

LESSON 12

DEDUCTIONS

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STRUCTURE

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12.0 OBJECTIVES

After studying the Unit you should be able to:

- List the deductions available from gross total income
- Know who is eligible for deduction
- List the conditions for claiming deduction
- Calculate the amount of each deduction

12.1 INTRODUCTION

Indian tax laws contain certain provisions, which are intended to act as an incentive for achieving certain desirable socio-economic objectives. These

provisions are contained in Chapter VIA and are in the form of deductions (80C TO 80U) from the Gross Income. By reducing the chargeable income, these provisions reduce the tax liability, increase the post-tax income and thus induce the tax-payers to act in the desired manner. This unit is intended to give a broad idea of such deductions.

12.2 COMPUTATION OF NET INCOME

To compute the net income of the assessee, first of all we compute the income under the five head. The provisions for the same have been already discussed in the previous units. The aggregate of income under each head is known as “gross total income”. Certain deductions which are not deductible under any particular head of income are allowed out of gross total income to arrive at the total income liable to tax.

Total income is accordingly computed as under:

1. Income from salaries		_____
2. Income from House property		_____
3. Profits and Gains of Business and Profession		_____
4. Income from capital gains		_____
5. Income from other sources		_____

Gross Total Income	=	_____

Less deduction under Chapter VI-A(80C TO 80U)(-)		-----

Total income		_____

These deductions are discussed in the following sections.

12.3 BASIC RULES

Following are the basic rules for deduction

1. The aggregate amount of deductions under sections 80C to 80U cannot exceed gross total income (gross total income after excluding long term capital gains, short term capital gain under section 111A, winnings from lottery, crossword puzzles etc.)
2. These deductions are to be allowed only if the assessee claims these and gives the proof of such investments/ expenditure/ income.

12.4 CATEGORIES OF DEDUCTIONS

There are various kinds of deductions. Some of them are to encourage savings, some are for certain personal expenditure, a few are for socially desirable activities, and some are for economic growth. For the sake of better understanding we have categorized them into four kinds. They are

- To encourage savings
- For certain personal expenditure
- For socially desirable activities
- For physically disabled persons

We will be discussing them one by one

12.5 DEDUCTIONS TO ENCOURAGE SAVINGS

The government wants to encourage the habit of people to save for the rainy day. To give impetus to savings these deductions are given on certain investments or certain expenditure made by the assessee. Deduction is allowed when the saving is invested but normally any withdrawal is treated as income in the year of withdrawal.

12.5.1 DEDUCTION IN RESPECT OF LIFE INSURANCE PREMIA, ETC. (SEC. 80C)

A new section 80C has been inserted from the assessment year 2006-07 onwards. Section 80C provides deduction in respect of certain expenditure/ investments (which are specified in this section) paid or deposited by the assessee in the previous year.

Deduction under this section is available only to individual & Hindu Undivided Family.

Gross Qualifying Amount

The following payments/investments qualify for deduction under this section. The total amount of investments made during the P.Y. under these below mentioned schemes is known as Gross Qualifying Amount (GQA)

1. Life Insurance premium paid on a policy taken on his own life, life of the spouse or any child (child may be dependent/ independent). In the case of a Hindu undivided family, policy may be taken on the life of any member of the family. The premium paid should be maximum of 20% of sum assured .
2. Any sum deducted from salary payable to a Government employee for the

purpose of securing him a deferred annuity (subject to a maximum of 20% of salary)

3. Contribution towards statutory provident fund and recognized provident fund.
4. Contribution towards 15 year public provident fund (maximum of Rs 70,000).
5. Contribution towards an approved superannuation fund
6. Subscription to National Savings Certificates, VIII Issue .
7. Contribution for participating in the Unit-Linked Insurance Plan (ULIP) of Unit Trust of India..
8. Contribution for participating in the unit-linked insurance plan (ULIP) of LIC Mutual Fund (i.e. Dhanraksha plan of LIC Mutual Fund)
9. Payment for notified annuity plan of LIC (i.e. Jeevan Dhara, Jeevan Akshay New Jeevan Dhara ,etc) or any other insurer.
10. Subscription towards notified units of Mutual Fund or UTI
11. Contribution to notified pension fund set up by Mutual Fund or UTI .
12. Any sum paid (including accrued interest) as subscription to Home Loan Account Scheme of the National Housing Bank
13. Any sum paid as tuition fees to any university/college/educational institution in India for full time education.

