

Basic Concepts

PERSON

An individual, A Hindu Undivided Family (HUF), A Company, A Firm, An Association of Persons (AOP) or a Body of Individuals (BOI), A local authority, Artificial juridical person.

Basic Rates of Tax for P.Y. 2018-19:-

1) In case of Individuals (both male & female) (age < 60 years) HUF, AOP, BOI & every other artificial juridical person & NON RESIDENT (irrespective of age)	
Total income ≤ 2,50,000	Nil
2,50,001 – 5,00,000	5%
5,00,001 – 10,00,000	20%
> 10,00,001	30%
2) In case of Individuals (age 60 – 79 years)	
Total income ≤ 3,00,000	Nil
3,00,001 – 5,00,000	5%
5,00,001 – 10,00,000	20%
> 10,00,001	30%
3) In case of Individuals (age > 80 years)	
Total income ≤ 5,00,000	Nil
5,00,001 – 10,00,000	20%
> 10,00,001	30%
4) In the case of every co-operative society -	
≤ 50,000	10%
50,001 – 20,000	20%
> 20,001	30%

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- 5) In the case of every firm/limited liability Partnership (LLP)/ local authority/domestic company
On the whole of the total income 30%
- 6) In the case of a domestic company:
(i) Where the total turnover or gross receipt in the previous year 2018-17 does not exceed Rs. 250 crore - 25% of the total income
(ii) In case of other domestic companies - 30% of the total income

Classification - Attaining prescribed age of 60 /80 years on 31st March itself, in case of senior/city senior citizens whose date of birth falls on 1st April
(Circular No. 28/2016, dated 27-07-2016)

The rates of surcharge applicable for P.Y. 2018-19 are as follows:-

Type of Person	Where Total Income exceeds Rs. 50 L/ Rs. 5 Crore	Rate of Surcharge
(i) Individual / HUF / AOP / BOI / Artificial juridical person	Where the total income exceeds Rs. 50 lakhs but does not exceed Rs. 1 crore	10% of Income Tax
	Where the total income exceeds Rs. 1 crore	15% of Income Tax
(ii) Co-operative societies/local authorities/Firms/LLPs	Where the total income exceeds Rs. 1 crore	12% of Income Tax
(iii) Domestic company	Where total income >Rs. 1 crore but is ≤ Rs. 10 crore	7% of Income-tax
	Where total income >Rs. 10 crore but is ≤ Rs. 1 crore	12% of Income Tax
(iv) Foreign company	Where total income is >Rs. 1 crore	2% of Income-tax
	Where total income is >Rs.10 crore	5% of Income-tax

Marginal relief

(i) Where the total income >Rs. 50 lakh but is ≤ Rs. 1 crore
Eg.: Mr. A (aged 42), having total income of Rs. 51 lakhs

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Computation of tax liability of Mr. A

1A) Tax payable deducting surcharge on total income of ₹ 5,00,000	
₹ 2,50,000 × 5% = ₹ 12,500	₹ 12,500
₹ 5,00,000 × 20% = ₹ 1,00,000	₹ 1,00,000
₹ 10,00,000 × 30% = ₹ 3,00,000	₹ 3,00,000
Total	₹ 4,12,500
1B) Add: Surcharge @ 10%	₹ 41,250
1C) Tax payable on total income of ₹ 5 lakhs @ 12.50% plus ₹ 1,00,000 plus ₹ 41,250	₹ 1,23,750
1D) Add: Health & Education cess @ 4%	₹ 4,950
1E) Marginal Relief of ₹ 41,250 - ₹ 1,00,000, being the amount of income tax less than ₹ 1,00,000	₹ 58,250
1F) Tax payable after (1E) (if applicable case)	₹ 1,68,000

Cess @ 4% is applicable to all types of persons.

Provisions relating to rounding off:

Rounding off of income [Sec. 288A]

Rounding off of tax [Sec. 288B]

Rebate of up to Rs. 2,500 for resident individuals having total income of up to Rs.3.5lakh [Section 87A]

Undisclosed sources of income [Section 115BBF]

-These would attract Tax @ 78% (60% Tax + 25% Surcharge + 4% Cess)

-No basic exemption or allowance or expenditure shall be allowed to the assessee under any provision of the Income-tax Act, 1961 in computing such deemed income

-Set-off of losses not permissible against unexplained income, investments, money etc. chargeable under sections 68/69/69A/69B/69C/69D

Certain cases when income of a previous year will be assessed in the previous year itself:

- Shipping business of non-resident
- Persons leaving India
- AOP / BOI / Artificial Juridical Person formed for a particular event or purpose
- Persons likely to transfer property to avoid tax
- Discontinued business

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Residential Status & Scope of Total Income

A) RESIDENTIAL STATUS OF AN INDIVIDUAL:

Resident :

if he fulfils any one of the following two basic conditions [Section 6(1)]

- 1) He is in India in that year for a period or periods amounting in all to 182 days or more OR
- 2) 60 days or more during the previous year and 365 days or more during the 4 years immediately preceding that previous year.

Exception I [Explanation to Sec. 6(1)]

In the case of following special individuals, the 2nd basic condition is not applicable

- 1) who leaves India for the purpose of employment outside India or
- 2) An Indian Citizen who leaves India during the previous year as a member of the crew of an Indian ship
- 3) An Indian Citizen or a person of Indian Origin, who comes on a visit to India during the previous year.

Determining the period of stay in India for an Indian citizen, being a crew member of foreign bound ship.

Period to be excluded

From leaving date entered in Continuous Discharge Certificate

To landing off date entered in Continuous Discharge Certificate

Resident and Ordinarily Resident:

In addition to fulfilling one of the above basic conditions, the individual shall have to fulfil both the following additional conditions for him to be considered as resident and ordinarily resident [Section 6(6)]

- 1) He has been resident in India in at least 2 out of 10 years preceding the relevant previous year

AND

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- 2) He has been in India for a period of 730 days or more during 7 years preceding the relevant previous year.

RESIDENTIAL STATUS OF H.U.F. : [Section 6(2)]

Resident: A Hindu Undivided Family is said to be resident in India, if control and management of its affairs is wholly or partly situated in India.

Non-resident

A Hindu Undivided Family is non-resident in India, if control and management of its affairs is wholly situated outside India.

Resident and Ordinarily Resident :

A resident H.U.F. will be treated as Resident and Ordinarily Resident only if its Karta (or manager) has satisfied the two additional conditions of Sec.6(6)

INDIAN INCOME			
Income received/deemed to be received in India/accrues or arises or is deemed to accrue or arise in India during the previous year	Yes	Yes	Yes
FOREIGN INCOME :			
Income which accrues or arises outside India and received outside India from PGBP controlled/set up from India	Yes	Yes	No
Income, which accrues or arises outside India and received inside India in the previous year from any other source.	Yes	No	No
	No	No	No

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