Finance Act 1972

Section 45 - Amendment of Section 5

In section 5 of the Wealth-tax Act, -

(a) in sub-section (1), -

(i) after clause (xviia), the following clauses shall be, and shall be deemed always to have been, inserted, namely :-

"(xviib) any property held by the trustees on behalf of any provident fund to which the Provident Funds Act, 1925 (19 of 1925), applies or which is a recognised provident fund within the meaning of clause (38) of section 2 of the Income-tax Act;

(xviic) any property held by the trustees on behalf of any gratuity fund which is an approved gratuity fund within the meaning of clause (5) of section 2 of the Income-tax Act;

(xviid) any property held by the trustees on behalf of any superannuation fund which is an approved superannuation fund within the meaning of clause (6) of section 2 of the Income-tax Act;";

(ii) after clause (xxx), the following clauses shall be inserted with effect from the 1st day of April, 1973, namely :-

(xxxi) the value, as determined in the prescribed manner, of assets (not being any land or building or any rights in any land or building or any asset referred to in any other clause of this sub-section) forming part of an industrial undertaking belonging to the assessee.

Explanation : For the purposes of this clause and clause (xxxii), the term "industrial undertaking" means an undertaking enganged in the business of generation or distribution of electricity or any other form of power or in the construction of ships or in the manufacture or processing of goods or in mining;

(xxxii) the value, as determined in the prescribed manner, of the interest of the assessee in the assets (not being any land or building or any rights in any land or building or any asset referred to in any other clause of this sub-section) forming part of an industrial undertaking belonging to a firm or an association of persons of which the assessee is a partner or, as the case may be, a member.;

(b) in sub-section (1A), for the brackets, figures and word "(xxviii) and (xxix)", the brackets, figures and word "(xxviii), (xxix), (xxxi) and (xxxii)" shall be substituted with effect from the 1st day of April, 1973;

(c) in sub-section (3), after the proviso, the following Explanation shall be inserted with effect from the 1st day of April, 1973, namely :-

> "Explanation : For the purposes of clause (a) or clause (b) of this sub-section, in computing the period of six months in relation to any asset (not being any share or security held as stock-in-trade for the purposes of the business of the assessee) in a case where such asset (hereafter in this Explanation referred to as the relevant asset) was acquired by the assessee by conversion of, or in exchange for, or with the proceeds of, or with the money constituting, any other asset exempt from wealth-tax under sub-section (1) or sub-section (2), there shall be included, if the assessee acquired the relevant asset within thirty days after he ceased to hold such other asset, so much of the period for which the assessee held such other asset as falls within the period of twelve months ending with the relevant valuation date.".