

Finance Act, 1981

Schedule 01 - SCHEDULE 01:

(Seesection 2-) PART I INCOME-TAX AND SURCHARGE ON INCOME-TAX Paragraph A Sub-Paragraph I In the case every individual or Hindu undivided family or unregistered firm or other association of persons or body of individuals, whether incorporated or not 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 sub-paragraph II of this Paragraph or any other Paragraph of this Part applies. Rates of income-tax

(1) where the total income does not exceed Nil; Rs. 8,000 (2) where the total income exceeds Rs. 8,000 15 per cent. of the amount by which the total income but does not exceed Rs. 15,000 exceeds Rupees 8,000; (3) where the total income exceeds Rs. 15,000 Rs. 1,050 plus 18 per cent. of the amount by which but does not exceed Rs. 20,000 the total income exceeds Rupees 15,000; (4) where the total income exceeds Rs. 20,000 Rs. 1,950 plus 25 per cent. of the amount by which but does not exceed Rs. 25,000 the total income exceeds Rupees 20,000; (5) where the total income exceeds Rs. 25,000 Rs. 3,200 plus 30 per cent. of the amount by which but does not exceed Rs. 30,000 the total income exceeds Rupees 25,000; (6) where the total income exceeds Rs. 30,000 Rs. 4,700 plus 40 per cent. of the amount by which but does not exceed Rs. 50,000 the total income exceeds Rupees 30,000; (7) where the total income exceeds Rs. 50,000 Rs. 12,700 plus 50 per cent. of the amount by which but does not exceed Rs. 70,000 the total income exceeds Rupees 50,000; (8) where the total income exceeds Rs. 70,000 Rs. 22,700 plus 55 per cent. of the amount by which but does not exceed Rs. 1,00,000 the total income exceeds Rupees 70,000; (9) where the total income exceeds Rs. 1,00,000 Rs. 39,200 plus 60 per cent. of the amount by which the total income exceeds Rupees 1,00,000.

that for the purposes of the sub-paragraph - (i) no income-tax shall be payable on a total income not exceeding Rs. 12,000: (ii) where the total income exceeds Rs. 12,000 but does not exceed Rs. 16,250, the income-tax payable thereon shall not exceed thirty per cent. of the amount by which the total income exceeds Rs. 12,000. Surcharge on income-tax The amount of income-tax computed in accordance with the preceding provisions of this sub-paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax. Sub-paragraph II In the case of every Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1981 exceeds Rs. 12,000.- Rates of income-tax

(1) where the total income does not exceed Nil; Rs. 8,000 (2) where the total income exceeds Rs. 8,000 22 per cent. of the amount by which the total income but does not exceed Rs. 15,000 exceeds Rs. 8,000; (3) where the total income exceeds Rs. 15,000 Rs. 1,540 plus 27 per cent. of the amount by which but does not exceed Rs. 20,000 the total income exceeds Rupees 15,000; (4) where the total income exceeds Rs. 20,000 Rs. 2,890 plus 35 per cent. of the amount by which but does not exceed Rs. 25,000 the total income exceeds Rupees 20,000; (5) where the total income exceeds Rs. 25,000 Rs. 4,640 plus 40 per cent. of the amount by which but does not exceed Rs. 30,000 the total income exceeds Rupees 25,000. (6) where the total income exceeds Rs. 30,000 Rs. 6,640 plus 50 per cent. of the amount by which but does not exceed Rs. 50,000 the total income exceeds Rupees 30,000. (7) where the total income exceeds Rs. 50,000 Rs. 16,640 plus 60 per cent. of the amount by which the total income exceeds Rupees 50,000.

that for the purposes of the Sub-Paragraph.- (i) no income-tax shall be payable on a total income not exceeding Rs. 12,000: (ii) where the total income exceeds Rs. 12,000 but does not exceed Rs. 17,610, the income-tax payable thereon shall not exceed forty per cent. of the amount by which the total income exceeds Rs. 12,000. Surcharge on income-tax The amount of income-tax computed in accordance with the preceding

provisions of this sub-paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax. Paragraph B In the case of every co-operative society. -- Rates of income-tax

