to the Assessing Officer and the Commissioner (Appeals).

This amendment will take effect from 1st October, 2014.

Clause 68 of the Bill seeks to amend section 271H of the Income-tax Act relating to penalty for failure to furnish statements, etc.

The existing provisions contained in sub-section (1) of section 271H provide the circumstances in which the person shall be liable to pay penalty.

It is proposed to amend sub-section (1) of section 271H so as to provide that the penalty levied under section 271H shall be levied by the Assessing Officer.

This amendment will take effect from 1st October, 2014.

Clause 69 of the Bill seeks to amend section 276D of the Income-tax Act which relates to failure to produce accounts and documents.

The existing provisions of section 276D provide that if a person wilfully fails to produce accounts and documents as required in any notice issued under sub-section (1) of section 142 or wilfully fails to comply with a direction issued to him under sub-section (2A) of section 142, he shall be punishable with rigorous imprisonment for a term which may extend to one year or with fine equal to a sum calculated at a rate which shall not be less than four rupees or more than ten rupees for every day during which the default continues, or with both.

It is proposed to amend section 276D, so as to provide that if a person wilfully fails to produce accounts and documents as required in any notice issued under sub-section (1) of section 142 or wilfully fails to comply with a direction issued to him under sub-section (2A) of section 142, he shall be punishable with rigorous imprisonment for a term which may extend to one year and with fine.

This amendment will take effect from 1st October, 2014.

Clause 70 of the Bill seeks to amend section 281B of the Income-tax Act relating to provisional attachment to protect revenue in certain cases.

The exiting provisions of sub-section (1) of the aforesaid section provide that the Assessing Officer, during the pendency of any proceeding for assessment or reassessment, in order to protect the interests of revenue may, with the previous approval of the Chief Commissioner or Commissioner, attach provisionally any property belonging to the assessee in the manner provided in the Second Schedule. Sub-section (2) of the said section provides that the provisional attachment shall cease to have effect after the expiry of six months provided that the Chief Commissioner or Commissioner may extend the period up to a total period of two years.

It is proposed to amend sub-section (2) of the said section so as to provide that the provisional attachment shall cease to have effect after the expiry of six months provided that the Chief Commissioner or Commissioner may extend the period up to a total period of two years or sixty days after the date of assessment or reassessment, whichever is later.

This amendment will take effect from 1st October, 2014.

Clause 71 of the Bill seeks to substitute section 285BA of the Income-tax Act relating to obligation to furnish annual information return with a new section.

The existing provisions of section 285BA provide for filing of an annual information return by specified persons in respect of specified financial transactions which is registered or recorded by them and which is relevant and required for the purposes of the Act to the prescribed income-tax authority.
It is proposed to amend the said section so as to provide for furnishing of statement of information by a prescribed reporting financial institution in respect of any specified financial transaction or reportable account to the prescribed income-tax authority. It is further proposed that the statement of information shall be furnished for such period, within such time, in the form and manner as may be prescribed.

It is also proposed to provide that where any person, who has furnished a statement of information under sub-section (1), or in pursuance of a notice issued under sub-section (5), comes to know or discovers any inaccuracy in the information provided in the statement, then, he shall, within a period of ten days, inform the income-tax authority or other authority or agency referred to in sub-section (1) the inaccuracy in such statement and furnish the correct information in the manner as may be prescribed.

It is also proposed that the Central Government may, by rules, specify,—

(a) the persons referred to in sub-section (1) to be registered with the prescribed income-tax authority;
(b) the nature of information and the manner in which such information shall be maintained by the persons referred to in clause (a); and
(c) the due diligence to be carried out by the persons for the purpose of identification of any reportable account referred to in sub-section (1).

This amendment will take effect from 1st April, 2015.

Indirect Taxes

Customs

Clause 72 of the Bill seeks to amend the Customs Act so as to provide that a reference in the Customs Act to a Chief Commissioner of Customs or a Commissioner of Customs may also include a reference to the Principal Chief Commissioner of Customs or the Principal Commissioner of Customs, as the case may be.

Clause 73 of the Bill seeks to amend section 3 of the Customs Act so as to provide for inclusion of Principal Chief Commissioner of Customs and Principal Commissioner of Customs in the class of officers of customs.

