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Tax Free Income

The following incomes are completely exempt from income tax without any upper limit.

1. Dividend income from shares and mutual funds.
2. Long Term Capital Gains on sale of shares and equity oriented mutual funds which attracts Security Transaction Tax.
3. Interest Income from savings account in a Post Office.
4. Interest Income from PPF/GPF/EPF.
5. Interest Income from Tax Free Bonds.
6. Any capital receipts from life insurance policies i.e. sum received either on death or maturity. However, for policies issued after March 31, 2004, exemption on maturity payment available only if premium paid in any year does not exceed 20% of the sum assured.

Dividend Income

Dividend Income from companies / equity oriented mutual funds is fully exempt from tax in the hands of investors. Dividend income is also tax free in the hands of investors in case of debt-oriented mutual funds though Dividend Distribution Tax (DDT) is deducted by the fund house as follows:

	<u>Companies</u>	<u>Individuals/HUF</u>
1. Debt Funds - excluding Liquid Funds	20%	12.5%
2. Debt Funds - Liquid Funds	25%	25%
+ Surcharge @ 10% & Education Cess @ 3% (on DDT + Surcharge).		

Interest Income

Interest income from the following sources is required to be included in the gross total taxable income.

1. Interest Income from Savings Bank Account / Fixed Deposit with banks.

2. Interest Income from Post Office Savings Scheme like MIS, NSC, KVP etc.
3. Interest Income from Company Deposits.
4. Interest Income from Debentures / Bonds.
5. Interest Income from private loan given to friends, relatives or any other entity.
6. Interest Income from Government Securities.

Note : Deduction u/s 80L had been discontinued. Hence interest income from the above sources are fully taxable.

Gift Tax

The Income Tax department had abolished Gift Tax from October 1, 1998. Gift is no longer taxable in the hands of the donor or donee. However, with effect from 1st September, 2004, any kind of gift received by an individual or a Hindu Undivided Family will be included in the taxable income, if the value received exceeds Rs. 50,000.

However, there is an exception to this general rule as gift received from any of the following continues to remain tax-free.

1. Spouse
2. Brother or Sister
3. Brother or Sister of the spouse
4. Brother or Sister of either of the parents of the individual.
5. Any lineal ascendant or descendant of the individual.
6. Any lineal ascendant or descendant of the spouse of the individual.
7. Spouse of the person referred to in (2) or (6)

Moreover, any gifts received at the time of marriage or under a will or by way of inheritance are also exempt from tax.

Banking Cash Transaction Tax has been abolished w.e.f. March 31, 2009.

Security Transaction Tax (STT) to be allowed as expenditure, not as tax credit

Security Transaction Tax is charged / deducted from purchase of equities (@ 0.125%) & sale of equities @ 0.125%) and redemption of equity oriented mutual funds (@ 0.25%).

STT paid in respect of taxable securities transactions will now be allowed as a deductible expenditure provided that income from such taxable securities transactions is included under the head Profit and Gains from 'Business and Profession'.

Capital Gains Tax

Capital Gain arises when immovable property (land or building both commercial and residential etc.), shares, mutual funds, bonds etc. are sold / transferred for profit. There are two types of Capital Gains namely, Short Term Capital Gain and Long Term Capital Gain.

Short Term Capital Gains (STCG)

Capital Gain is treated as short term if immovable property is sold or transferred within three years of its acquisition.

Similarly, if shares and other financial securities such as mutual funds, zero coupon bonds etc. are sold / transferred within one year of purchase, the profit earned is treated as Short Term Capital Gains.

If the Short Term Capital Gain arises where STT is not paid, then such gain should be included in the gross total income.

However, if the Short Term Capital Gain arises from the transfer of listed equity shares and units in equity oriented mutual funds and such transfer has attracted Securities Transaction Tax at the time of transfer, then Short Term Capital Gain is chargeable at the rate of 15% plus education cess 3%.

You can get relief if the following conditions are fulfilled :

You are an individual or a Hindu Undivided Family (may be ordinarily or not ordinarily resident), and your taxable income minus Short Term

Capital Gain is less than the income tax exemption limit i.e. Rs. 1,60,000.

Relief : Exemption limit – (Total Income - Short Term Capital Gain).

After deducting the aforesaid amount, the balance amount of such Short Term Capital Gain is chargeable to tax.