(1) where the total income does not exceeds 15 per cent. of the total income; Rs. 10,000 (2) where the total income exceeds Rs. 10,000 Rs. 1,500 plus 25 per cent. of the amount by but does not exceed Rs. 20,000 which the total income exceeds Rupees 10,000; (3) where the total income exceeds Rs. 20,000 Rs. 4,000 plus 40 per cent. of the amount by which the total income exceeds Rupees. 20,000.

amount of ncome-tax computed in accordance with the preceding provisions of this Paragraph shall he increased by a surcharge lor purposes of the Union calculated at the rate of ten per cent, of such income-tax. Paragraph C Sub-paragraph I In the case of every registered firm, not being a ease to which sub-paragraph II of this paragraph applies.--- Rates of income-tax

(1) where the total income does not exceed Nil: Rs. 10,000 (2) where the total income exceeds Rs. 10,000 5 per cent. of the amount by which the total income but does not exceed Rs. 25,000 exceeds Rs. 10,000: (3) where the total income exceeds Rs. 25,000 Rs. 750 plus 7 per cent. of the amount by which but does not exceed Rs 50,000 the total income exceeds Rupees 25,000: (4) where the total income exceeds Rs. 50,000 Rs. 2,500 plus 15 per cent. of the amount by which but does not exceed Rs. 1,00,000 the total income exceeds Rupees 50,000: (5) where the total income exceeds Rs. 1,00,000 Rs. 10,000 plus 24 per cent. of the amount by which the total income exceeds Rupees 1,00,000.

on income-tax The amount of income-tax computed in accordance with the preceding provisions of this sub-paragraph shall be increased by a surcharge for purposes of the Union calculated the rate of ten per cent. of such income-tax. Sub-paragraph II In the case of every registered firm whose total income includes income derived from a profession carried on by it and the income so included is not less than fifty-one per cent. of such total income,- Rates of income-tax

(1) where the total income does not exceed Nil: Rs. 10,000 (2) where the total income exceeds Rs. 10,000 4 per cent. of the amount by which the total income but does not exceed Rs. 25,000 exceeds Rs. 10,000; (3) where the total income exceeds Rs. 25,000 Rs. 600 plus 7 per cent. of the amount by which but does not exceed Rs. 50,000 the total income exceeds Rupees 25,000; (4) where the total income exceeds Rs. 50,000 Rs. 2,350 plus 13 per cent. of the amount by which but does not exceed Rs. 1,00,000 the total income exceeds Rupees 50,000; (5) where the total income exceeds Rs. 1,00,000 Rs. 8,850 plus 22 per cent. of the amount by which the total income exceeds Rupees 1,00,000

on income-tax The amount of income-tax computed in accordance with the preceding provisions of this sub-paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax. Explanationl.--- For the purposes of this Paragraph, "registered firm" includes an unregistered firm assessed as a registered firm under Clause (b) of Section 183 of the Income-tax Act-. Paragraph D In the case of every local authority. -- Rate of income-tax On the whole of the total income 50 per cent. Surchare on income-tax The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax. Paragraph E In the case of a company,--- Rates of income-tax I. In the case of a domestic company.--

(1) where the company is a company in which the public are substantially interested.-- (i) in a case where the total income 45 per cent. of the total income; does not exceed Rs. 1,00,000 (ii) in a case where the total 55 per cent. of the total income; income exceeds Rs. 1,00,000 (2) where the company is not a company in which the public are substantially interested.- - (i) in the case of an industrial company,-- (a) where the total income 55 per cent, of the total income; does not exceed Rs. 2,00,000 (b) where the total income 60 per cent. of the total income: exceeds Rs. 2,00,000 (ii) in any other case 65 per cent. of the total income;

that - (i) the income-tax payable by a domestic company. being a company in which the public are

