

INCOME TAX ACT, 1961*

[43 of 1961]

[13th September, 1961]

[AS AMENDED BY FINANCE ACT, 2026]

An Act to consolidate and amend the law relating to income-tax and super-tax.

Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement. [Section 1 of Income-tax Act, 2025]

- (1) This Act may be called the Income-tax Act, 1961.
- (2) It extends to the whole of India¹.
- (3) Save as otherwise provided in this Act, it shall come into force on the 1st day of April, 1962.

2. Definitions. [Section 2 of Income-tax Act, 2025]

In this Act, unless the context otherwise requires,—

²[(1) “advance tax” means the advance tax payable in accordance with the provisions of Chapter XVII-C];

³[(1A)] ⁴“agricultural income” means—

* To facilitate immediate attention, all amendments made by Finance Act, 2026 irrespective of the dates from which they are applicable, and those made earlier but coming into effect on or after 1-4-2026, have been printed in italics. The effective dates of all these amendments have been printed in bold.

1 The Income-tax Act has been extended to Dadra and Nagar Haveli, Goa, Daman and Diu and Pondicherry by Taxation Laws (Extension to Union Territories) Regulation, 1963 (3 of 1963), and Schedule (w.e.f. 1-4-1963).

It has been further extended to the State of Sikkim by Finance Act, 1989 (w.e.f. 1-4-1990). See section 26 of the Finance Act, 1989.

The Act has been extended to the Continental Shelf of India and the Exclusive Economic Zone of India w.e.f. 1-4-1983, by Notification No. GSR 304(E), dated 31-3-1983, issued under ss. 6(6)(a) and 7(7)(a) of the Territorial Waters, Continental Shelf, Exclusive Economic Zone & Other Maritime Zone Act, 1976 (80 of 1976), subject to certain restriction and modification.

See also Cl. (25A) substituting the definition of India (w.e.f. 25-8-1976).

2 Cl. (1) ins. and original cls. (1) and (1A) renumbered as cls. (1A) and (1B) respectively, by Direct Tax Laws (Amendment) Act, 1987 (w.e.f. 1-4-1989).

3 Cl. (1) ins. and original cls. (1) and (1A) renumbered as cls. (1A) and (1B) respectively, by Direct Tax Laws (Amendment) Act, 1987 (w.e.f. 1-4-1989).

4 See also Rules 7, 7A, 7B and 8 of IT Rules, 1962.

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- ¹[(a) any rent or revenue derived from land which is situated in India and is used for agricultural purposes;]
- (b) any income derived from such land by –
- (i) agriculture; or
 - (ii) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market; or
 - (iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, in respect of which no process has been performed other than a process of the nature described in paragraph (ii) of this sub-clause;
- (c) any income derived from any building owned and occupied by the receiver of the rent or revenue of any such land, or occupied by the cultivator or the receiver of rent-in-kind, of any land with respect to which, or the produce of which, any process mentioned in paragraphs (ii) and (iii) of sub-clause (b) is carried on:

²[Provided that –

- (i) the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue or the cultivator, or the receiver of rent-in-kind, by reason of his connection with the land, requires as a dwelling house, or as a store-house, or other out-building, and
- (ii) the land is either assessed to land revenue in India or is subject to a local rate assessed and collected by officers of the Government as such or where the land is not so assessed to land revenue or subject to a local rate, it is not situated –
 - (A) in any area which is comprised within the jurisdiction of a municipality (whether known as a municipality, municipal corporation, notified area committee, town area committee, town committee or by any other name) or a cantonment board and which has a population of not less than ten thousand ³[***]; or
 - ⁴[(B) in any area within the distance, measured aially, –
 - (I) not being more than two kilometres, from the local limits of any municipality or cantonment board referred to in item (A) and

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In the case of certain non-corporate assesseees, agricultural income is partially integrated since 1973 with other taxable income for the rate purpose. For details, see s. 2(2)/2(13)(c) and Part IV of the First Schedule of the relevant Finance Act.

1 Subs. by Taxation Laws (Amendment) Act, 1970 (w.r.e.f. 1-4-1962).

2 Subs. by Taxation Laws (Amendment) Act, 1970 (w.r.e.f. 1-4-1962).

3 Words “according to the last preceding census of which the relevant figures have been published before the first day of the previous year” omitted by the Finance Act, 2013 (w.e.f. 1-4-2014).

4 Subs. by Finance Act, 2013 (w.e.f. 1-4-2014). Prior to subs., item (B) read as:
“(B) in any area within such distance, not being more than eight kilometres, from the local limits of any municipality or cantonment board referred to in item (A), as the Central Government may, having regard to the extent of, and scope for, urbanisation of that area and other relevant considerations, specify in this behalf by notification in the Official Gazette.”

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

¹[*Explanation* ²[1]. – For the removal of doubts, it is hereby declared that revenue derived from land shall not include and shall be deemed never to have included any income arising from the transfer of any land referred to in item (a) or item (b) of sub-clause (iii) of clause (14) of this section;]

³[*Explanation* 2. – For the removal of doubts, it is hereby declared that income derived from any building or land referred to in sub-clause (c) arising from the use of such building or land for any purpose (including letting for residential purpose or for the purpose of any business or profession) other than agriculture falling under sub-clause (a) or sub-clause (b) shall not be agricultural income;]

⁴[*Explanation* 3. – For the purposes of this clause, any income derived from saplings or seedlings grown in a nursery shall be deemed to be agricultural income;]

⁵[*Explanation* 4. – For the purposes of clause (ii) of the proviso to sub-clause (c), "population" means the population according to the last preceding census of which the relevant figures have been published before the first day of the previous year;]

⁶[7[1B] “amalgamation”, in relation to companies, means the merger of one or more companies with another company or the merger of two or more companies to form one company (the company or companies which so merge being referred to as the amalgamating company or companies and the company with which they merge or which is formed as a result of the merger, as the amalgamated company) in such a manner that –

- (i) all the property of the amalgamating company or companies immediately before the amalgamation becomes the property of the amalgamated company by virtue of the amalgamation;
- (ii) all the liabilities of the amalgamating company or companies immediately before the amalgamation become the liabilities of the amalgamated company by virtue of the amalgamation;

1 *Explanation* ins. by Finance Act, 1989 (w.r.e.f. 1-4-1970).

2 *Explanation* re-numbered as *Explanation* 1 by Finance Act, 2000 (w.e.f. 1-4-2001).