Example

Mr. Arora is a resident individual. For the financial year 2009-2010 he has the following incomes:

Short Term Capital Gains	Rs. 25,000
Other Income	Rs. 1,50,000
Total Income	<u>Rs. 1,75,000</u>

In this case, the two conditions given above are satisfied (i.e., the taxpayer is a resident individual and total income minus Short Term Capital Gains is Rs. 1,50,000 which is lower than the exemption limit of Rs. 1,60,000.

Hence Short Term Capital Gain chargeable to tax will be - Rs. 1,75,000 - Rs. 1,60,000 = Rs. 15,000.

▮ **Long Term Capital Gains (LTCG)**

If immovable property is sold after three years of purchase or financial securities such as shares, units of mutual funds (equity and debt) and deep discount bonds are sold or transferred after holding the same for more than twelve months, then the said gain is considered to be Long Term Capital Gain.

Long Term Capital Gain on immovable property, bond and debt mutual funds is taxable after indexation at a flat rate of 20% plus 3% education cess. However, if the benefit of indexation is not taken, then the Long Term Capital Gain is taxable @ 10% plus 3% education cess.

Exception : Since October 1, 2004, LTCG on listed shares and equity funds are exempt from tax if Securities Transaction Tax (STT) is paid.

Example

Mr. Raghavan had invested Rs. 1,00,000 in a debt oriented mutual fund scheme on 15th February, 2006. He sold his investment on 15th May, 2009 and received sale proceeds of Rs. 1,40,000. This gain of Rs. 40,000 would be treated as Long Term Capital Gains.

In this case, Mr. Raghavan has two options. Either he can pay tax @ 10% of the Long Term Capital Gains amount i.e. Rs. 4,000 plus 3% education cess without availing the benefit of indexation or he can pay @ 20% after availing the benefit of indexation. In which case, the Long Term Capital Gain would be as follows:

Sales proceeds	Rs. 1,40,000
Less :	
Cost after Indexation $Rs. 1,00,000 \times 632/497^*$	Rs. 1,27,163
Long Term Capital Gains	Rs. 12,837

**Refer Indexation table*

Tax would be @ 20% of Rs. 12,837 i.e. Rs. 2,567 plus 3% education cess.

From the above it is clear that the 2nd option is better.

However, if the Long Term Capital Gain arises on transfer of equity shares or units of equity oriented mutual fund on or after October, 2004 and the transaction is covered by security transaction tax, such capital gain is not chargeable to tax.

Relief is given if the taxpayer is an individual or Hindu Undivided family (may be ordinarily or not ordinarily resident) and his taxable income minus Long Term Capital Gains is less than the income tax exemption limit i.e. Rs. 1,60,000.

Example

Mr. Bakshi is a resident individual. For the assessment year 2010-2011 he has the following income:

Long Term Capital Gains	Rs. 35,000
Other Income	Rs. 1,47,000
Total Income	Rs. 1,82,000

In this case, the two conditions given above are satisfied (i.e. the taxpayer is a resident individual and net income minus Long Term Capital Gains is Rs. 1,47,000 which is lower than the exemption limit of Rs. 1,60,000. Therefore, the LTCG chargeable to tax will be Rs. 1,82,000 - Rs. 1,60,000 = Rs. 22,000.

▮ **Saving of Capital Gains Tax u/s 54 EC**

In order to save Long Term Capital Gains tax, the total amount of Long Term Capital Gains can be invested in any of the following two bonds specified under section 54EC.

A. Rural Electrification Corporation of India (REC)

or

B. National Highway Authority of India (NHAI)

These bonds have a minimum lock-in period of three years. It cannot be transferred or pledged against loan, otherwise it will attract Long Term Capital Gains Tax.

However, LTCG can be saved on sale of the immovable property by buying another house within 1 year before the transfer or 2 years after the transfer or constructing a house within 3 years of the sold property.

Example

Mr. Debnath purchased a house at a cost of Rs. 15,00,000 in March, 1998. He sold the house for a consideration of Rs. 35,00,000 in June, 2009. Since the period of holding of the house property is more than 3 years, he has to pay Long Term Capital Gains Tax on Rs. 20,00,000 or he can save the tax by investing in government approved bonds u/s 54EC.

Sale proceeds	Rs. 35,00,000
Less: Index cost of acquisition	
Rs. 15,00,000 x 632/331*	Rs. 28,64,048
Long Term Capital Gains	Rs. 6,35,952

*Refer Indexation table

Mr. Debnath has two options. Either he can pay tax @ 20% of Rs. 6,35,952 i.e. Rs. 1,27,190 plus 3% education cess or he can deposit the entire capital gain of Rs. 6,35,952 in any Bond u/s 54EC and in this process he can save the tax.