substantially interested, the total income of which exceeds Rs. 1,00,000. shall not exceed the aggregate of --- (a) the income-tax which would have been payable by the company if its total income had been Rs. 1,00,000 (the income of Rs. 1,00,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company), and - (b) eighty per cent. of the amount by which its total income exceeds Rupees 1,00,000: (ii) the income-tax payable by a domestic company, not being a company in which the public are substantially interested, which is an industrial company and the total income of which exceeds Rs. 2,00,000. shall not exceed the aggregate of-- (a) the income-tax which would have been payable by the company if its total income had been Rs, 2,00,000 (the income of Rs. 2,00,000 .for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company), and (b) eighty per cent. of the amount by which its total income exceeds Rupees 2,00,000, II. In the case of a company other than a domestic company.-- (i) on so much of the total income .is consists of-- (a) royalties received from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 31st day of March. 1961 but before the 1 st day of April. 1976. or (b) fees for rendering technical services received from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 29th day of February, 1964 but before the 1st day of April. 1976. and where such agreement has. in 50 per cent.; either case. been approved by the Central Government (ii) on the balance, if any. of the total income 70 per cent. Surcharge on income-tax The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge calculated at the rate of seven and a half per cent of such income-tax. PART II Rates of deduction of tax at source in certain cases In every ca.sc in which under the provisions of sections 193-.194194A-,194B-.194BB194D-and195 of the Income-tax Act-. tax is to be deducted at the rates in force. deduction shall be made from the income subject to deduction at following rates :- Income-tax

Rate of Rate of income-tax surcharge

1. In the case of a person other than company - (a) where the person is resident in India- (i) on Income by way of interest 10 per cent. Nil; other than "Interest on securities" (ii) on income by way of winnings 30 per cent. 3 per cent.: from lotteries and crossword puzzles (iii) on income by way of winnings 30 per cent. 3 per cent.; from horse races (iv) on income by way of insurance 10 per cent. Nil commission (v) on income by way of interest Payable on 10 per cent. Nil: (A) any security, other than a tax-free security, of the Central or a State Government: (B) any debentures or other securities for money issued by or on behalf of any local authority or a corporation established by a Central State or Provincial Act: (C) any debentures issued by a . company where such debentures are listed in a recognised stock exchange in India in accordance ^ with the Securities Contracts (Regulation) Act, 1956 (42 of 1956) and any rules made thereunder. (vi) on any oilier income (excluding 20 per cent. 2 per cent; interest payable on a tax-free security) (b) where the person is not resident in India (i) on the whole income (excluding income-lax at 30 per cent. and surcharge at 3 per interest payable on lax-tree security, cent. ,of the amount of the income, or income-tax and surcharge on income-tax in respect of the income at the rates prescribed in Sub- paragraph I of Paragraph A of Part III of this Schedule. if such income had been the total income. whichever is higher. (ii) on income by way of interest 15 per cent. 1.5 per cent. payable on tax-free security 2. In the case of a company-- (a) where the company in a domestic company - (i) on income by way of interest 20 per cent. 0.5 per cent. other than "Interest on securites." (ii) on any other income (excluding 21.5 per cent, 0.5 percent. interest payable on a taxfree security) (b) where the company is not a domestic company--- (i) on income by way of dividends 2.5 per cent. Nil: payable by any domestic company (ii) on income by way of royally 40 per cent; Nil: payable by an Indian concern in pursuance of an agreement made by it with 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 copright in any book on a subject referred to in the proviso to sub-section (1A) of Section 115A of the Act. to the Indian concern (iii) on income by way of royalty (not being royalty of the nature referred to in sub-item (b) (ii) payable by an Indian concern in pursuance of an agreement made by it with the Indian concern and which has been approved by the Central Government.--- (A) where the aereement is made after 50 per cent. 1.25 per cent. the 31st day of March. 1961 but before the 1st day of April. 1976 (B) where the agreement is made after 20 per cent. Nil: the 31st day of March. 1976- (I) on so much of the amount of such income as consists of lump sum consideration for the transfer outside India of or

the imparting of information outside India in respect of any data, document, drawing or specification relating any patent, invention, model, design, secret formula or process, or trade mark or similar property (2) on the balance, if any, of 40 per cent. Nil; such income (iv) on income by way of fees for technical services payable by an Indian concern in pursuance of an agreement made by it with the Indian concern and which has been approved by the Central Government-- (A) where the agreement is made 50 per cent. 1.5 per cent.; after the 29th day of February, 1964 but before the 1st day of April, 1976 (U) where the agreement is made 40 per cent. Nil; after the 31st day of March, 1976 (v) on income by way of interest payable 44 per cent. 1.1 per cent.; on a tax-free security (vi) on any other income 70 per cent. 1.75 per cent.