3 Ins. by Finance Act, 2000 (w.e.f. 1-4-2001).

4 Ins. by Finance Act, 2008 (w.e.f. 1-4-2009).

5 Ins. by Finance Act, 2013 (w.e.f. 1-4-2014).

6 Ins. by Finance (No. 2) Act, 1967 (w.e.f. 1-4-1967).

7 Cl. (1) ins. and original cls. (1) and (1A) renumbered as cls. (1A) and (1B) respectively, by Direct Tax Laws (Amendment) Act, 1987 (w.e.f. 1-4-1989).

- (iii) shareholders holding not less than ¹[three-fourth] in value of the shares in the amalgamating company or companies (other than shares already held therein immediately before the amalgamation by, or by a nominee for, the amalgamated company or its subsidiary) become shareholders of the amalgamated company by virtue of the amalgamation,

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

²[(1C) “Additional Commissioner” means a person appointed to be an Additional Commissioner of Income-tax under sub-section (1) of section 117;

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

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

³[(3) ***]

(4) “Appellate Tribunal” means the Appellate Tribunal constituted under section 252;

(5) “approved gratuity fund” means a gratuity fund which has been and continues to be approved by the ⁴[Principal Chief Commissioner or Chief Commissioner or Principal Commissioner or Commissioner] in accordance with the rules contained in Part C of the Fourth Schedule;

(6) “approved superannuation fund” means a superannuation fund or any part of a superannuation fund which has been and continues to be approved by the ⁵[Principal Chief Commissioner or Chief Commissioner or Principal Commissioner or Commissioner] in accordance with the rules contained in Part B of the Fourth Schedule;

(7) “assessee” means a person by whom ⁶[any tax] or any other sum of money is payable under this Act, and includes –

- (a) every person in respect of whom any proceeding under this Act has been taken for the ⁷[assessment of his income or assessment of fringe Benefits] or of the income of any other person in respect of which he is assessable, or of the loss sustained by him or by such other person, or the amount of refund due to him or to such other person;
- (b) every person who is deemed to be an assessee under any provision of this Act;
- (c) every person who is deemed to be an assessee in default under any provision of this Act;

1 Subs. for “nine-tenths” by Finance Act, 1999 (w.e.f. 1-4-2000).

2 Cls. (1C), (1D) ins. by Finance Act, 2007 (w.r.e.f. 1-6-1994).

3 Omitted by Direct Tax Laws (Amendment) Act, 1987 (w.e.f. 1-4-1988).

4 Subs. for “Chief Commissioner or Commissioner” by section 4 of Finance (No. 2) Act, 2014, (w.r.e.f. 1-6-2013). Earlier, subs. for “Commissioner” by the Direct Tax Laws (Amendment) Act, 1987 (w.e.f. 1-4-1988).

5 Subs. for “Chief Commissioner or Commissioner” by section 4 of Finance (No. 2) Act, 2014 (w.r.e.f. 1-6-2013). Earlier, subs for “Commissioner” by the Direct Tax Laws (Amendment) Act, 1987 (w.e.f. 1-4-1988).

6 Subs. for “income-tax or super-tax” by Finance Act, 1965 (w.e.f. 1-4-1965).

7 Subs. for “assessment of his income” by Finance Act, 2005 (w.e.f. 1-4-2006).

¹[(7A) "Assessing Officer" means the ²[Assistant Commissioner or Deputy Commissioner or Assistant Director or Deputy Director] or the Income-tax Officer who is vested with the relevant jurisdiction by virtue of directions or orders issued under sub-section (1) or sub-section (2) of section 120 or any other provision of this Act, and the ³[Additional Commissioner or] ⁴[Additional Director or] ⁵[Joint Commissioner or Joint Director] who is directed under clause (b) of sub-section (4) of that section to exercise or perform all or any of the powers and functions conferred on, or assigned to, an Assessing Officer under this Act;]

(8) "assessment" includes reassessment;

(9) "assessment year" means the period of twelve months commencing on the 1st day of April every year;

⁶[(9A) "Assistant Commissioner" means a person appointed to be an Assistant Commissioner of Income-tax ⁷[or a Deputy Commissioner of Income-tax] under sub-section (1) of section 117;]

⁸[(9B) "Assistant Director" means a person appointed to be an Assistant Director of Income-tax under sub-section (1) of section 117;]

(10) "average rate of income-tax" means the rate arrived at by dividing the amount of income-tax calculated on the total income, by such total income;

⁹[(11) "block of assets" means a group of assets falling within a class of assets comprising –

- (a) tangible assets, being buildings, machinery, plant or furniture;
- (b) intangible assets, being know-how, patents, copyrights, trade-marks, licences, franchises or any other business or commercial rights of similar nature, ¹⁰[not being goodwill of a business or profession,]

in respect of which the same percentage of depreciation is prescribed¹¹;

(12) "Board" means the ¹²[Central Board of Direct Taxes constituted under the Central Boards of Revenue Act, 1963 (54 of 1963)];

¹³[(12A) "books or books of account" include ledgers, day-books, cash books, account-books and other books, whether kept ¹⁴[in the written form or in electronic form or in digital form or as

1 Ins. by Direct Tax Laws (Amendment) Act, 1987 (w.e.f. 1-4-1988).

2 Subs. for "Assistant Commissioner or Assistant Director" by Finance (No. 2) Act, 1998 (w.e.f. 1-10-1998). Earlier, the words "Assistant Commissioner or Assistant Director" were subs. for "Assistant Commissioner" by Finance (No. 2) Act, 1996 (w.e.f. 1-10-1996).

3 Ins. by Finance Act, 2007 (w.r.e.f. 1-6-1994).

4 Ins. by Finance Act, 2007 (w.r.e.f. 1-10-1996).

5 Subs. for "Deputy Commissioner or Deputy Director" by Finance (No. 2) Act, 1998 (w.e.f. 1-10-1998).

6 Ins. by Direct Tax Laws (Amendment) Act, 1987 (w.e.f. 1-4-1988).

7 Ins. by Finance (No. 2) Act, 1998 (w.e.f. 1-10-1998).

8 Ins. by Finance Act, 2007 (w.r.e.f. 1-4-1988).

9 Subs. by Finance (No. 2) Act, 1998 (w.e.f. 1-4-1999). Prior to subs., clause 11) read as under:

“(11) "block of assets" means a group of assets falling within a class of assets, being buildings, machinery, plant or furniture, in respect of which the same percentage of depreciation is prescribed;”

10 Ins. by Finance Act, 2021 (w.e.f. 1-4-2021).

11 See rule 5 and Appendix 1 to Income-tax Rules, 1962.

12 Subs. for "Central Board of Revenue constituted under the Central Board of Revenue Act, 1924 (4 of 1924)" by the Central Boards of Revenue Act, 1963, s. 5 (w.e.f. 1-1-1964).