However, there will be a lock-in period of 3 years in the 54EC bonds.

Points to be Noted

1. Short Term Capital Loss can be set-off either against Short Term Capital Gains or Long Term Capital Gains.
2. Long Term Capital Loss can only be set-off only against Long Term Capital Gains.
3. Unabsorbed Short Term Capital Loss can be carried forward for 8 years.
4. Unabsorbed Long Term Capital Loss can be carried forward for 8 years and can be set off only against Long Term Capital Gains.

Cost Inflation Index

For computation of Long Term Capital Gains you can take the benefits of indexation. This benefit is available on sale / transfer of immovable assets and bonds and debt securities (including units of debt-oriented mutual funds). You should always consider the latest cost inflation index while computing your Long Term Capital Gains.

Financial Year	Cost Inflation Index
1981-82	100
1982-83	109
1983-84	116
1984-85	125
1985-86	133
1986-87	140
1987-88	150

Financial Year	Cost Inflation Index
1988-89	161
1989-90	172
1990-91	182
1991-92	199
1992-93	223
1993-94	244
1994-95	259
1995-96	281
1996-97	305
1997-98	331
1998-99	351
1999-2000	389
2000-01	406
2001-02	426
2002-03	447
2003-04	463
2004-05	480
2005-06	497
2006-07	519
2007-08	551
2008-09	582
2009-10	632

Deductions u/s 24(b)

Interest paid on principal amount taken as loan for purchase of flat/house or construction is deductible from taxable income to the extent of Rs. 1,50,000.

Deductions u/s 80C

Deduction under this section introduced from the financial year 2005-2006 is available only to an individual / HUF upto Rs. 1,00,000 from the taxable income in respect of investments made in the following specified schemes:

1. Investment in Equity Linked Savings Scheme (ELSS) of Mutual Funds.
2. Life Insurance Premium.
3. Contributions to PPF / EPF / GPF / NSC.
4. Investment in Unit Linked Insurance Plan (ULIP).
5. Repayment of Housing Loan (Principal).
6. Tuition fees (excluding development fees/donations) paid for children (maximum 2 children) in India for full time education in school/college.
7. Amount deposited in a Fixed Deposit for 5 years or more with a Scheduled Bank / Post Office.
8. Accrued Interest of NSC VIII issue.
9. Pension scheme of LIC or any other insurance company.
10. Investment in Rural Development Bonds of NABARD.
11. Investment under a Senior Citizen Scheme.
12. Infrastructure Bonds issued by authorised Institutions / Banks.

Note: Except in PPF (Maximum Rs. 70,000), there is no limit on investment in this section and the assessee is free to invest the entire Rs. 1,00,000 in any one of the specified schemes mentioned aforesaid.

Deduction of Medical Insurance Premium u/s 80D

1. Upto Rs. 15,000 for self and/or family means spouse and dependent children). However, if any of the insured is a senior citizen, then additional Rs. 5,000 can be claimed.
2. Upto Rs. 15,000 for health insurance of parents. It is not necessary whether such parents are dependent or not. If the parents are

senior citizens (i.e. 65 years of age & above) then the deduction allowed would be upto Rs. 20,000.

Example

From the above section it is clear that you can get a maximum deduction of Rs. 30,000 (Rs. 15,000 for self & family plus Rs. 15,000 for parents) or Rs. 40,000 if the parents or any member are senior citizens.

Accordingly, you can save income tax to the extent of Rs. 3,090 (Rs. 4,120 in case of senior citizen) if you are in the 10% tax bracket; Rs. 6,180 (Rs. 8,240 in case of senior citizen) if you are in the 20% tax bracket and Rs. 9,270 (Rs. 12,360 in case of senior citizen) if you are in the 30% tax bracket.

Note : The above figures include 3% education cess on tax.

Deduction for Maintenance including Medical Treatment of Handicapped Dependent u/s 80DD

You can get the benefit of deduction by availing any one out of the two options given below:

OPTION 1	OPTION 2
You have incurred expenditure for medical treatment including nursing, training and rehabilitation of a dependent	You have paid or deposited under a scheme, framed for this, of LIC or any other insurer for the maintenance of disabled dependent.