III Rates for calculating for charging income-tax in certain cases, deducting income-tax from income chargeable under the head "Salaries" or any payment referred to in sub-section (9) of Section 80E and computing "advance tax". In cases in which income-tax has to be calculated under the first proviso to sub-section (5) of Section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of Section 174 or section 175 or sub-section (2) of Section 176 of the said Act or deducted under Section 192 of the said Act from income chargeable under the head "Salaries" or deducted under sub-section (9) of Section 80F, of the said Act from any payment referred to in the said sub-section (9) 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 Section 164 or Section 164A or Section 167A of the Income-tax Act at the rates as specified in that Chapter or section), shall be so calculated, charged, deducted or computed at the following rate or rates. Paragraph A Sub-paragraph I In the case of every individual or Hindu undivided family or unregistered firm or other association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of cl. (31) of Section 2 of the Income-tax Act, not being a case to which Sub-Paragraph II of this Paragraph or any other Paragraph of this Part applies, --- Rates of income-tax

(1) where the total income does not exceed Nil: Rs. 15,000 (2) where the total income exceeds Rs. 15,000 30 per cent. of the amount by which the total income but does not exceed Rs. 25,000 exceeds Rs. 15,000. (3) where the total income exceeds Rs. 25,000 Rs. 3,000 plus 34 per cent. of the amount by but does not exceed Rs. 30,000 which the total income exceeds Rupees 25,000; (4) where the total income exceeds Rs. 30,000 Rs. 4,700 plus 40 per cent. of the amount by but does not exceed Rs. 50,000 which the total income exceeds Rupees 30,000: (5) where the total income exceeds Rs. 50,000 Rs. 12,700 plus 50 per cent. of the amount by but does not exceed Rs. 70,000 which the total income exceeds Rupees 50,000: (6) where the total income exceeds Rs. 70,000 Rs. 22,700 plus 55 per cent. of the amount by but does not exceed Rs. 1,00,000 which the total income exceeds Rupees 70,000; (7) where the total income exceeds Rs. 1,00,000 Rs. 39,200 plus 60 per cent. of the amount by which the total income exceeds Rupees 1,00,000. Surecharge on income-tax

amount of income-tax computed in accordance with the preceding provisions of this sub-paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax. Sub-Paragraph II In the case of every Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1979 exceeds Rs. 15,000,- Rates of income-tax

(1) where the total income does not exceed Nil: Rs. 8,000 (2) where the total income exceeds Rs. 8,000 22 per cent. of the amount by which the total income but does not exceed Rs. 15,000 exceeds Rs. 8,000-. (3) where the total income exceeds Rs. 15,000 Rs. 1,540 plus 27 per cent. of the amount by but does not exceed Rs. 20,000 which the total income exceeds Rupees 15,000. (4) where the total income exceeds Rs. 20,000 Rs. 2,890 plus 35 per cent. of the amount by but does not exceed Rs. 25,000 which the total income exceeds Rupees 20,000. (5) where the total income exceeds Rs. 25,000 Rs. 4,640 plus 40 per cent. of the amount by but does not exceed Rs. 30,000 which the total income exceeds Rupees 25,000; (6) where the total income exceeds Rs. 30,000 Rs. 6,640 plus 50 per cent. of the amount by but does not exceed Rs. 50,000 which the total income exceeds Rupees 30,000: (7) where the total income exceeds Rs. 50,000 Rs. 16,640 plus 60 per cent. of the amount by which the total income exceeds Rupees 50,000. Provided that for the purposes of this

sub-paragraph.---

no income-tax shall be payable on a total income not exceeding Rs. 12,000; (ii) where the total income exceeds Rs. 12,000 but does not exceed Rs. 17,610, the income-tax payable thereon shall not exceed forty per cent. of the amount by which the total income exceeds Rs. 12,000. Surcharge on income-tax The amount of income-tax computed in accordance with the preceding provisions of this sub-paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax. 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 15 per cent. of the total income; (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 Rs. 1,500 plus 25 per cent. of the amount by which the total income exceeds Rs. 10,000; (3) where the total income exceeds Rs. 20,000 Rs. 4,000 plus 40 per cent. of the amount by which the total income exceeds Rupees 20,000;

on income-tax The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax. Paragraph C .Sub-paragraph I In the case of every registered firm, not being a case to which sub-paragraph. II of this Paragraph applies,- Rates of income-tax