Clause 74 of the Bill seeks to amend section 15 of the Customs Act to insert the words “or the vehicle” so as to determine the date of presentation of bill of entry for determining the rate of duty and tariff valuation of imported goods arrived by vehicles also along with other means of transportation.

Clause 75 of the Bill seeks to amend section 25 of the Customs Act so as to insert sub-sections (7) and (8) therein to provide that mineral oils including petroleum and natural gas extracted or produced in the continental shelf of India or the exclusive economic zone of India as referred to in section 6 and section 7, respectively, of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, which are imported prior to the 7th day of February, 2002 shall be deemed to be and shall be always deemed to have been exempted from duties of customs. It further provides that notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, no suit or other proceedings shall be maintained or continued in any court, tribunal or other authority in respect of such mineral oils. It also provides that notwithstanding such exemption in respect of mineral oils specified therein, no refund of duties of customs paid in respect of such mineral oils shall be made.

Clause 76 of the Bill seeks to amend sub-section (3) of section 46 of the Customs Act so as to omit the first proviso and to amend the second proviso with a view to enable advance filing of import declarations at Land Customs Stations to facilitate the advance risk assessment, processing and legitimate trade so as to bring the same at par with the practices at Sea Ports and Airports and also to be in line with global standards.

Clause 77 of the Bill seeks to amend clause (f) of section 127A of the Customs Act so as to substitute the words “Customs, Central Excise and Service Tax” for the words “Customs and Central Excise” with a view to rename the Commission.

Clause 78 of the Bill seeks to amend clause (a) of the first proviso to sub-section (1) of section 127B of the Customs Act so as to include certain more documents therein for the purpose of enabling the applicant to make application before the Settlement Commission on the basis of such documents. It further seeks to amend clause (c) thereof to substitute the figures and letters “28AA”, for the word, figures and letters “section 28AB” to align it with the existing provision on interest on delayed payment of duty. It also seeks to omit sub-section (2) as the same has become redundant and leads to different interpretations.

Clause 79 of the Bill seeks to amend clause (i) of sub-section (1) of section 127L of the Customs Act so as to insert an Explanation thereto to clarify that the concealment of particulars of duty liability relates to any such concealment made from the officer of Customs, to avoid confusion as to whether the concealment is from officer of customs or Settlement Commission and making the provision clear.

Clause 80 of the Bill seeks to substitute the words “rupees fifty thousand” with the words “rupees two laks” in the second proviso to sub-section (1) of section 129A of the Customs Act so as to enable the discretionary powers of the Tribunal to refuse admission of appeal in cases up to rupees two laks. It also seeks to enable the Board to constitute a committee by issuing an order instead of a notification to be published in the Official Gazette.

Clause 81 of the Bill seeks to amend section 129B to omit first, second and third proviso of sub-section (2A) of section 129B so as to make consequential changes in view of substitution of a new section for section 129E.

Clause 82 of the Bill seeks to insert a proviso in sub-section (3) of section 129D of the Customs Act so as to vest with the Board the power to extend the period, if it is satisfied that there is sufficient reason for not making an order within the period stipulated in the said sub-section.

Clause 83 of the Bill seeks to substitute section 129E of the Customs Act so as to provide for deposit of certain percentage of duty demanded or penalty imposed or both before filing an appeal. It also seeks to provide that the provisions of this section shall not be applicable to stay applications and appeals pending before the Appellate Authorities prior to the enactment of the Bill.

Clause 84 of the Bill seeks to insert the words “The Commissioner (Appeal)” in sub-section (4) of section 131BA of the Customs Act so as to enable the Commissioner (Appeal) hearing an appeal, application, revision or reference to take into consideration the circumstances under which the appeal, application, revision or reference was not filed by the Commissioner of customs pursuant to the orders or instructions or directions issued under sub-section (1) thereof.
Clause 85 of the Bill seeks to amend notification issued under sub-section (1) of section 25 of the Customs Act bearing number G.S.R. 185 (E), dated the 17th March, 2012 in the manner specified in the Second Schedule retrospectively with effect from 8th February, 2013 and up to 10th July, 2014 so as to exempt liquefied propane and butane mixture, liquefied propane, liquefied butane and liquefied petroleum gases (LPG) imported by the Indian Oil Corporation Limited, Hindustan Petroleum Corporation Limited or Bharat Petroleum Corporation Limited for supply to household domestic consumers or to non-domestic exempted category (NDEC) customers.