Amount of deduction

We add the amounts invested / spent in above mentioned schemes and this amount is known as *Gross qualifying amount*. The amount deductible is

- a) Gross qualifying amount; or
- b) Rs 1,00,000

Whichever is less

Note:-The maximum deduction under sections 80C, 80CCC and 80CCD is Rs 1,00,000.

12.5.2 DEDUCTION IN RESPECT OF PENSION FUND (SEC. 80CCC)

If the following conditions are fulfilled an assessee may claim deduction under this section

- The taxpayer is an individual
- During the previous year, he has paid/deposited a sum under an annuity plan of the Life Insurance Corporation of India or any other insurer for receiving pension.
- If deduction has not been claimed under section 80C.

Amount of deduction

If the aforesaid conditions are satisfied, then

- a) the amount deposited

- b) or Rs. 10,000,
whichever is lower, is deductible.

Tax treatment of pension received

The pension amount received by the assessee or his nominee as pension will be taxable in the year of the receipt.

Note;-The aggregate deduction under sections 80C, 80CCC and 80CCD cannot exceed Rs.1, 00,000.

12.5.3 DEDUCTION IN RESPECT OF CONTRIBUTION TO PENSION SCHEME OF CENTRAL GOVERNMENT (SEC. 80CCD)

This section is for allowing deduction to new central Government employees, if the following conditions are satisfied:

- The taxpayer is an individual
- He is employed by the Central Government on or after January 1, 2004.
- He has in the previous year paid or deposited any amount in his account under a pension scheme notified by the Central Government.

Amount of Deduction

The amount deductible is

- a) The total employee's contribution and employer's contribution to the notified pension scheme during the year.
- b) Or 10% of salary of the employee.

Whichever is less

Salary means basic salary including dearness allowance if under the terms of employment.

The aggregate amount of deduction under sections 80C, 80CC and 80CCD cannot exceed Rs. 1,00,000.

CHECK YOUR PROGRESS

Activity A

State True or False

- a) Contribution towards Public Provident Fund qualifies for deduction under Section 80 C.
- b) The aggregate of investments made in schemes qualifying for deduction under Section 80 C is known as Gross Total Income
- c) The aggregate amount of deduction under section 80 C, 80 CCC & 80CCD cannot exceed Rs1, 50,000.
- d)The maximum deduction under section 80 CCD in respect of pension scheme of Central Government is 10% of salary.

12.6 DEDUCTIONS FOR CERTAIN PERSONAL EXPENDITURE

Under Section 80-D, 80-DD ,80-DDB 80-E and 80-GG of IT Act 1961 some deductions are allowed in respect of personal expenditure such as Medical Insurance, Medical treatment of handicapped dependent, etc. These deductions are allowed to give impetus to threshold areas like education ,health & housing. Let us now discuss them one by one.

12.6.1 DEDUCTION IN RESPECT OF MEDICAL INSURANCE PREMIA SEC 80D

If the following conditions are satisfied then an assessee may claim deduction under this section.

- The taxpayer is an individual or a Hindu undivided family .
- Insurance premium is paid by the taxpayer in accordance with the scheme framed in this behalf by the General Insurance Corporation of India and approved by the Central Government. The scheme is known as “mediclaim” insurance policy.(The amount deposited in a similar scheme of any other insurer who is approved by the Insurance Regulatory and Development Authority shall also be eligible for deduction.)
- The aforesaid premium is paid by cheque
- Mediclaim policy is taken on the health of the taxpayer, on the health of spouse, dependent parents or dependent children of the taxpayer. In case of HUF on the health of any member of the family

Amount of Deduction:

If all the aforesaid conditions are satisfied, then the

- a) insurance premium paid
- b) or Rs. 10,000

whichever is lower, is deductible.

The aforesaid limit has been increased to Rs. 15,000 where the assessee or spouse or dependent parents or any member of the family is a senior citizen (i.e. one who is resident and at least of 65 years of age at any time during the previous year) and medical insurance is taken for such senior citizen.