(1) where the total income does not exceed Nil; Rs. 10,000 (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000 5 per cent. of the amount by which the total income exceeds Rs. 10,000; (3) where the total income exceeds Rs. 25,000 Rs. 750 plus 7 per cent. of the amount by which the total income exceeds Rs. 25,000; (4) where the total income exceeds Rs. 50,000 Rs. 2,500 plus 15 per cent. of the amount by which the total income exceeds Rupees 50,000; (5) where the total income exceeds Rs. 1,00,000 Rs. 10,000 plus 24 per cent. of the amount by which the total income exceeds Rupees 1,00,000;

on income-tax The amount of income-tax computed in accordance with the preceding provisions of this sub-paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax. Sub-Paragraph II In the case of every registered firm whose total income includes income derived from a profession carried on by it and the income so included is not less than fifty per cent. of such total income,--- Rates of income-tax

(1) where the total income does not exceed Nil; Rs. 10,000 (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000 4 per cent. of the amount by which the total income exceeds Rs. 10,000; (3) where the total income exceeds Rs. 25,000 Rs. 6,00 plus 7 per cent. of the amount by which the total income exceeds Rs. 25,000; (4) where the total income exceeds Rs. 50,000 Rs. 2,350 plus 13 per cent. of the amount by which the total income exceeds Rupees 50,000; (5) where the total income exceeds Rs. 1,00,000 Rs. 8,850 plus 22 per cent. of the amount by which the total income exceeds Rupees 1,00,000.

of income-tax The amount of income-tax computed in accordance with the preceding provisions of this sub-paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax. Explanation -For the purposes of this Paragraph "registered firm" includes an unregistered firm assessed as a registered firm under Clause (b) of Section 183-of the income-tax Act.--- Paragraph D In the case of every total authority.- Rates of income-tax On the whole of the total income 50 per cent. Surcharge on income-tax The amount of income-tax computed at the rates hereinbefore specified shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax. Paragraph E In the case of a company.-- Rates of income-tax

1. In the case of a domestic company, (1) where the company is a company in which the public are substantially interested.- (i) in a case where the total income does not exceed Rupees 1,00,000, (ii) in a case where the total income exceeds Rs. 1,00,000 55 per cent. of the total income;

(2) where the company is not a company in which the public are substantially interested, (i) in the case of an industrial company.--- (a) where the total income does 55 per cent. of the total income; not exceed Rupees 2,00,000 (b) where the total income 60 per cent. of the total income; exceed Rs. 2,00,000 (ii) in any other case 65 per cent. of the total income;

that- - (1) the income-tax payable by a domestic company, being a company in which the public are substantially interested the total income of which exceeds Rs. 1,00,000. shall not exceed the aggregate of - - (a) the income-tax which would have been payable by the company if its total income had been Rs. 1,00,000 (the income of Rs. 1,00,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company); and (b) eighty per cent of the amount by which its total income exceeds Rs. 1,00,000; (ii) the income-tax payable by a domestic company, not being a company in which the public are substantially interested, which is an industrial company and the total income of which exceeds Rs. 2,00,000 shall not exceed the aggregate of - (a) the income-tax which would have been payable by the company if its total income had been Rs. 2,00,000 (the income of Rs. 2,00,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company); and (b) eighty per cent. of the amount by which its total income exceeds Rs. 2,00,000. 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 an Indian concern in pursuance of an agreement' made by it with 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 an Indian concern in pursuance of an agreement made by it with the Indian concern after the 29th day of February. 1964 but before the 1st day of April. 1976, and where such agreement has in 50 per cent.; either case, been approved by the Central Government. (ii) on the balance, if any of the 70 per cent. total income