Customs Tariff

Clause 86 of the Bill seeks to amend sub-section (2A) of section 8B of the Customs Tariff Act so as to align the provisions with sub-section (2A) of section 9A of the Customs Tariff Act.

Clause 87 of the Bill seeks to amend the First Schedule to the Customs Tariff Act in the manner specified in the Third Schedule so as to—

(a) omit a tariff item;
(b) revise the rate of customs duty on certain tariff items; and
(c) amend units specified in column (3) in respect of certain goods.

Excise

Clause 88 of the Bill seeks to amend the Central Excise Act so that a reference in that Act to a Chief Commissioner of Central Excise or a Commissioner of Central Excise may also include a reference to the Principal Chief Commissioner of Central Excise and Principal Commissioner of Central Excise, as the case may be.

Clause 89 of the Bill seeks to insert a new section 15A in the Central Excise Act so as to empower the Central Government to prescribe an authority or agency to whom the information return shall be filed by the specified persons such as Income-tax authorities, State Electricity Boards, VAT or Sales Tax authorities, Registrar of Companies. Information can be collected for the purposes of the Act, such as, to identify tax evaders or recover confirmed dues. It also seeks to insert new section 15B which provides for imposition of penalty on failure to furnish information return.

Clause 91 of the Bill seeks to amend clause (g) of section 31 of the Central Excise Act so as to substitute the words “Customs, Central Excise and Service Tax” for the words “Customs and Central Excise” with a view to rename the Commission.

Clause 92 of the Bill seeks to amend sub-section (1) of section 32 of the Central Excise Act with a view to make consequential changes in view of the amendments in clause (g) of section 31.

Clause 93 of the Bill seeks to amend sub-section (1) of section 32E of the Central Excise Act by inserting a proviso therein so as to allow the Settlement Commission to entertain an application by the applicant where returns are not filed by him. It further seeks to substitute the word, figures and letters “section 11AA” for the word, figures and letters “section 11AB” to align it with the existing provision on interest on delayed payment of duty. It also seeks to omit sub-section (2) of that section as the same has become redundant and leads to different interpretations.

Clause 94 of the Bill seeks to amend clause (i) of sub-section (1) of section 32-O of the Central Excise Act so as to insert an Explanation therein to clarify that the concealment of particulars of duty liability relates to any such concealment made from the Central Excise Officer, to avoid confusion as to whether the concealment is from Central Excise Officer or Settlement Commission and making the provision clear.

Clause 95 of the Bill seeks to amend section 35B of the Central Excise Act so as to—

(i) amend clause (i) of sub-section (1) to substitute the words “rupees fifty thousand” with the words “rupees two lakhs” so as to enable the discretionary powers of the Tribunal to refuse admission of appeal in cases up to rupees two lakhs.
(ii) amend clause (i) of sub-section (1B) so as to enable the Board to constitute Committee by issuing an order instead of a notification to be published in the Official Gazette.

Clause 96 of the Bill seeks to omit the first, second and third proviso to sub-section (2A) of section 35C of the Central Excise Act so as to make consequential changes in view of substitution of section 35F.

Clause 97 of the Bill seeks to insert a proviso in sub-section (3) of section 35E of the Central Excise Act so as to vest with the Board the power to extend the period, if it is satisfied that there is sufficient reason for not making an order within the period stipulated in the said sub-section.

Clause 98 of the Bill seeks to substitute section 35F of the Central Excise Act to provide for deposit of certain percentage of duty demanded or penalty imposed or both before filing an appeal. It also seeks to provide that the provisions of this section shall not be applicable to stay applications and appeals before the Appellate Authorities prior to the enactment of the Bill.

Clause 99 of the Bill seeks to insert a new sub-section (2) in section 35L of the Central Excise Act so as to clarify that determination of disputes relating to taxability or excisability is covered under the expression “determination of any question having a relation to rate of duty”.

Clause 100 of the Bill seeks to insert the words “The Commissioner (Appeals)” in sub-section (4) of section 35R so as to enable the Commissioner (Appeals) hearing an appeal, application, revision or reference to take into consideration the circumstances under which the appeal, application, revision or reference was not filed by the Commissioner of Customs pursuant to the order, instruction or directions issued under sub-section (1) thereof.

