

NOTICE OF AMENDMENTS

Sl. No.	Name of Member and text of amendment	Clause No.
	<b>SHRI PRANAB MUKHERJEE</b>	
1. ✓	<p>Page 4, after line (4), insert—</p> <p>“(iii) in clause (24), after sub-clause (xv), the following sub-clause shall be inserted with effect from the 1<sup>st</sup> day of April, 2013, namely:—</p> <p>“(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;”.</p>	3
2. ✓	<p>Page 5, after line 50, insert—</p> <p>“(BA) after clause (23BBG), the following clause shall be inserted with effect from the 1<sup>st</sup> day of April, 2013, namely: -</p> <p>“(23BBH) any income of the Prasar Bharati (Broadcasting Corporation of India) established under sub-section (1) of section 3 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990;”.</p>	5  25 of 1990
3. ✓	<p>Page 10, for lines 20 and 21, substitute—</p> <p>“Provided that this clause shall not apply where the consideration for issue of shares is received—</p> <p style="padding-left: 40px;">(i) by a venture capital undertaking from a venture capital company or a venture capital fund; or</p> <p style="padding-left: 40px;">(ii) by a company from a class or classes of persons as may be notified by the Central Government in this behalf.”.</p>	21 ✓
4. ✓	<p>Page 11, after line 15, insert—</p> <p>“24A. After section 80CCF of the Income-tax Act, the following section shall be inserted with effect from the 1<sup>st</sup> day of April, 2013, namely:—</p> <p>“80CCG. (1) Where an assessee, being a resident individual, has, in a previous year, acquired listed equity shares in accordance with a scheme, as may be</p>	New clause 24A. Insertion of new section 80CCG.

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	<p>notified by the Central Government in this behalf, he shall, subject to the provisions of sub-section (3), be allowed a deduction, in the computation of his total income of the assessment year relevant to such previous year, of fifty per cent. of the amount invested in such equity shares to the extent such deduction does not exceed twenty-five thousand rupees.</p> <p>(2) Where an assessee has claimed and allowed a deduction under this section for any assessment year in respect of any amount, he shall not be allowed any deduction under this section for any subsequent assessment year.</p> <p>(3) The deduction under sub-section (1) shall be subject to the following conditions, namely:—</p> <p>(i) the gross total income of the assessee for the relevant assessment year shall not exceed ten lakh rupees;</p> <p>(ii) the assessee is a new retail investor as may be specified under the scheme referred to in sub-section (1);</p> <p>(iii) the investment is made in such listed equity shares as may be specified under the scheme referred to in sub-section (1);</p> <p>(iv) the investment is locked-in for a period of three years from the date of acquisition in accordance with the scheme referred to in sub-section (1); and</p> <p>(v) such other condition as may be prescribed.</p> <p>(4) If the assessee, in any previous year, fails to comply with any condition specified in sub-section (3), the deduction originally allowed shall be deemed to be the income of the assessee of such previous year and shall be liable to tax for the assessment year relevant to such previous year.”.</p>	<p>Deduction in respect of investment made under an equity savings scheme.</p>
5.	Page 16, line 49, for "2013", substitute "2014".	40 ✓
6.	Page 17, omit lines 12 to 15.	40 ✓
7.	Page 17, line 16, for "(3)", substitute "(2)".	40 ✓
8.	Page 17, line 31, for "would not have been so located for", substitute "is without".	40 ✓
9. ✓	<p>Page 20, after line 5, insert —</p> <p>*41A. In section 112 of the Income-tax Act, in sub-section (1), with effect from the 1<sup>st</sup> day of April, 2013,—</p> <p>(A) in clause (c), for sub-clause (ii), the following sub-clauses shall be substituted, namely: -</p> <p>“(ii) the amount of income tax calculated on long term capital gains [except where such gain arises from transfer of capital asset referred to in sub-clause (iii)]</p>	<p>New Clause 41A Amendment of section 112.</p>