on income-tax The amount of income-tax computed in accordance with) the preceding provisions of this Paragraph shall be increased by a surcharge calculated at the rate of two and a half per cent. of such income-tax. PART IV (See section 2 (7) (e)-] RULES FOR COMPUTATION OF NET AGRICULTURAL INCOME Rule 1. -- Agricultural income of the nature referred to in sub-claus- (a) of clause (1) 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 Section 57-to59-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 (1) 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 or the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (e)] 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 section 30-,31-,32-,34-,36-.37 Rule 3. -- Agricultural income of the nature referred to in sub-clause (c) of Clause (1) 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 or the cultivator or the receiver of rent-in-kind referred to in the said sub-cl, (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-to27-of that Act -shall, so far as may be, apply accordingly: provided that sub-section (2) of the said Section 23 shall apply subject to the modifications that the references to "total income" therein shall be construed as references to net agricultural income and that the words, figures and letters "and before making any deduction under Chapter VIA" shall be omitted. Rule 4. - Notwithstanding anything contained in any other provisions of these rules, in a case 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. Rule 5. --- Where the assessee is a partner of a registered firm or an unregistered firm assessed as a registered firm under Clause (b) of Section 183-of the Income-tax Act. which in the previous year has any agricultural income, or is a partner of an unregistered firm which has not been assessed as a registered firm under Clause (b) of the said Section 183-and 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 unregistered firm but has any agricultural income. then. the agricultural income or loss of the firm shall be computed in accordance with these rules and his share in the agricultural income or loss of the firm shall be computed in the manner laid down in sub-section (1), sub-section (2) and sub-section (3) of Section 67 of the Income-tax Act-and the share so computed shall be regarded as the agricultural income or loss- of the assessee. Rule 6. -- \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 these assessee. Rule 7. --- 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 partner of an unregistered firm which has not been assessed as a registered firm under clause (b) of Section 183 of the Income-tax Act-or 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 firm, 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 8. -- 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 9. - (1) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 1981, 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 year relevant to the assessment years commencing on the 1st day of April, 1974 or the 1st day of April, 1975 or the 1st day of April, 1976 or the 1st day of April, 1977, or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 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, 1974, 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, 1975 or the 1st day of April, 1976 or the 1st day of April, 1977, or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980, (ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1975, 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, 1976 or the 1st day of April, 1977, or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980, (iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1976, 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, 1977, or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980, (iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1977, 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, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980. (v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1978, 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, 1979 or the 1st day of April, 1980. (vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1979, 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, 1980, and (vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1980, 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, 1981. (2) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 1982 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 that 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, 1974 or the 1st day of April, 1975 or the 1st day of April, 1976 or the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 is a loss, then, for the purposes of sub-section (6) 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, 1974, 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, 1975 or the 1st day of April, 1976 or the 1st day of April, 1977 or the 1st day of April, 1978, or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981. (ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1975, 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 1976 or the 1st day of April, 1977 or the 1st day of April, 1978, or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981, (iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1976, 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, 1977 or the 1st day of April, 1978, or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981, (iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1977, 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, 1978, or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981, (v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1978, to the extent, if any, such loss has not been 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, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981, (vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1979, 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, 1980 or the 1st day of April, 1981, (vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1980, 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, 1981, and ((viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1981, 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, 1982 or the period aforesaid. (3) Where a change has occurred in the constitution of a firm, nothing in sub-rule (1) or sub-rule (2) shall entitle the firm to set off so much of the loss proportionate to the share of a retired or deceased partner computed in the manner laid down in sub-section (1), sub-section (2) and sub-section (3) of section 67 of the Income-tax Act as exceeds his share of profits, if any, of the previous year in the firm, or entitle any partner to the benefit of any portion of the said loss (computed in the manner aforesaid) which is not apportionable to him. (4) 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). (5) Notwithstanding anything contained in this rule, no loss which has not been determined by the Income-tax Officer under the provisions of these rules, or the rules contained in Part IV of the First Schedule to the Finance Act, 1974, (20 of 1974) or of the First Schedule to the Finance Act, 1975 (25 of 1975) or the First Schedule to the Finance Act, 1976 (66 of 1976) or of the First Schedule to the Finance (No.2) Act, 1977 (29 of 1977) or of the Schedule to the Finance Act, 1978 (19 of 1978) or of the First Schedule to the Finance Act, 1979 (21 of 1979) or of the First Schedule to the Finance (No. 2) Act, 1980 (44 of 1980) shall be set off under sub-rule (1) or, as the case may be, sub-rule (2). Rule 10. - 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 11. --- 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 12.-- For the purposes of computing the net

agricultural income of the assessee, the Income- tax Officer shall have the same powers as he has under the Income-tax Act for the purposes of assessment of the total income.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com