Clause 101 of the Bill seeks to amend rule 8 of the Pan Masala Packing Machines (Capacity Determination and Collection of Duty) Rules, 2008, published vide number G.S.R.127 (E), dated the 1st July, 2008 [No.30/2008-Central Excise (N.T.), dated the 1st July, 2008] in the manner specified in the Fourth Schedule retrospectively with effect from 13th day of April, 2010 so as to substitute the first proviso to the said rule.

Clause 102 of the Bill seeks to amend notification issued under sub-section (1) of section 5A of the Central Excise Act published vide number G.S.R.95 (E), dated the 1st March, 2006 [No.5/2006-Central Excise, dated the 1st March, 2006] in the manner specified in the Fifth Schedule retrospectively—

(a) with effect from 29th June, 2010 to 16th March, 2012 so as to exempt duty of excise—
(i) on polyester staple fibre/polyester filament yarn manufactured from plastic waste or scrap or plastic waste including waste polyethylene terephthalate bottles;

(ii) on tow manufactured and captively consumed within the factory of its production for the manufacture of goods at (i) above;

(b) with effect from 1st March, 2011 to 16th March, 2012 so as to exempt duty of excise on unbranded articles of precious metals.

Clause 103 of the Bill seeks to amend notification issued under sub-section (1) of section 5A of the Central Excise Act vide number G.S.R. 163 (E), dated the 17th March, 2012 in the manner specified in the Sixth Schedule, retrospectively—

(i) with effect from 8th February, 2013 to 10th July, 2014 so as to exempt duty of excise on liquefied propane and butane mixture, liquefied butane and liquefied petroleum gases (LPG) for supply to non-domestic exempted category (NDEC) customers by the Indian Oil Corporation Limited, Hindustan Petroleum Corporation Limited or Bharat Petroleum Corporation Limited;

(ii) with effect from 17th March, 2012 to 7th May, 2012 so as to exempt duty of excise on polyester staple fibre/polyester filament yarn manufactured from plastic waste or scrap or plastic waste including waste polyethylene terephthalate bottles;

(iii) with effect from 17th March, 2012 to 10th July, 2014 so as to exempt duty of excise on tow manufactured and consumed within the factory of production for the manufacture of goods at (ii) above.

Clause 104 of the Bill seeks to amend the Third Schedule to the Central Excise Act in the manner specified in the Seventh Schedule so as to insert and amend certain entries therein.

Central Excise Tariff

Clause 105 of the Bill seeks to amend the First Schedule to the Central Excise Tariff Act in the manner specified in the Eighth Schedule so as to,—

(a) revise the rate of excise duty on certain tariff items;

(b) omit a tariff item;

(c) incorporate changes in a tariff item; and

(d) amend units specified in column (3) in respect of certain goods.

Service tax

Clause 106 of the Bill seeks to amend certain provisions in Chapter V of the Finance Act, 1994, relating to service tax, in the following manner—

Sub-clause (A) seeks to amend clause (32) of section 65B so as to exclude radio taxi from the definition of “metered cab” and also to insert a new clause (39a) therein to provide for the definition of “print media”, with effect from such date as the Central Government may, by notification, appoint.

Sub-clause (B) seeks to amend section 66D so as to,—

(a) substitute clause (g) and specify sale of space for print media in the negative list of services;

(b) omit “radio taxis” from sub-clause (vi) of clause (o) so as to provide for levy of service tax on services by radio taxis, with effect from such date as the Central Government may, by notification, appoint.

Sub-clause (C) seeks to amend section 67A so as to substitute the Explanation defining the “rate of exchange”, with effect from such date as the Central Government may, by notification, appoint.

Sub-clause (D) seeks to amend section 73 with a view to insert sub-section (4B) to specify a time limit for adjudication, as either six months or one year, depending on the nature of case, to be adhered to where it is possible.

Sub-clause (E) seeks to amend sub-section (1) of section 80 so as to omit the reference to the first proviso to sub-section (1) of section 78.

Sub-clause (F) seeks to amend sub-section (1) of section 82 so as to provide that where the Joint Commissioner of Central Excise or Additional Commissioner of Central Excise or such other Central Excise officer as may be notified by the Board has reasons to believe that any documents or books or things, which in his opinion shall be useful for or relevant to any proceedings under this Chapter, are secreted in any place, he may authorise in writing any Central Excise officer to search for and seize or may himself search and seize such documents or books or things.