13 Ins. by Finance Act, 2001 (w.e.f. 1-6-2001).

14 Subs. for the words "in the written form or as printouts of data stored in" by Finance Act, 2022 (w.e.f. 1-4-2022).

print-outs of data stored in such electronic form or in digital form or in] a floppy, disc, tape or any other form of electro-magnetic data storage device;]

(13) "business" includes any trade, commerce or manufacture or any adventure or concern in the nature of trade, commerce or manufacture;

¹[(13A) "business trust" means a trust registered as, –

- (i) an Infrastructure Investment Trust under the Securities and Exchange Board of India (Infrastructure Investment Trusts) Regulations, 2014 made under the Securities and Exchange Board of India Act, 1992 (15 of 1992); or
- (ii) a Real Estate Investment Trust under the Securities and Exchange Board of India (Real Estate Investment Trusts) Regulations, 2014 made under the Securities and Exchange Board of India Act, 1992 (15 of 1992),² [***]
³[***]];

⁴[(14) "capital asset" means –

- (a) property of any kind held by an assessee, whether or not connected with his business or profession;
- ⁵[(b) any securities held by –
 - (i) a Foreign Institutional Investor which has invested in such securities in accordance with the regulations made under the Securities and Exchange Board of India Act, 1992 (15 of 1992); or
 - (ii) an investment fund specified in clause (a) of Explanation 1 to section 115UB which has invested such securities in accordance with the provisions of the regulations made under the Securities and Exchange Board of India Act, 1992 (15 of 1992) or under the International Financial Services Centres Authority Act, 2019 (50 of 2019);]

1 Subs. by Finance Act, 2015 (w.e.f. 1-04-2016). Earlier, it was ins. by Finance (No. 2) Act, 2014 (w.e.f. 1-10-2014). Prior to subs., it read as under:

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

2 The word "and" omitted by Finance Act, 2020 (w.e.f. 1-4-2021).

3 The long line omitted by Finance Act, 2020 (w.e.f. 1-4-2021). Prior to omission, read as under:

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

4 Subs. by Finance (No. 2) Act, 2014 (w.e.f. 1-4-2015). Prior to substitution, clause (14) read as under: "(14) "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, consumable stores or raw materials held for the purposes of his business or profession;".

5 Subs. by Finance Act, 2025 (w.e.f. 1-04-2026).. Prior to subs., sub-cl.(b) it read as under:

"(b) any securities held by a Foreign Institutional Investor which has invested in such securities in accordance with the regulations made under the Securities and Exchange Board of India Act, 1992 (15 of 1992),"

¹[(c) any unit linked insurance policy to which exemption under clause (10D) of section 10 does not apply ²[**];]

but does not include –

(i) any stock-in-trade [other than the securities referred to in sub-clause (b)], consumable stores or raw materials held for the purposes of his business or profession;

³[(ii) personal effects, that is to say, movable property (including wearing apparel and furniture) held for personal use by the assessee or any member of his family dependent on him, but excludes –

- (a) jewellery;
- (b) archaeological collections;
- (c) drawings;
- (d) paintings;
- (e) sculptures; or
- (f) any work of art.

[*Explanation* – For the purposes of this sub-clause, “jewellery” includes –

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

⁴[(iii) agricultural land in India, not being land situate –

- (a) in any area which is comprised within the jurisdiction of a municipality (whether known as a municipality, municipal corporation, notified area committee, town area committee, town committee, or by any other name) or a cantonment board and which has a population of not less than ten thousand ⁵[**]; or

1 Ins. by Finance Act, 2021 (w.e.f. 1-4-2021).

2 Words “on account of the applicability of the fourth and fifth provisos thereof” omitted by Finance Act, 2025 (w.e.f. 1-4-2026).

3 Subs. by Finance Act, 2007 (w.e.f. 1-4-2008). Prior to substitution, sub-clause (ii) read as under: “(ii) personal effects, that is to say, movable property (including wearing apparel and furniture, but excluding jewellery) held for personal use by the assessee or any member of his family dependent on him.

Explanation : For the purposes of this sub-clause, “jewellery” includes –

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

This clause was subs. by Finance Act, 1972 (w.e.f. 1-4-1973).

4 Subs. for “(iii) agricultural land in India” by Finance Act, 1970 (w.e.f. 1-4-1970).

5 Words “according to the last preceding census of which the relevant figures have been published before the 1st day of the previous year” omitted by Finance Act, 2013 (w.e.f. 1-4-2014).

¹[(b) in any area within the distance, measured aerially², –

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

Explanation. – For the purposes of this sub-clause, "population" means the population according to the last preceding census of which the relevant figures have been published before the first day of the previous year]];

³[(iv) 6^{1/2} per cent Gold Bonds, 1977, ⁴[or 7 per cent Gold Bonds, 1980], ⁵[or National Defence Gold Bonds, 1980,] issued by the Central Government,]

⁶[(v) Special Bearer Bonds, 1981, issued by the Central Government;]

⁷[(vi) Gold Deposit Bonds issued under the Gold Deposit Scheme, 1999, ⁸[or deposit certificates issued under the Gold Monetisation Scheme, 2015] notified by the Central Government;]

⁹[*Explanation* ¹⁰[1]. – For the removal of doubts, it is hereby clarified that "property" includes and shall be deemed to have always included any rights in or in relation to an Indian company, including rights of management or control or any other rights whatsoever;]

¹¹[*Explanation* 2. – For the purposes of this clause –

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- 1 Subs. by Finance Act, 2013 (w.e.f. 1-4-2014). Prior to substitution, clause (b) read as follows:
“(b) in any area within such distance, not being more than eight kilometres, from the local limits of any municipality or cantonment board referred to in item (a), as the Central Government may, having regard to the extent of, and scope for, urbanisation of that area and other relevant considerations, specify in this behalf by notification in the Official Gazette”.
 - 2 See Circular No. 17 dated 6-10-2015.
 - 3 Ins. by Taxation Laws (Amendment) Act, 1962 (w.e.f. 13-12-1962).
 - 4 Ins. by Finance (No. 2) Act, 1965 (w.e.f. 1-4-1965).
 - 5 Ins. by Taxation Laws (Amendment & Miscellaneous Provisions) Act, 1965 (w.e.f. 4-12-1965).
 - 6 Ins. by Special Bearer Bonds (Immunities and Exemptions) Act, 1981 (w.e.f. 12-1-1981).
 - 7 Ins. by Finance Act, 1999 (w.e.f. 1-4-2000).
 - 8 Ins. by Finance Act, 2016 (w.e.f. 1-04-2016).
 - 9 Ins. by Finance Act, 2012 (w.r.e.f. 1-4-1962).
 - 10 Existing Explanation renumbered as Explanation 1. by Finance (No. 2) Act, 2014 (w.e.f. 1-4-2015).
 - 11 Ins. by Finance (No. 2) Act, 2014 (w.e.f. 1-4-2015).
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- (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 in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956);]