12.6.2 DEDUCTION IN RESPECT OF DEPENDENT RELATIVE SECTION 80 DD

Following are the provisions under this section:

- This deduction is available to only Individuals and HUF, who is resident in India.
- This deduction is given to the assessee if a person with disability is dependent upon him.
- A person with disability means disabilities like autism, cerebral palsy, mental retardation, etc. as specified in Persons with Disabilities Act 1995.
- The assessee has incurred expenditure by way of medical treatment (including nursing), training and rehabilitation of a disabled dependent:
or/and
- He has paid or deposited any amount under any scheme framed by the LIC of India or any other insurer for the payment of an annuity or a lump sum amount for the benefit of such dependent in the event of the death of the assessee.
- For claiming the deduction the assessee shall have to furnish a certificate by the prescribed medical authority with the return of income.

Amount of Deduction

If the above mentioned conditions are satisfied the amount of deduction is fixed at Rs. 50,000 irrespective of actual expenditure.

In case of a person with severe disability (over 80 %) a higher deduction of Rs. 75,000 shall be allowed irrespective of actual expenditure.

Explanation: Dependent means

i) In case of an individual, the spouse children, parents, brothers, sisters of the individual or any of them.

ii) In case of HUF, a member of the HUF wholly or mainly dependent on such individual or HUF for support and maintenance.

Illustration 12.1

During the P.Y. 2005-06, the gross total income of Mr. X is Rs 4,00,000. During the P.Y. he pays the following premiums on Mediclaim insurance policy by cheque. Calculate the amount of tax benefit under section 80 D.

	<u>Amount (in Rs)</u>
1. Mr. X	6,000
2. Mrs. X	4,000
3. Son (not dependent)	3,000
4. Daughter (dependent)	2,000
5. Father (not dependent)	1,500
6. Mother (dependent) (age 68 years & resident in India)	2,000

Solution

The insurance premium paid for son and father will not qualify for deduction under section 80 D as they are not dependent upon Mr. X.
Amounts qualifying for deduction are:-

	<u>Amount (in Rs)</u>
Mr. X	6,000
Mrs. X	4,000
Daughter	<u>2,000</u>

Total 12,000 (limited to 10,000)

Additional deduction for mother 2,000

Hence total deduction under section 80 D is Rs (10,000 + 2,000) = Rs 12,000

CHECK YOUR PROGRESS

Activity B

X is a resident individual. During the P.Y. 2005-06 he spends Rs 25,000 towards medical treatment of his father who is wholly dependent upon him. The disability is one which comes under Persons with Disability Act, 1995. A copy of certificate is also submitted. Determine the amount of deduction under section 80DD for the A.Y. 2006-07.

12.6.3 DEDUCTION IN RESPECT OF MEDICAL TREATMENT SECTION 80DDB

Deduction is available if following are satisfied

- Assessee is an individual or HUF resident in India.

- The assessee has actually paid for the medical treatment of specified disease or ailment, for himself or any dependent* or in case of HUF any member of the family.
- The assessee furnishes a certificate, in the prescribed form from prescribed authority, along with the return of income.

Amount of deduction

- i) a) The amount paid
b) or Rs. 40,000
whichever is less;
- ii) Where the amount is paid in relation to a senior citizen the deduction shall be allowed for the amount paid or Rs. 60,000 whichever is less.
- iii) The deduction shall be reduced by the amount received, if any, under an insurance from an insurer for the medical treatment of person mentioned in this section or reimbursed by the employer.

* The definition of 'Dependent' is the same as in the above section.

12.6.4 DEDUCTION IN RESPECT OF REPAYMENT OF LOAN TAKEN FOR HIGHER EDUCATION - SECTION 80E

Deduction is available if:-

- Assessee is an individual.
- He has taken a loan from any financial institution (bank) or an approved charitable institution.
- The loan is taken for the purpose of pursuing his higher education.
- During the previous year he has repaid some amount as interest on such loan.
- Such amount is paid out of his income chargeable to tax.

Amount of deduction

- a) The entire amount paid by way of interest on such loan
b) or Rs. 40,000
whichever is less is deductible in this section.