Sub-clause (G) seeks to amend section 83 so as to include therein a reference to sub-section (2A) of section 5A, section 15A and section 15B of the Central Excise Act.

Sub-clause (H) seeks to amend clause (i) of sub-section (1A) of section 86 of the Finance Act, 1994 so as to enable the Board to constitute a Committee by issuing an order instead of a notification to be published in the Official Gazette. It also seeks to amend said section to omit the words “for grant of stay or” in clause (a) of sub-section (6A) thereof.

Sub-clause (I) seeks to amend section 87 with a view to insert a proviso in clause (c), so as to provide for recovery of dues of a predecessor from the assets of a successor.

Sub-clause (J) seeks to amend sub-section (2) of section 94 relating to power to make rules.

Sub-clause (K) seeks to amend section 95 of the said Act so as to empower the Central Government to issue orders for removal of difficulty in case of certain provisions inserted by the proposed legislation in this Chapter, up to one year from the date of enactment of the Finance (No.2) Bill, 2014.

Sub-clause (L) seeks to insert section 100 to provide for retrospective exemption in case of taxable services provided by the Employees’ State Insurance Corporation, prior to the 1st day of July, 2012.

Miscellaneous

Clause 107 of the Bill seeks to amend the Seventh Schedule to the Finance Act, 2001 to omit tariff item 2402 20 60 and the entries relating thereto.

Clause 108 of the Bill seeks to amend section 13 of the Unit Trust of India (Transfer of Undertaking and Repeal) Act, 2002.

The existing provisions contained in sub-section (1) of section 13 of the aforesaid Act provide that notwithstanding anything contained in the Income-tax Act, 1961, or any other enactment for the time being in force relating to tax or income, profits or gains, no income-tax or any other tax shall be payable
by the Administrator up to the 31st day of March, 2014 in respect of any income, profits or gains derived, or any amount received in relation to the specified undertaking.

It is proposed to amend sub-section (1) of the said section so as to extend the income-tax exemption to the said undertaking from the period beginning on the 1st April, 2014 to 31st March, 2019.

This amendment will take effect retrospectively from 1st April, 2014.

Clause 109 of the Bill seeks to amend Chapter VII of the Finance (No. 2) Act, 2004 which deals with levy of securities transaction tax on transaction of equity shares of a company on the stock exchange.

It is proposed to amend the said Chapter in order to provide levy of securities transaction tax on transactions in units of a business trust on the same line as are applicable to transactions in equity shares in a company.

This amendment will take effect from 1st October, 2014.

Clause 110 of the Bill seeks to amend the marginal heading of section 85 of the Finance Act, 2005 and also the Seventh Schedule thereto in the manner specified in the Ninth Schedule so as to impose a surcharge of 5 per cent. on aerated waters and other waters containing added sugar and to omit the tariff item 2402 20 60 relating to filter cigarettes.

Clause 111 of the Bill seeks to amend section 83 of the Finance Act, 2010 so as to expand the scope of the purposes of levy of the Clean Energy Cess thereunder.

Clause 112 of the Bill seeks to repeal the Finance Act, 2014.
Clause 5 of the Bill seeks to amend clause (23C) of section 10 of the Income-tax Act relating to incomes which do not form part of total income.

The proposed amendment seeks to insert an Explanation in clause (23C) of the said section so as to provide that for the purposes of sub-clauses (iiab) and (iiac) of the said clause, any university or other educational institution, hospital or other institution referred therein shall be considered as being substantially financed by the Government for any previous year, if the Government grant to such university or other educational institution, hospital or other institution exceeds such percentage of the total receipts including any voluntary contributions, as may be prescribed, of such university or other educational institution, hospital or other institution as the case may be, during the relevant previous year.

Clause 12 of the Bill seeks to amend section 35AD of the Income-tax Act which relates to deduction in respect of expenditure on "specified business".

It is proposed to amend sub-section (5) and sub-section (8) of the said section so as to provide that the provisions of the said section shall apply to the specified business referred to in sub-section (2) of the said section if it commences its operations on or after the 1st day of April, 2014, where the specified business is in the nature of setting up and operating a semi-conductor wafer fabrication manufacturing unit, and which is notified by the Board in accordance with such guidelines as may be prescribed.

