



# The Income Tax law of India: Indian Law Series

*Shubham Sinha*

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## **The Income Tax law of India: Indian Law Series** Shubham Sinha

This book is BARE ACT of Indian Law on Income Tax within Indian territories. It is the hardcore set of rules as exactly provided by Indian government authorities. The Income-tax Act, 1961 is the charging Statute of Income Tax in India. It provides for levy, administration, collection and recovery of Income Tax. Recently the Government of India has brought out a draft statute called the "Direct Taxes Code" intended to replace the Income Tax Act, 1961 and the Wealth Tax Act, 1956. Public Commentary has been called for the Draft Bill. The redrafted bill is supposed to be made public soon. 1) Subject to the provisions of this Act, the total income of any previous year of a person who is a resident includes all income from whatever source derived which—(a) is received or is deemed to be received in India in such year by or on behalf of such person ; or(b) accrues or arises or is deemed to accrue or arise to him in India during such year ; or(c) accrues or arises to him outside India during such year :Provided that, in the case of a person not ordinarily resident in India within the meaning of sub-section (6) of section 6, the income which accrues or arises to him outside India shall not be so included unless it is derived from a business controlled in or a profession set up in India.(2) Subject to the provisions of this Act, the total income of any previous year of a person who is a non-resident includes all income from whatever source derived which—(a) is received or is deemed to be received in India in such year by or on behalf of such person ; or(b) accrues or arises or is deemed to accrue or arise to him in India during such year.Explanation 1.—Income accruing or arising outside India shall not be deemed to be received in India within the meaning of this section by reason only of the fact that it is taken into account in a balance sheet prepared in India.Explanation 2.—For the removal of doubts, it is hereby declared that income which has been included in the total income of a person on the basis that it has accrued or arisen or is deemed to have accrued or arisen to him shall not again be so included on the basis that it is received or deemed to be received by him in

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