¹[(15) "charitable purpose" includes relief of the poor, education,²[yoga] medical relief, ³[preservation of environment (including watersheds, forests and wildlife) and preservation of monuments or places or objects of artistic or historic interest,] and the advancement of any other object of general public utility:

⁴[**Provided** that the advancement of any other object of general public utility shall not be a charitable purpose, if it involves the carrying on of any activity in the nature of trade, commerce or business, or any activity of rendering any service in relation to any trade, commerce or business, for a cess or fee or any other consideration, irrespective of the nature of use or application, or retention, of the income from such activity, unless –

- (i) such activity is undertaken in the course of actual carrying out of such advancement of any other object of general public utility; and
- (ii) the aggregate receipts from such activity or activities during the previous year, do not exceed twenty per cent. of the total receipts, of the trust or institution undertaking such activity or activities, of that previous year;] [*Section 346 of Income-tax Act, 2025*]

⁵[(15A) "Chief Commissioner" means a person appointed to be a Chief Commissioner of Income-tax ⁶[or a Director General of Income-tax] or a Principal Chief Commissioner of Income-tax ⁷[or a Principal Director General of Income-tax] under sub-section (1) of section 117;]

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- 1 Subs. by Finance Act, 2008 (w.e.f. 1-4-2009). Prior to substitution, clause (15) read as under:
 "(15) "charitable purpose" includes relief of the poor, education, medical relief, and the advancement of any other object of general public utility *[*];
 *Words "not involving the carrying on of any activity for profit" omitted by Finance Act, 1983, s. 3 (w.e.f. 1-4-1984).
 - 2 Word "yoga," ins. by Finance Act, 2015 (w.e.f. 1-04-2016).
 See Circular No. 395, dated 24-9-1984.
 - 3 Ins. by Finance (No. 2) Act, 2009 (w.e.f. 1-4-2009).
 - 4 Subs. by Finance Act, 2015 (w.e.f. 1-04-2016). Prior to substitution, provisos read as under:
 "Provided that the advancement of any other object of general public utility shall not be a charitable purpose, if it involves the carrying on of any activity in the nature of trade, commerce or business, or any activity of rendering any service in relation to any trade, commerce or business, for a cess or fee or any other consideration, irrespective of the nature of use or application, or retention, of the income from such activity:
 Provided further that the first proviso shall not apply if the aggregate value of the receipts from the activities referred to therein is twenty-five lakh rupees or less in the previous year;"
 - 5 Subs. by Finance (No. 2) Act, 2014 (w.r.e.f. 1-6-2013). Prior to substitution, clause (15A) read as under:
 "(15A) "Chief Commissioner" means a person appointed to be a Chief Commissioner of Income-tax under sub-section (1) of section 117"
 - 6 Ins. by Finance Act, 2020 (w.e.f. 1-4-2020).
 - 7 Ins. by Finance Act, 2020 (w.e.f. 1-4-2020).

¹[²[(15B)] “child” in relation to an individual, includes a step child and an adopted child of that individual;]

³[(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;]

⁴[(16A) “Commissioner (Appeals)” means a person appointed to be a Commissioner of Income-tax (Appeals) under sub-section (1) of section 117;]

⁵[(17) “company” means –

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

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

(18) “company in which the public are substantially interested” –a company is said to be a company in which the public are substantially interested –

- ⁶(a) if it is a company owned by the Government or the Reserve Bank of India or in which not less than forty per cent of the shares are held (whether singly or taken together) by the Government or the Reserve Bank of India or a corporation owned by that Bank; or]
- ⁷[(aa) if it is a company which is registered under section 25 of the Companies Act, 1956 (1 of 1956)*; or
- (ab) if it is a company having no share capital and if, having regard to its objects, the nature and composition of its membership and other relevant considerations, it is

1 Ins. by Taxation Laws (Amendment) Act, 1975 (w.e.f. 1-4-1976).

2 Original cl. (15A) renumbered as cl. (15B) by Direct Tax Laws (Amendment) Act, 1987 (w.e.f. 1-4-1988).

3 Subs. by Finance (No. 2) Act, 2014 (w.r.e.f. 1-6-2013). Prior to substitution, clause (16) read as under:

“(16)“Commissioner” means a person appointed to be a Commissioner of Income-tax or a Director of Income-tax under sub-section (1) of section 117”.

4 Ins. by Finance (No. 2) Act, 1977, and the Fifth Schedule, Part I (w.e.f. 10-7-1978).

5 Subs. by Finance (No. 2) Act, 1971 (w.e.f. 1-4-1971).

6 Subs. by Finance Act, 1964 (w.e.f. 1-4-1964).

7 Ins. by Finance (No. 2) Act, 1971 (w.e.f. 1-4-1971).

* Now refer section 8 of Companies Act, 2013 (18 of 2013).

declared by order of the Board to be a company in which the public are substantially interested:

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

- ¹[(ac) if it is a mutual benefit finance company, that is to say, a company which carries on, as its principal business, the business of acceptance of deposits from its members and which is declared by the Central Government under section 620A of the Companies Act, 1956 (1 of 1956),* to be a Nidhi or Mutual Benefit Society; or]
- ²[(ad) if it is a company, wherein shares (not being shares entitled to a fixed rate of dividend whether with or without a further right to participate in profits) carrying not less than fifty per cent of the voting power have been allotted unconditionally to, or acquired unconditionally by, and were throughout the relevant previous year beneficially held by, one or more co-operative societies;]
- ³[(b) if it is a company which is not a private company as defined in the Companies Act, 1956 (1 of 1956), and the conditions specified either in item (A) or in item (B) are fulfilled, namely:—
 - (A) shares in the company (not being shares entitled to a fixed rate of dividend whether with or without a further right to participate in profits) were, as on the last day of the relevant previous year, listed in a recognised stock exchange in India in accordance with the Securities Contracts (Regulation) Act, 1956 (42 of 1956), and any rules made thereunder;
 - ⁴[(B) shares in the company (not being shares entitled to a fixed rate of dividend whether with or without a further right to participate in profits) carrying not less than fifty per cent of the voting power have been allotted unconditionally to, or acquired unconditionally by, and were throughout the relevant previous year beneficially held by—
 - (a) the Government, or
 - (b) a corporation established by a Central, State or Provincial Act, or
 - (c) any company to which this clause applies or any subsidiary company of such company ⁵[if the whole of the share capital of such subsidiary company has been held by the parent company or by its nominees throughout the previous year.]

