

Finance Act 1965

Section 2 - Income Tax

(1) Subject to the provisions of sub sections (2), (3), (4) and (5), for the assessment year commencing on the 1st day of April, 1965, income tax shall be charged at the rates specified in Part I of the First Schedule and, in the cases to which Paragraphs A, B, C and D of that Part apply, shall be increased by a surcharge for purposes of the Union calculated in either case in the manner provided therein.

(2) In making any assessment for the assessment year commencing on the 1st day of April, 1965, where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries", the income tax payable by the assessee on that part of his total income which consists of such inclusion shall be an amount bearing to the total amount of income tax and super tax payable according to the rates applicable under the operation of the Finance Act, 1964 (5 of 1964), on his total income the same proportion as the amount of such inclusion bears to his total income.

(3) In making any assessment for the assessment year commencing on the 1st day of April, 1965, where the total income of a company, other than the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (31 of 1956), includes any profits and gains from life insurance business, the income tax payable by it shall be the aggregate of the income tax calculated

(i) on the amount of profits and gains from life insurance business so included, at the rate applicable to the Life Insurance Corporation of India in accordance with Paragraph E of Part I of the First Schedule; and

(ii) on the remaining part of its total income, at the rate applicable to the company on its total income.

(4) In cases to which Chapter XII of the Income tax Act, 1961 (43 of 1961), (hereinafter referred to as the Income tax Act) applies, the tax chargeable shall be determined as provided in that Chapter, and with reference to the rates imposed by sub section (1) or the rates as specified in that Chapter, as the case may be.

(5)(a) In respect of any assessment for the assessment year commencing on the 1st day of April, 1965

(i) an assessee being an Indian company or any other company which has made the prescribed arrangements for the declaration and payment of dividends within India or an assessee (other than a company) whose total income includes any profits and gains derived from the export of any goods or merchandise out of India, shall be entitled to a deduction, from the amount of income tax with which he is chargeable, of an amount equal to the income tax calculated at one tenth of the average rate of income tax on the amount of such profits and gains included in the total income;

(ii) where an assessee of the type referred to in sub clause (i) engaged in the manufacture of any articles in an industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951), has during the previous year exported such articles out of India, he shall be entitled, in addition to the deduction of income tax referred to in sub clause (i), to a further deduction, from the amount of income tax with which he is chargeable for the assessment year, of an amount equal to the income tax calculated at the average rate of income tax on an amount equal to two per cent. of the sale proceeds receivable by him in respect of such export;

(iii) where an assessee of the type referred to in sub clause (i) engaged in the manufacture of any articles in an industry specified in the said First Schedule has, during the previous year, sold such articles to any other person in India who himself has exported them out of India and evidence is produced before the Income tax Officer of such articles having been so exported, the assessee shall be entitled to a deduction, from the amount of income tax with which he is chargeable for the assessment year, of an amount equal to the income tax calculated at the average rate of income tax on a sum equal to two per cent. of the sale proceeds receivable by him in respect of such articles from the exporter.

(b) The total of the deductions under this sub section shall in no case exceed the amount of income tax otherwise payable by the assessee.

(c) Nothing contained in sub clause (ii) and sub clause (iii) of clause (a) shall apply,

(i) in relation to

(1) fuels,

(2) fertilisers,

1. photographic raw film and paper,

2. textiles (including those dyed, printed or otherwise processed) made wholly or in part of jute, including jute twine and rope,

3. newsprint,

(6) pulp wood pulp, mechanical, chemical, including dissolving pulp,

4. sugar,

5. vegetable oils and vanaspathi,

6. cement and gypsum products,

7. arms and ammunition, and

(11) cigarettes,

respectively specified in items 2, 18, 20, 23(2), 24(2), 24(5), 25, 28, 35, 37 and 38 of the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951); or

(ii) in relation to textiles specified in items 23(1), 23(3), 23(4) and 23(5) of that Schedule where such textiles have been exported before the 1st day of March, 1964.

(d) The amount of any profits and gains derived from the export of any goods or merchandise out of India in respect of which deduction of income tax is admissible under sub clause (i) of clause (a) shall be computed in accordance with the rules made by the Central Board Taxes in this behalf.

(6) In cases in which tax has to be deducted under sections 193 to 195 of the Income tax Act at the rates in force, the deduction shall be made at the rates specified in Part II of the First Schedule.

(7) For the purposes of this section, and of the rates of income tax imposed thereby, and of section 3

(i) the expressions "assessment year", "average rate of income tax", "non resident", "partner", and "total income" have, unless the context otherwise requires, the meanings respectively assigned to them under clauses (9), (10), (30), (23) and (45) of section 2 of the Income tax Act;

(ii) the expression "earned income" means any income of an assessee who is an individual, Hindu undivided family, unregistered firm or other association of persons or body of individuals, whether incorporated or not, not being a company, a local authority, a registered firm or a firm assessed under clause (b) of section 183 of the said Act

(a) which is chargeable under the head "Salaries"; or

(b) which is chargeable under the head "Profits and gains of business or profession" where the business or profession is carried on by the assessee or, in the case of a firm, where the assessee is a partner actively engaged in the conduct of the business or profession; or

(c) which is chargeable under the head "Income from other sources" if it is immediately derived from personal exertion or represents a pension or superannuation or other allowance given to the assessee in respect of the past services of any deceased person, or which is chargeable under that head under clause (ia) of sub section (2) of section 56 of the Income tax Act; and

includes any such income which, though it is the income of another person, is included in the assessee's income under the provisions of the Income tax Act, but does not include any such income on which income tax is not payable under clause (iii) or clause (v) of section 86 of that Act or which is exempted from tax under a notification issued under section 60 of the Indian Income tax Act, 1922 (11 of 1922), as continued in force by clause (l) of sub section (2) of section 297 of the Income tax Act;

(iii) the expression "unearned income" means income which is not "earned income".