Period of Deduction

Further, the deduction shall be allowed for the previous year in which the assessee starts repaying the loan or interest thereon and seven previous years immediately succeeding it or until the loan together with interest thereon is paid by the assessee in full, whichever is earlier.

Higher education means full-time studies for any graduate or post-graduate course in engineering, medicine, management or for post-graduate course in applied science or pure sciences including mathematics and statistics.

12.6.5 AMOUNT OF RENT PAID - SECTION 80GG

This deduction is allowed to an individual assessee in respect of rent paid by him for an accommodation used for his residential purposes provided the following conditions are fulfilled:

- The assessee is either a self-employed person or such a salaried employee who is not in receipt of house-rent allowance from any source.
- The actual rent paid by him is in excess of 10% of his total income.
- He or his spouse or minor children or the HUF, of which he is a member, do not own any residential accommodation at the place where the assessee resides, performs the duties of his office or employment or carries on his business or profession. Where, however, the assessee owns any residential accommodation at any other place and claims the concessions of self-occupied house property for the same, he will not be entitled to any deduction u/s 80GG even if he does not own any residential accommodation at the place where he ordinarily resides, performs the duties of his office or employment or carries on his business or profession.
- The assessee files a declaration in Form No. 10BA regarding the payment of rent.

Note:

Deduction under this section can be claimed even if accommodation at concessional rent is provided by the employer. In such a case the deduction will be given if the actual rent paid by the employee exceeds 10% of his total income. Where a rent-free house is provided to the employee, no deduction will be allowed under this section.

Amount of Deduction

The assessee, who fulfils the above mentioned conditions, is allowed a deduction equal to least of the following three:

- excess of actual rent paid over 10% of adjusted gross total income;
- 25% of his adjusted gross total income; and
- Rs. 2,000 p.m.

Adjusted Gross Total income(Adj.GTI) for this purpose means his gross total income minus long-term capital gain, short term capital gain taxable u/s 111A, and all deductions u/s 80CCC to 80U except any deduction under this section.

Illustration 12.2:

A's gross total income is Rs. 1,80,000. Deductions allowed u/s 80D and 80C are Rs. 9,000 and Rs. 12,000 respectively. He pays a rent of Rs. 3,500 p.m. for a

three-roomed set. He does not own any residential accommodation. Compute his total income for the assessment year 2006-2007.

Solution

	Rs.	Rs.
Gross total income		1,80,000
Less: Deduction u/s		
80D - MIP etc.	9,000	
80C – Insurance etc.	12,000	
80GG - Rent Paid	24,000	<u>45,000</u>
Total Income		<u>1,35,000</u>

Note:

Adj. GTI = Rs [1,80,000 (GTI) – 9,000 (80D) -12,000 (80C)] = Rs. 1,59,000

Deductions u/s 80GG will be the least of the following:

- | | | |
|------|--|-----------|
| i) | Rs. 2,000 p.m. | Rs.24,000 |
| ii) | Rent paid (Rs 42,000) - 10% of Adj.GTI (Rs. 1,59,000) | Rs.26,100 |
| iii) | 25% of Adj. GTI (Rs, 1,59,000) | Rs 39,750 |
- Rs. 24,000 is the least, hence, deductible

12.7 DEDUCTIONS FOR SOCIALLY DESIRABLE ACTIVITIES

There are various funds created by Governments to take care of natural calamities like earthquake, floods, etc. Similarly certain funds have been created to promote social & economic welfare, & education. To promote these funds and so that people contribute liberally to these funds, deduction has been provided in Section 80G for donations given by assessee to these funds.

12.7 .1 DONATION TO CERTAIN FUNDS, CHARITABLE INSTITUTION ETC. (SECTION 80G)

To encourage donations for social cause all assessees are entitled to this deduction from their gross total income, if the donation is made in the previous year to the following funds or charitable institutions. For the sake of convenience we have divided the donations into four categories depending on the quantum of deduction.