Explanation.— In its application to an Indian company whose business consists mainly in the construction of ships or in the manufacture or processing of goods or in mining or in the generation or distribution of electricity or any other form of power, item (B) shall have

¹ Ins. by Finance Act, 1985 (w.r.e.f. 1-4-1984).

* Refer section 406 of the Companies Act, 2013 (18 of 2013)

² Ins. by Finance Act, 1992 (w.e.f. 1-4-1993).

³ Subs. by Finance Act, 1969 (w.e.f. 1-4-1970).

⁴ Subs. by Finance Act, 1983 (w.e.f. 2-4-1983).

⁵ Subs. for "where such subsidiary company fulfils the conditions laid down in clause (b) of section 108" by Finance Act, 1987 (w.e.f. 1-4-1988).

effect as if for the words “not less than fifty per cent”, the words “not less than forty per cent” had been substituted;]]

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

¹[(19A) “Deputy Commissioner” means a person appointed to be a Deputy Commissioner of Income-tax ²[***] under sub-section (1) of section 117];

³[(19AA) “demerger”, in relation to companies, means the transfer, pursuant to a scheme of arrangement under sections 391 to 394 of the Companies Act, 1956 (1 of 1956), by a demerged company of its one or more undertakings to any resulting company in such a manner that –

- (i) all the property of the undertaking, being transferred by the demerged company, immediately before the demerger, becomes the property of the resulting company by virtue of the demerger;
- (ii) all the liabilities relating to the undertaking, being transferred by the demerged company, immediately before the demerger, become the liabilities of the resulting company by virtue of the demerger;
- (iii) the property and the liabilities of the undertaking or undertakings being transferred by the demerged company are transferred at values appearing in its books of account immediately before the demerger:

⁴[**Provided** that the provisions of this sub-clause shall not apply where the resulting company records the value of the property and the liabilities of the undertaking or undertakings at a value different from the value appearing in the books of account of the demerged company, immediately before the demerger, in compliance to the Indian Accounting Standards specified in Annexure to the Companies (Indian Accounting Standards) Rules, 2015;]

- (iv) the resulting company issues, in consideration of the demerger, its shares to the shareholders of the demerged company on a ⁵[proportionate basis except where the resulting company itself is a shareholder of the demerged company];
- (v) the shareholders holding not less than three-fourths in value of the shares in the demerged company (other than shares already held therein immediately before the demerger, or by a nominee for, the resulting company or, its subsidiary) become shareholders of the resulting company or companies by virtue of the demerger, otherwise than as a result of the acquisition of the property or assets of the demerged company or any undertaking thereof by the resulting company;
- (vi) the transfer of the undertaking is on a going concern basis;

1 Ins. by Direct Tax Laws (Amendment) Act, 1987 (w.e.f. 1-4-1988).

2 Words “or an Additional Commissioner of Income-tax” omitted by Finance (No. 2) Act, 1998 (w.e.f. 1-10-1998).

3 Ins. by Finance Act, 1999 (w.e.f. 1-4-2000).

4 Ins. by Finance (No. 2) Act, 2019 (w.e.f. 1-04-2020).

5 Subs. for the words “proportionate basis” by Finance Act, 2012 (w.e.f. 1-4-2013).

- (vii) the demerger is in accordance with the conditions, if any, notified under sub-section (5) of section 72A by the Central Government in this behalf.

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

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

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

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

Explanation 4. – For the purposes of this clause, the splitting up or the reconstruction of any authority or a body constituted or established under a Central, State or Provincial Act, or a local authority or a public sector company, into separate authorities or bodies or local authorities or companies, as the case may be, shall be deemed to be a demerger if such split up or reconstruction fulfils ¹[such conditions as may be notified ²in the Official Gazette, by the Central Government;]]

³[*Explanation 5.* – For the purposes of this clause, the reconstruction or splitting up of a company, which ceased to be a public sector company as a result of transfer of its shares by the Central Government, into separate companies, shall be deemed to be a demerger, if such reconstruction or splitting up has been made to give effect to any condition attached to the said transfer of shares and also fulfils such other conditions as may be notified by the Central Government in the Official Gazette.]

⁴[*Explanation 6.*— For the purposes of this clause, the reconstruction or splitting up of a public sector company into separate companies shall be deemed to be a demerger, if such reconstruction or splitting up has been made to transfer any asset of the demerged company to the resulting company and the resulting company—

- (i) is a public sector company on the appointed day indicated in such scheme, as may be approved by the Central Government or any other body authorised under the provisions of the Companies Act, 2013 (18 of 2013) or any other law for the time being in force governing such public sector companies in this behalf; and

1 Subs. for “the conditions specified in sub-clauses (i) to (vii) of this clause, to the extent applicable” by Finance Act, 2000 (w.e.f. 1-4-2000).

2 See Notification No. 11576, dated 26-12-2000.

3 Ins. by the Taxation Laws (Amendment) Act, 2016 (w.e.f. 1-4-2017).

4 Ins. by Finance Act, 2021 (w.e.f. 1-4-2021).

- (ii) fulfils such other conditions as may be notified by the Central Government in the Official Gazette in this behalf;]

¹[(19AAA) “demerged company” means the company whose undertaking is transferred, pursuant to a demerger, to a resulting company;]

²[(19B) “Deputy Commissioner (Appeals)” means a person appointed to be a Deputy Commissioner of Income-tax (Appeals) ³[***] under sub-section (1) of section 117;]

⁴[(19C) “Deputy Director” means a person appointed to be a Deputy Director of Income-tax ⁵[* * *] under sub-section (1) of section 117;]

(20) “director”, “manager” and “managing agent” in relation to a company, have the meanings respectively assigned to them in the Companies Act, 1956 (1 of 1956);

⁶[(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].

⁷(22) “dividend” includes –

- (a) any distribution by a company of accumulated profits, whether capitalised or not, if such distribution entails the release by the company to its shareholders of all or any part of the assets of the company;
- (b) any distribution to its shareholders by a company of debentures, debenture-stock or deposit certificates in any form, whether with or without interest, and any distribution to its preference shareholders of shares by way of bonus, to the extent to which the company possesses accumulated profits, whether capitalised or not;
- (c) any distribution made to the shareholders of a company on its liquidation, to the extent to which the distribution is attributable to the accumulated profits of the company immediately before its liquidation, whether capitalised or not;
- (d) any distribution to its shareholders by a company on the reduction of its capital, to the extent to which the company possesses accumulated profits which arose after the end of the previous year ending next before the 1st day of April, 1933, whether such accumulated profits have been capitalised or not;

1 Ins. by Finance Act, 1999 (w.e.f. 1-4-2000).

2 Ins. by Direct Tax Laws (Amendment) Act, 1987 (w.e.f. 1-4-1988).

3 The words “or an Additional Commissioner of Income-tax (Appeals)” omitted by Finance Act, 2023 (w.e.f. 1-4-2023). Earlier ins. by Finance Act, 1994 (w.e.f. 1-6-1994).