Clause 32 of the Bill seeks to insert a new sub-section (9A) in section 92CC of the Income-tax Act which relates to advance pricing agreement.

The proposed new sub-section (9A) of the said section provides that the agreement referred to in sub-section (1), may, subject to such conditions, procedure and manner as may be prescribed, provide for determining the arm’s length price or specify the manner in which arm’s length price shall be determined in relation to an international transaction entered into by the person during any period not exceeding four previous years preceding the first of the previous year referred to in sub-section (4), and the arm’s length price of such international transaction shall be determined in accordance with the said agreement.

Clause 46 of the Bill seeks to insert a new section 133C in the Income-tax Act relating to power to call for information by prescribed income-tax authority.

The proposed new section provides that the income-tax authority, as may be prescribed, may, for the purposes of verification of information in its possession relating to any person, issue a notice to such person requiring him to furnish information or documents verified in the manner specified therein relevant to any enquiry or proceeding under the Act.

Clause 66 of the Bill seeks to insert a new section 271FAA in the Income-tax Act relating to penalty for furnishing inaccurate statement of financial transaction or reportable account.

The proposed new section provides that if a person who is required to furnish a statement provides inaccurate information in the statement and where the person knows of the inaccuracy but does not inform the income-tax authority as may be prescribed, then the prescribed income-tax authority may direct that such person shall pay, by way of penalty, a sum of fifty thousand rupees.

Clause 71 of the Bill seeks to substitute a new section for section 285BA relating to obligation to furnish statement of financial transaction or reportable account.

Sub-section (1) of the proposed new section provides that any person including a prescribed reporting financial institution who is responsible for registering, or, maintaining books of account or other document containing a record of any specified financial transaction or any reportable account as may be prescribed under any law for the time being in force, shall furnish a statement in respect of such specified financial transaction or such reportable account which is registered or recorded or maintained by him and information relating to which is relevant and required for the purposes of this Act, to the income-tax authority or such other authority or agency as may be prescribed.

Sub-section (2) of the proposed new section provides that the statement referred to in sub-section (1) shall be furnished for such period, within such time and in the form and manner, as may be prescribed.

Sub-section (3) of the proposed new section provides that “specified financial transaction” means any transaction, which may be prescribed. The proviso to said sub-section provides that the value or, as the case may be, the aggregate value of such transactions during a financial year so prescribed shall not be less than fifty thousand rupees.

Sub-section (7) of the proposed new section provides that the Central Government, by rules made under this section, specify (a) the persons to be registered with prescribed income-tax authority, (b) the nature of information and the manner in which such information shall be maintained by the person referred to in
clause (a) of this sub-section, and (c) the due diligence to be carried out by the persons for the purpose of identification of any reportable account referred to in sub-section (1).

Clause 90 of the Bill seeks to insert two new sections 15A and 15B in the Central Excise Act. Section 15A empowers the Central Government to make rules to prescribe the periods for which, the time within which, the form and manner in which, and the authority or agency to which, the information return shall be furnished by the persons specified in sub-section (1).

Clause 106 of the Bill seeks to amend Chapter V of the Finance Act relating to service tax.

Sub-clause (C) of said clause seeks to substitute Explanation in section 67A for empowering the Central Government to make rules to provide for determination of rate of exchange.

Sub-clause (J) of said clause seeks to amend section 94 so as to empower the Central Government to make rules in respect of certain matters.

Sub-clause (K) of the said clause seeks to amend section 95 of the said Act so as to empower the Central Government to issue order for removal of any difficulty which may arise in implementing the amendments incorporated by the proposed legislation and that such power shall not be exercised beyond a period of one year from the date of the assent to the Bill.

2. The matters in respect of which rules may be made or notification or order may be issued in accordance with the provisions of the Bill are matters of procedure and detail and it is not practicable to provide for them in the Bill itself.

3. The delegation of legislative power is, therefore, of a normal character.
42nd National Convention of Company Secretaries

Days: Thursday-Friday-Saturday
Dates: 21-22-23 August, 2014
Venue: Science City, Dhapa, Kolkata

Theme:
CS – Change. Challenge. Opportunity

Kindly block these dates in your diary. Other details about the National Convention will be hosted on ICSI website shortly.

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