Dependent means spouse, children, parents, brother and sister of the individual. The limit of deduction will be Rs. 1,00,000 from the gross total income of the individual from A.Y. 2010 -11 onwards.

Deduction for Medical Treatment u/s 80DDB

If you have paid any amount for the medical treatment of a specified disease or ailment as prescribed by the board such as neurology, oncology, urology, hematology or immunology then, the amount of deduction allowed is Rs. 40,000 or Rs. 60,000 (if the dependent is a senior citizen, i.e. 65 years of age & above).

Deduction for Repayment of Loan taken for Higher Education u/s 80E

Loan taken for higher education by an individual for self and/or spouse/ or any child, from any bank, financial institution or an approved charitable institution and such amount is paid out of the income chargeable to tax, then the entire interest is deductible for a maximum period of 8 years or till interest paid whichever is earlier.

Tax Deducted at Source (TDS)

In a few cases, interest incomes are received from banks or other financial institutions after deduction of income tax. So before investing in any such bonds or fixed deposits, it is advisable to check the following:

1. Interest payments by Banks / Financial Institutions

Tax is deductible @ 10% on interest income (exceeding Rs. 10,000 during the financial year), received from Banks, IDBI Flexi Bonds, ICICI Tax Savings Bonds etc.

2. Interest payments by companies on Fixed Deposits

Tax is deductible @ 10% in case the interest income exceeds Rs. 5,000.

3. Interest payments by Co-operative Societies engaged in carrying on business of Banking and on any deposit with Post Office under any scheme framed by the Central Government and Long Term deposits with Housing Finance Companies.

Tax is deductible @ 10% in case the interest income exceeds Rs. 5,000.

Note: Deduction of tax can be avoided by filing Form 15G (Form 15H for senior citizens) provided the total income of the individual is below the amount not chargeable to tax.

Personal Income Tax Table

i For Male Individual below 65 years of age / Hindu Undivided Family / Association of Persons / Body of Individuals.

Net Income Range	Income Tax	Education Cess
0 - 1,60,000	Nil	Nil
1,60,001 - 3,00,000	10% of (Total Income minus Rs. 1,60,000)	3%
3,00,001 - 5,00,000	Rs. 14,000 + 20% of (Total Income minus Rs. 3,00,000)	3%
Above 5,00,000	Rs. 54,000 + 30% of (Total Income minus Rs. 5,00,000)	3%

i For Resident female Individual below 65 years of age

Net Income Range	Income Tax	Education Cess
0 - 1,90,000	Nil	Nil
1,90,001 - 3,00,000	10% of (Total Income minus Rs. 1,90,000)	3%
3,00,001 - 5,00,000	Rs. 11,000 + 20% of (Total Income minus Rs. 3,00,000)	3%
Above 5,00,000	Rs. 51,000 + 30% of (Total Income minus Rs. 5,00,000)	3%

- i For Resident Senior Citizen (both Male & Female) Individual who are 65 years of age or more at any time during the financial year ending March 31, 2010.

Net Income Range	Income Tax	Education Cess
0 - 2,40,000	Nil	Nil
2,40,001 - 3,00,000	10% of (Total Income minus Rs. 2,40,000)	3%
3,00,001 - 5,00,000	Rs. 6,000 + 20% of (Total Income minus Rs. 3,00,000)	3%
Above 5,00,000	Rs. 46,000 + 30% of (Total Income minus Rs. 5,00,000)	3%

Filing of Income Tax Return

Filing of income tax return is compulsory for all individuals whose gross annual income exceeds the maximum amount which is not chargeable to income tax i.e. Rs. 1,60,000 for male individual below 65 years of age / HUF, Rs. 1,90,000 for women below 65 years of age and Rs. 2,40,000 for senior citizens. However, even if your income is not taxable it is always advisable to obtain your PAN No. and keep filing your return with no tax liability.

The last date for filing income tax returns is 31st July for individuals / HUF.

However, for business and professional income i.e. Rs. 40 lacs and above which require tax audit, the last date for filing returns is 30th September.

Interest is chargeable on the Income Tax amount if the returns are not filed within the stipulated period. A Penalty of Rs. 5,000 will be levied, if the returns are filed after the assessment year.