4 Ins. by Finance Act, 1994 (w.e.f. 1-6-1994).

5 Words “or an Additional Director of Income-tax” omitted by Finance (No. 2) Act, 1998 (w.e.f. 1-10-1998).

6 Subs. by Finance (No. 2) Act, 2014 (w.r.e.f. 1.06.2013). Prior to substitution, clause (21) read as under:

‘(21) “Director General or Director” means a person appointed to be a Director General of Income-tax or, as the case may be, a Director of Income-tax, under sub-section (1) of section 117, and includes a person appointed under that sub-section to be an Additional Director of Income-tax or a Joint Director of Income-tax or an Assistant Director or Deputy Director of Income-tax’

7 See Board’s Circular No. 5-P (Para 56), dated 9-10-1967.

- (e) any payment by a company, not being a company in which the public are substantially interested, of any sum (whether as representing a part of the assets of the company or otherwise) ¹[made after the 31st day of May, 1987, by way of advance² or loan to a shareholder, being a person who is the beneficial owner of shares (not being shares entitled to a fixed rate of dividend whether with or without a right to participate in profits) holding not less than ten per cent of the voting power, or to any concern in which such shareholder is a member or a partner and in which he has a substantial interest (hereafter in this clause referred to as the said concern)] or any payment by any such company on behalf, or for the individual benefit, of any such shareholder, to the extent to which the company in either case possesses accumulated profits;
- ³[(f) any payment by a company on purchase of its own shares from a shareholder in accordance with the provisions of section 68 of the Companies Act, 2013 (18 of 2013);]
- but “dividend” does not include –
- (i) a distribution made in accordance with sub-clause (c) or sub-clause (d) in respect of any share issued for full cash consideration, where the holder of the share is not entitled in the event of liquidation to participate in the surplus assets;
- ⁴[(ia) a distribution made in accordance with sub-clause (c) or sub-clause (d) insofar as such distribution is attributable to the capitalised profits of the company representing bonus shares allotted to its equity shareholders after the 31st day of March, 1964, ⁵[and before the 1st day of April, 1965];]
- (ii) any advance or loan made to a shareholder ⁶[or the said concern] by a company in the ordinary course of its business, where the lending of money is a substantial part of the business of the company;
- ⁷[(iia) any advance or loan between two group entities, where, –
- (A) one of the group entity is a “Finance company” or a “Finance unit”; and
- (B) the parent entity or principal entity of such group is listed on stock exchange in a country or territory outside India other than the country or territory outside India as may be specified by the Board in this behalf;]
- (iii) any dividend paid by a company which is set off by the company against the whole or any part of any sum previously paid by it and treated as a dividend within the meaning of sub-clause (e), to the extent to which it is so set off;

1 Subs. for the words “by way of advance or loan to a shareholder, being a person who has a substantial interest in the company,” by the Finance Act, 1987 (w.e.f. 1-4-1988).

2 See Circular No.19/2017, dt. 12-6-2017. **See Appendix**

³ Ins. by Finance (No.2) Act, 2024 (w.e.f. 1-10-2024).

⁴ Ins. by Finance Act, 1965 (w.e.f. 1-4-1965).

⁵ Ins. by Finance Act, 1966 (w.e.f. 1-4-1966).

⁶ Ins. by Finance Act, 1987 (w.e.f. 1-4-1988).

⁷ Sub-clause (iia) inserted by the Finance Act, 2025 (w.e.f. 1-4-2025)

(iv) ¹[***]

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

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

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

³[*Explanation 2A.* – In the case of an amalgamated company, the accumulated profits, whether capitalised or not, or loss, as the case may be, shall be increased by the accumulated profits, whether capitalised or not, of the amalgamating company on the date of amalgamation.]

⁴[*Explanation 3.* – For the purposes of this clause, –

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

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

⁵[(c) “Finance Company” and “Finance Unit” shall have the same meaning as assigned respectively to them in clauses (e) and (f) of sub-regulation (1) of regulation 2 of the International Financial Services Centres Authority (Finance Company) Regulations, 2021 made under the International Financial Services Centres Authority Act, 2019 (50 of 2019):

Provided that such Finance Company or Finance Unit, is set up as a global or regional corporate treasury centre for undertaking treasury activities or treasury services as per the relevant regulations made by the International Financial Services Centres Authority established under section 4 of the said Act;

1 Clause (iv) omitted by Finance (No.2) Act, 2024 (w.e.f. 1-10-2024). Prior to omission, clause (iv) read as under:

“(iv) any payment made by a company on purchase of its own shares from a shareholder in accordance with the provisions of section 77A of the Companies Act, 1956 (1 of 1956);”

Earlier ins. by Finance Act, 1999 (w.e.f. 1-4-2000).

2 Ins. by Direct Taxes (Amendment) Act, 1964 (w.r.e.f. 1-4-1962).

3 Ins. by Finance Act, 2018 (w.e.f. 1-4-2018).

4 Ins. by Finance Act, 1987 (w.e.f. 1-4-1988).

5 Ins. by the Finance Act, 2025 (w.e.f. 1.4.2025)

- (d) “group entity”, “parent entity” and “principal entity” shall be such entities which satisfy such conditions as prescribed in this behalf.]

¹[(22A) “domestic company” means an Indian company, or any other company which, in respect of its income liable to tax under this Act, has made the prescribed arrangements for the declaration and payment, within India, of the dividends (including dividends on preference shares) payable out of such income];

²[(22AA) “document” includes an electronic record as defined in clause (t) of sub-section (1) of section 2³ of the Information Technology Act, 2000 (21 of 2000)];

⁴[(22AAA) “electoral trust” means a trust so approved by the Board in accordance with the scheme made in this regard by the Central Government;]

⁵⁶[(22B)] “fair market value”, in relation to a capital asset, means—

- (i) the price that the capital asset would ordinarily fetch on sale in the open market on the relevant date; and
- (ii) where the price referred to in sub-clause (i) is not ascertainable, such price as may be determined in accordance with the rules made under this Act;]

⁷[(23) (i) “firm” shall have the meaning assigned to it in the Indian Partnership Act, 1932 (9 of 1932), and shall include a limited liability partnership as defined in the Limited Liability Partnership Act, 2008 (6 of 2009);

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

- (a) any person who, being a minor, has been admitted to the benefits of partnership; and
- (b) a partner of a limited liability partnership as defined in the Limited Liability Partnership Act, 2008 (6 of 2009);

- (iii) “partnership” shall have the meaning assigned to it in the Indian Partnership Act, 1932 (9 of 1932), and shall include a limited liability partnership as defined in the Limited Liability Partnership Act, 2008 (6 of 2009);]

⁸[(23A) “foreign company” means a company which is not a domestic company;]

⁹[(23B) “fringe benefits” means any fringe benefits referred to in section 115WB;]

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

2 Ins. by Finance Act, 2001 (w.e.f. 1-6-2001).

3 As per s. 2(1) of the Information Technology Act, 2000, unless the context otherwise requires, “Electronic record” means data, record or data generated, image or sound stored, received or sent in an electronic form or microfilm or computer generated micro fiche.