A. *Donations made to following are eligible for 100% deduction without any qualifying limit.*

1. Prime Minister's National Relief Fund
2. National Defence Fund
3. Prime Minister's Armenia Earthquake Relief Fund

4. The Africa (Public Contribution - India) Fund
5. The National Foundation for Communal Harmony
6. Approved university or educational institution of national eminence
7. The Chief Minister's Earthquake Relief Fund, Maharashtra
8. Donations made to Zila Saksharta Samitis.
9. The National Blood Transfusion Council or a State Blood Transfusion Council.
10. The Army Central Welfare Fund or the Indian Naval Benevolent Fund or The Air Force Central Welfare Fund.

B) Donations made to the following are eligible for 50% deduction without any qualifying limit.

1. Jawaharlal Nehru Memorial Fund
2. Prime Minister's Drought Relief Fund
3. National Children's Fund
4. Indira Gandhi Memorial Trust
5. The Rajiv Gandhi Foundation.

C) Donations to the following are eligible for 100% deduction subject to qualifying limit (i.e. 10% of adjusted gross total income).

1. Donations to the Government or a local authority for the purpose of promoting family planning.
2. Sums paid by a company to Indian Olympic Association

D) Donations to the following are eligible for 50% deduction subject to the qualifying limit (i.e. 10% of adjusted gross total income).

1. Donation to the Government or any local authority to be utilized by them for any charitable purposes other than the purpose of promoting family planning.

Amount of deduction

The quantum of deduction is as follows :-

Category A- 100 % of amount donated

Category B -50 % of the amount donated in the funds

Category C – 100% of the amount donated in the funds subject to maximum limit of 10% of Adjusted GTI.

Category D – 50% of the amount donated in the funds subject to maximum limit of 10% of Adjusted GTI.

The total of these deductions under categories A,B,C, & D is the quantum of deduction under this section without any maximum amount.

Adjusted gross Total income for this purpose means his gross total income minus long-term capital gain, short term capital gain taxable u/s 111A, and all deductions u/s 80CCC to 80U except any deduction under this section.

Illustration 12.3 : X, an Indian citizen gives the following particulars of his income and expenditure for the previous year 2005-2006.

	Rs.
Business income	1,10,000
Long term capital gain	2,00,000
Short term capital gain on sale of shares taxable u/s 111A	10,000
Other short-term capital gain	5,000
Donation to the Prime Minister's National Relief Fund	11,000
Donation to the Government of India for promotion of family planning	3,000
Donation to an approved institution	12,000
Payment of medical insurance premium on own life	5,000

Determine the net income X for the assessment year 2006-2007

Solution:

Computation of Total Income of X

	Rs.
Business Income	1,10,000
Capital gain: Long-term	2,00,000
Short-term u/s 111A	10,000
Other short-term	5,000
Gross Total Income	3,25,000
Deduction u/s 80D	5,000
Less: Deduction: u/s 80G	18,000
Total Income	<u>3,02,000</u>

Note:

Deduction u/s 80G is computed as under:

A	Donation to PMNRF fully qualifies for deduction and the rate of deduction is 100%	11,000
Qualifying amount of donations for family planning and Approved Institution cannot exceed 10% of Adjusted gross total income [i.e. 3,25,00 - 2,00,000(LTCG) - 10,000(STCG) - 5,000(80 D)] of Rs. 1,10,000 = Rs. 11,000		
C	Deduction on donation for family planning on Rs. 3,000 @ 100%	3,000
D	Deduction on other donation Rs.8,000 @ 50%	<u>4,000</u>
Total		18,000

CHECK YOUR PROGRESS

Activity C

The gross total income of Mr. Ram Lal is Rs. 2,00,000. The total deductions under Sections 80C to 80U except 80G is Rs. 20,000. He has paid the following sums to certain funds and charitable institutions:

(i) Indira Gandhi Memorial Trust Rs. 5,000 (ii) Delhi Municipal Corporation to be utilized for promoting family planning Rs. 20,000

Compute deduction u/s 80G regarding donations.
(Ans. Rs. 21,500)

12.8 DEDUCTION ALLOWED TO A PERSON WITH DISABILITY - SECTION 80U

To help a disabled person by reducing his tax burden, this section has been incorporated. Following are the provisions.