Income Tax Ready Reckoner

Annual Taxable income	Male Individuals / HUFs			Women			Senior Citizens		
	Income Tax	Education Cess	Total	Income Tax	Education Cess	Total	Income Tax	Education Cess	Total
160000	0	0	0	0	0	0	0	0	0
170000	1000	30	1030	0	0	0	0	0	0
180000	2000	60	2060	0	0	0	0	0	0
190000	3000	90	3090	0	0	0	0	0	0
200000	4000	120	4120	1000	30	1030	0	0	0
220000	6000	180	6180	3000	90	3090	0	0	0
240000	8000	240	8240	5000	150	5150	0	0	0
270000	11000	330	11330	8000	240	8240	3000	90	3090
300000	14000	420	14420	11000	330	11330	6000	180	6180
350000	24000	720	24720	21000	630	21630	16000	480	16480
400000	34000	1020	35020	31000	930	31930	26000	780	26780
450000	44000	1320	45320	41000	1230	42230	36000	1080	37080
500000	54000	1620	55620	51000	1530	52530	46000	1380	47380
1000000	204000	6120	210120	201000	6030	207030	196000	5880	201880
1500000	354000	10620	364620	351000	10530	361530	346000	10380	356380

Tax Planning for Retired Persons

Mr. Jalan retired on April 1, 2009 at the age of 65 years as a Finance Manager. He received total retirement benefits of Rs. 25,00,000. He also has a PPF Account where the accumulated balance was Rs. 9,30,000. He is entitled to a monthly pension @ Rs. 20,000 per month and is continuing a mediclaim policy covering himself and his wife for a yearly premium of Rs. 15,000.

After his retirement, Mr. Jalan consults our financial planner and decides to invest his retirement benefits of Rs. 25 lakhs in the following manner:

Scheme Name	Amount of Investment
1. Equity based Mutual Fund	Rs. 2,50,000
2. Debt based Mutual Fund - Div. Option	Rs. 3,50,000
3. SIP in a MF ELSS Scheme (Rs. 2,500x12) Div. Option	Rs. 30,000
4. Fixed Deposit with Bank (interest @ 8% p.a.)	Rs. 17,50,000
5. Medical Insurance Premium	Rs. 15,000
6. Contribution to PPF (Interest @ 8% p.a.)	Rs. 70,000
7. Savings Bank A/c	Rs. 35,000
Total	Rs. 25,00,000

Tax liability of Mr. Rajesh for the financial year 2009-2010 will be computed as under:

Item	Tax Free Income	Taxable Income
1. Pension (Rs. 20,000 x 12)		Rs. 2,40,000
2. Interest from Bank Deposits (Rs. 17,50,000 x 8% p.a.)		Rs. 1,40,000
3. Interest on Saving Bank A/c (interest rate @ 4% p.a. on Rs. 35,000)		Rs. 1,400
4. Interest from PPF (on Rs. 9,30,000 x 8% p.a.) – exempt u/s 10 (11)	Rs. 74,400	
5. Dividend income from Debt based Mutual Fund (assuming annual return @ 8% p.a.) – exempt u/s 10 (35)	Rs. 28,000	
Total		Rs. 3,81,400

Less:

1. Deduction u/s 80C (PPF + ELSS)	Rs. 1,00,000	
2. Deduction u/s 80D (Mediclaim premium)	Rs. 15,000	Rs. 1,15,000
Net Taxable Income		<u>Rs. 2,66,400</u>

Calculation of Income Tax on Rs. 2,66,400 :

For Rs. 2,40,000		Nil
Balance Rs. 26,400 @ 10%		Rs. 2,640
Add : Education Cess @ 3% on Rs. 2,640		Rs. 79
Total Income Tax		<u>Rs. 2,719</u>

Thus Mr. Jalan has to pay total income tax of Rs. 2,719.

Note :

Mr. Jalan's retirement benefit has been invested with the objective to ensure maximum returns with assured liquidity as under:

1. 70% (i.e. Rs. 17,50,000) has been invested in a fixed interest income scheme bearing safe investment to ensure regular flow of assured interest.
2. 10% (i.e. Rs. 2,50,000) has been invested in equity oriented mutual funds for better returns.
3. Investment in an ELSS scheme via SIP is to reap the benefit of stock market volatility by disciplined investments as well as to avail tax benefit u/s 80C.
4. 14% (i.e. Rs. 3,50,000) has been invested in a Debt based Mutual Fund to ensure liquidity as well as tax free dividend.

It is to be noted that in an ELSS scheme, there is a 3 years lock-in period and dividend as well as Long Term Capital Gains are exempt from income tax.

You should avail all the tax savings incentives provided by the government to get maximum benefits through proper tax planning.

All India Network

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