4 Ins. by Finance (No. 2) Act, 2009 (w.e.f. 1-4-2010).

5 Ins. by Finance Act, 1964 (w.e.f. 1-4-1964).

6 The original clause (22A) renumbered as clause (22B) by Finance Act, 1987 (w.e.f. 1-4-1989).

7 Subs. by Finance (No. 2) Act, 2009 (w.e.f. 1-4-2010). Prior to subs., clause (23) read as under: “(23) “firm”, “partner” and “partnership” have the meanings respectively assigned to them in the Indian Partnership Act, 1932 (9 of 1932); but the expression “partner” shall also include any person who, being a minor, has been admitted to the benefits of partnership;”

8 Ins. by Direct Tax Laws (Amendment) Act, 1987 (w.e.f. 1-4-1989).

9 Ins. by Finance Act, 2005 (w.e.f. 1-4-2006).

¹[(23C) "hearing" includes communication of data and documents through electronic mode;]

²(24) "income" includes –

- (i) profits and gains;
 - (ii) dividend;
 - ³[(iia) voluntary contributions received by a trust created wholly or partly for charitable or religious purposes or by an institution established wholly or partly for such purposes, ⁴[or by an association or institution referred to in clause (21) or clause (23), or by a fund or trust or institution referred to in sub-clause (iv) or sub-clause (v) ⁵[or by any university or other educational institution referred to in sub-clause (iiia) or sub-clause (vi) or by any hospital or other institution referred to in sub-clause (iiiae) or sub-clause (via)] of clause (23C), of section 10 ⁶[or by an electoral trust]].
- Explanation.* – For the purposes of this sub-clause, "trust" includes any other legal obligation;]
- (iii) the value of any perquisite or profit in lieu of salary taxable under clauses (2) and (3) of section 17;
 - ⁷[(iiia) any special allowance or benefit, other than perquisite included under sub-clause (iii), specifically granted to the assessee to meet expenses wholly, necessarily and exclusively for the performance of the duties of an office or employment of profit;
 - (iiib) any allowance granted to the assessee to meet his personal expenses at the place where the duties of his office or employment of profit are ordinarily performed by him or at a place where he ordinarily resides or to compensate him for the increased cost of living;]
 - (iv) the value of any benefit or perquisite, whether convertible into money or not, obtained from a company either by a director or by a person who has a substantial interest in the company, or by a relative of the director or such person, and any sum paid by any such company in respect of any obligation which, but for such payment, would have been payable by the director or other person aforesaid;
 - ⁸[(iva) the value of any benefit or perquisite, whether convertible into money or not, obtained by any representative assessee mentioned in clause (iii) or clause (iv) of

1 Ins. by Finance Act, 2016 (w.e.f. 1-6-2016).

2 See Circular No. 447, dated 22-1-1986.

3 Ins. by Finance Act, 1972 (w.e.f. 1-4-1973).

4 Subs. for "or by a trust or institution of national importance referred to in clause (d) of sub-section (1) of section 80F" by Direct Tax Laws (Amendment) Act, 1989 (w.e.f. 1-4-1989). Earlier, the said expression was substituted for "not being contributions made with a specific direction that they shall form part of the corpus of the trust or institution" by Direct Tax Laws (Amendment) Act, 1987, with effect from same date.

5 Subs. for "or by any university or other educational institution referred to in sub-clause (vi) or by any hospital or other institution referred to in sub-clause (via)" by Finance Act, 2006 (w.e.f. 1-4-2007). Earlier, these words were ins. by Finance Act, 2006 (w.r.e.f. 1-4-1999).

6 Ins. by Finance (No. 2) Act, 2009 (w.e.f. 1-4-2010).

7 Sub-cl. (iiia) and (iiib) ins. by Direct Tax Laws (Amendment) Act, 1989 (w.r.e.f. 1-4-1962).

8 Ins. by Finance (No. 2) Act, 1980 (w.e.f. 1-4-1980).

sub-section (1) of section 160 or by any person on whose behalf or for whose benefit any income is receivable by the representative assessee (such person being hereafter in this sub-clause referred to as the "beneficiary") and any sum paid by the representative assessee in respect of any obligation which, but for such payment, would have been payable by the beneficiary;]

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

¹[(va) any sum chargeable to income-tax under clause (iiia) of section 28;]

²[(vb) any sum chargeable to income-tax under clause (iiib) of section 28;]

³[(vc) any sum chargeable to income-tax under clause (iiic) of section 28;]

⁴⁵[(vd)] the value of any benefit or perquisite taxable under clause (iv) of section 28;]

⁶[(ve) any sum chargeable to income-tax under clause (v) of section 28;]

(vi) any capital gains chargeable under section 45;

(vii) the profits and gains of any business of insurance carried on by a mutual insurance company or by a co-operative society, computed in accordance with section 44 or any surplus taken to be such profits and gains by virtue of provisions contained in the First Schedule;

⁷[(viiia) the profits and gains of any business of banking (including providing credit facilities) carried on by a co-operative society with its members;]

⁸[(viii) ***]

⁹[(ix) any winnings from lotteries, crossword puzzles, races including horse races, card games and other games of any sort or from gambling or betting of any form or nature whatsoever;]

¹⁰[*Explanation.* – For the purposes of this sub-clause, –

(i) "lottery" includes winnings from prizes awarded to any person by draw of lots or by chance or in any other manner whatsoever, under any scheme or arrangement by whatever name called;

1 Ins. by Finance Act, 1990 (w.r.e.f. 1-4-1962).

2 Ins. by Finance Act, 1990 (w.r.e.f. 1-4-1967).

3 Ins. by Finance Act, 1990 (w.e.f. 1-4-1972).

4 Ins. by Finance Act, 1964 (w.e.f. 1-4-1964).

5 Renumbered as sub-cl. (vd) [originally inserted as sub-cl. (va)] by Finance Act, 1990 (w.e.f. 1-4-1964).

6 Ins. by Finance Act, 1992 (w.e.f. 1-4-1993).

7 Ins. by Finance Act, 2006 (w.e.f. 1-4-2007).

8 Omitted by Finance Act, 1988 (w.e.f. 1-4-1988). Prior to omission, sub-clause (viii) read as under: "(viii) any annuity due, or commuted value of any annuity paid, under the provisions of section 280D;".