- The assessee is an individual being a resident
- He is a person with disability.
- He is certified by the medical authority to be a person with disability, at any time during the previous year.
- He furnishes a certificate issued by the medical authority in the prescribed form along the return of income

Amount of deduction

A fixed deduction of

Rs. 50,000 in case of a person with disability

Rs. 75,000 in case of a person with severe disability.(having any disability over 80%)

CHECK YOUR PROGRESS

Activity D

Tulsi is a person with disability. He submits the following particulars of his income for the previous year 2005-2006.

	Rs.
Business Income	1,10,000
Long Term Capital Gains	1,20,000
Lottery Winning (gross)	80,000

During the year he paid Rs. 12,000 (through crossed cheque) as medical insurance premium for self and deposited Rs. 5,000 in public provident fund.

Compute his total income for the assessment year 2006-07
(Ans. Total Income Rs 2,45,000)

12.9 SUMMARY

Under the income tax act first of all income under each head is computed. The aggregate of income under each head is known as 'Gross Total Income'. Out of this gross total income certain deductions are allowed which are in the nature of incentives aimed at achieving certain socio economic objectives. The income after such deductions is called 'Total Income'.

These deductions are either for certain savings or for certain personal expenditure. Saving based deductions are 80-C (certain investments towards LIC, PF, etc) 80CCC(pension fund), 80CCD(Pension scheme of central Government). Deductions based on personal expenditure are 80D(Medical insurance), 80DD(Medical treatment of disable dependent) 80DDB(Medical treatment of specified disease) 80E (Repayment of loan taken for higher education) and 80GG(Deduction for rent paid). Certain deductions are for socially desirable activities like 80 G for donations to certain funds , charitable institutions, etc.

There is a special deduction for a person with disability under section 80U

One important point to remember is that the total of all deductions under these sections 80C to 80U cannot exceed the gross total income.

12.8 GLOSSARY

Deductions: Permissible amount under sections 80C to 80U by which the gross total income is reduced to arrive at the total income liable to tax.

Contribution : To give money towards a particular aim or purpose

Subscription: To pay to an organization to receive a product

Accrued: Increase in amount over a period of time

Aggregate: Formed by adding together several amounts

Nominee : Person officially given a position or job

Autism: a failure to develop social abilities language and other communication skills to the usual level

Cerebral palsy :Physical condition involving permanent tightening of the muscles which is caused by damaging of the brain

Rehabilitation: To return to a good healthy condition

Pre-decease: when a person dies before the other person
Donation: To give without wanting anything in exchange

12.9 SELF ASSESSMENT EXERCISE

Q1. Fill in the blanks

- i) Repayment of loan for higher studies under section 80E is allowed to the extent of Rs ----- every year for ----- years.
- ii) The maximum deduction u/s 80GG shall be limited to Rs----- p.m.
- iii) Deduction under 80D in respect of medical insurance premia is allowed to an ----- or -----.
- iv) Deduction under section 80CCC is allowed to the extent of Rs-----.
- v) Deduction under section 80G in respect of donations is allowed to -----.

Q2. Match the following

Table A

- i) 80C
- ii) 80G
- iii) 80U
- iv) 80DDB
- v) 80E

Table B

- a) Deduction allowed to a person with disability
- b) Deduction for repayment of loan for higher studies
- c) Deduction in respect of medical treatment of a specified disease
- d) Deduction in respect of LIC premia ,etc
- e) Deduction in respect of certain donations to certain funds/ charitable institution ,etc

Q3. Write short notes on:

- (a) Deduction under section 80GG in respect of amount of rent paid
- (b) Deduction u/s 80DD in respect of medical treatment of dependent who is a person with disability.

12.10 SUGGESTED READINGS

1. Bhagwati Prasad, *Law and practice of Income Tax*, Navaman Prakashan, Aligarh.
2. Mahesh Chandra & S.P. Goyal, *Income Tax Law and practice*, Himalaya Publishing House, Delhi
3. Vinod K. Singhania, Monica Singhania, *Students Guide to Income Tax*, Taxmann Publications Private Ltd.
4. Girish Ahuja & Ravi Gupta, *Simplified Approach to Income Tax and Sales Tax*, Sahitya Bhawan Publishers and Distributors Ltd., Agra
5. Dinkar Pagare, *Law and practice of income tax*, Sultan Chand and sons