9 Ins. by Finance Act, 1972 (w.e.f. 1-4-1972).

10 Ins. by Finance Act, 2001 (w.e.f. 1-4-2002).

- (ii) "card game and other game of any sort" includes any game show, an entertainment programme on television or electronic mode, in which people compete to win prizes or any other similar game;]
- ¹[(x) any sum received by the assessee from his employees as contributions to any provident fund or superannuation fund or any fund set up under the provisions of the Employees' State Insurance Act, 1948 (34 of 1948) or any other fund for the welfare of such employees;]
- ²[(xi) any sum received under a Keyman insurance policy including the sum allocated by way of bonus on such policy.
- Explanation.* – For the purposes of this clause, the expression "Keyman insurance policy" shall have the meaning assigned to it in the *Explanation* to clause (10D) of section 10;]
- ³[(xii) any sum referred to in ⁴[clause (va)] of section 28;]
- ⁵[(xiiia) the fair market value of inventory referred to in clause (via) of section 28;]
- ⁶[(xiii) any sum referred to in clause (v) of sub-section (2) of section 56;]
- ⁷[(xiv) any sum referred to in clause (vi) of sub-section (2) of section 56;]
- ⁸[(xv) any sum of money or value of property referred to in clause (vii) ⁹[or clause (viia)] of sub-section (2) of section 56;]
- ¹⁰[(xvi) any consideration received for issue of shares as exceeds the fair market value of the shares referred to in clause (viib) of sub-section (2) of section 56;]
- ¹¹[(xvii) any sum of money referred to in clause (ix) of sub-section (2) of section 56;]
- ¹²[(xviiia) any sum of money or value of property referred to in clause (x) of sub-section (2) of section 56;]
- ¹³[(xviiib) any compensation or other payment referred to in clause (xi) of sub-section (2) of section 56;]
- ¹⁴[(xviic) any sum referred to in clause (xii) of sub-section (2) of section 56;
- (xviid) any sum referred to in clause (xiii) of sub-section (2) of section 56;]

1 Ins. by Finance Act, 1987 (w.e.f. 1-4-1988).

2 Ins. by Finance (No. 2) Act, 1996 (w.e.f. 1-10-1996).

3 Ins. by Finance Act, 2002 (w.e.f. 1-4-2003).

4 Subs. for "clause (vii)" by the Finance Act, 2003 (w.e.f. 1-4-2003).

5 Ins. by Finance Act, 2018 (w.e.f. 1-4-2019).

6 Ins. by Finance (No. 2) Act, 2004 (w.e.f. 1-4-2005).

7 Ins. by Finance Act, 2007 (w.r.e.f. 1-4-2007).

8 Ins. by Finance (No. 2) Act, 2009 (w.e.f. 1-10-2009).

9 Ins. by Finance Act, 2010 (w.e.f. 1-6-2010).

10 Ins. by Finance Act, 2012 (w.e.f. 1-4-2013).

11 Ins. by Finance (No. 2) Act, 2014 (w.e.f. 1.4.2015).

12 Ins. by Finance Act, 2017 (w.e.f. 1-04-2017).

13 Ins. by Finance Act, 2018 (w.e.f. 1-4-2019).

14 Ins. by Finance Act, 2023 (w.e.f. 1-4-2024).

¹[(xviii) assistance in the form of a subsidy or grant or cash incentive or duty drawback or waiver or concession or reimbursement (by whatever name called) by the Central Government or a State Government or any authority or body or agency in cash or kind to the assessee ²[other than, –

- (a) the subsidy or grant or reimbursement which is taken into account for determination of the actual cost of the asset in accordance with the provisions of *Explanation 10* to clause (1) of section 43; or
- (b) the subsidy or grant by the Central Government for the purpose of the corpus of a trust or institution established by the Central Government or a State Government, as the case may be;];

³[(25) “Income-tax Officer” means a person appointed to be an Income-tax Officer under ⁴[***] section 117];

⁵[(25A) “India” means the territory of India as referred to in Article 1 of the Constitution, its territorial waters, seabed and subsoil underlying such waters, continental shelf, exclusive economic zone or any other maritime zone as referred to in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976), and the air space above its territory and territorial waters;]

(26) “Indian company” means a company formed and registered under the Companies Act, 1956 (1 of 1956), and includes –

- (i) a company formed and registered under any law relating to companies formerly in force in any part of India ⁶[(other than the State of Jammu and Kashmir* and the Union territories specified in sub-clause (iii) of this clause)];
- ⁷[(ia) a corporation established by or under a Central, State or Provincial Act;
- (ib) any institution, association or body which is declared by the Board to be a company under clause (17);]
- (ii) in the case of the State of Jammu and Kashmir* a company formed and registered under any law for the time being in force in that State;
- ⁸[(iii) in the case of any of the Union territories of Dadra and Nagar Haveli, Goa⁹, Daman and Diu, and Pondicherry, a company formed and registered under any law for the time being in force in that Union territory:]

1 Ins. by Finance Act, 2015 (w.e.f. 1-04-2016).

2 Subs. by Finance Act, 2016 (w.e.f. 1-4-2017). Prior to substitution, read as under:
"other than the subsidy or grant or reimbursement which is taken into account for determination of the actual cost of the asset in accordance with the provisions of *Explanation 10* to clause (1) of section 43;"

3 Subs. by Direct Tax Laws (Amendment) Act, 1987 (w.e.f. 1-4-1988).

4 Words “sub-section (1) of” omitted by Direct Tax Laws (Amendment) Act, 1989 (w.r.e.f. 1-4-1988).

5 Subs. by Finance Act, 2007 (w.r.e.f. 25-8-1976).

6 Subs. for “(other than the State of Jammu and Kashmir)” by Taxation Laws (Extension to Union Territories) Regulation, 1963 (3 of 1963), (w.e.f. 1-4-1963).

7 Ins. by Finance (No. 2) Act, 1971 (w.e.f. 1-4-1971).

* Now Union territory of Jammu and Kashmir and Union territory of Ladakh.

8 Ins. by Taxation Laws (Extension to Union Territories) Regulation, 1963, and the Sch. (w.e.f. 1-4-1963).

9 Goa has become State but no amendment has been made in cl. (25A) and it still refers it as Union Territory.