	<p>at the rate of twenty per cent. ; and</p> <p>(iii) the amount of income tax on long term capital gains arising from the transfer of a capital asset, being unlisted securities, calculated at the rate of ten per cent. on the capital gains in respect of such asset as computed without giving effect to the first and second proviso to section 48.”;</p> <p>(B) in the Explanation, for clause (a), the following clauses shall be substituted, namely:—</p> <p>(a) the expression “securities” shall have the meaning assigned to it in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956;</p> <p>(aa) “listed securities” means the securities which are listed on any recognised stock exchange in India ;</p> <p>(ab) “unlisted securities” means securities other than listed securities.”.</p>	32 of 1956.
10.	<p>Page 20, for lines 44 and 45, substitute—</p> <p>“46. In section 115JB of the Income-tax Act,—</p> <p>(A) in sub-section (2), with effect from the 1<sup>st</sup> day of April, 2013,—”.</p>	46 ✓
11.	<p>Page 21, after line 11, insert—</p> <p>(iii) after Explanation 2, the following Explanation shall be inserted, namely:—</p> <p>“Explanation 3.— For the removal of doubts, it is hereby clarified that for the purposes of this section, the assessee, being a company to which the proviso to sub-section (2) of section 211 of the Companies Act, 1956 is applicable, has, for an assessment year commencing on or before the 1st day of April, 2012, an option to prepare its profit and loss account for the relevant previous year either in accordance with the provisions of Part II and Part III of Schedule VI to the Companies Act, 1956 or in accordance with the provisions of the Act governing such company.”;</p> <p>(B) after sub-section (5), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from 1<sup>st</sup> day of April, 2001, namely:—</p> <p>“(5A) The provisions of this section shall not apply to any income accruing or arising to a company from life insurance business referred to in section 115B.”.</p>	46 ✓ 1 of 1956.
12.	<p>Page 21, after line 51, insert—</p> <p>“52A. After chapter XII-BA, the following Chapter shall be inserted with effect from the 1<sup>st</sup> day of April 2013, namely:—</p> <p>“Chapter XII-BB</p> <p>SPECIAL PROVISIONS RELATING TO CONVERSION OF INDIAN BRANCH OF A FOREIGN BANK INTO A SUBSIDIARY COMPANY</p>	New Clause 52A ✓ Insertion of new Chapter XII-BB.

	<p>115JG. (1) Where a foreign company is engaged in the business of banking in India through its branch situate in India and such branch is converted into a subsidiary company thereof, being an Indian company (hereafter referred to as an Indian subsidiary company) in accordance with the scheme framed by the Reserve Bank of India, then, notwithstanding anything contained in the Act and subject to the conditions as may be notified by the Central Government in this behalf,—</p> <p>(i) the capital gains arising from such conversion shall not be chargeable to tax in the assessment year relevant to the previous year in which such conversion takes place;</p> <p>(ii) the provisions of this Act relating to treatment of unabsorbed depreciation, set off or carry forward and set off of losses, tax credit in respect of tax paid on deemed income relating to certain companies and the computation of income in the case of the foreign company and the Indian subsidiary company shall apply with such exceptions, modifications and adaptations as may be specified in that notification;</p> <p>(2) In case of failure to comply with any of the conditions specified in the scheme or in the notification issued under sub-section (1), all the provisions of this Act shall apply to the foreign company and the said Indian subsidiary company without any benefit, exemption or relief under sub-section (1).</p> <p>(3) Where, in a previous year, any benefit, exemption or relief has been claimed and granted to the foreign company or the Indian subsidiary company in accordance with the provisions of sub-section (1) and, subsequently, there is failure to comply with any of the conditions specified in the scheme or in the notification issued under sub-section (1), then,—</p> <p>(i) such benefit, exemption or relief shall be deemed to have been wrongly allowed;</p> <p>(ii) the Assessing Officer may, notwithstanding anything contained in this Act, re-compute the total income of the assessee for the said previous year and make the necessary amendment; and</p> <p>(iii) the provisions of section 154 shall, so far as may be, apply thereto and the period of four years specified in sub-section (7) of that section being reckoned from the end of the previous year in which the failure to comply with the condition referred to in sub-section (1) takes place.</p> <p>(4) Every notification issued under this section shall be laid before each House of Parliament;”.</p>	<p>Conversion of an Indian branch of Foreign Company into subsidiary Indian company.</p>
<p>13.</p>	<p>Page 22, line 22 for “for sub-section (4), the following sub-section shall be substituted”, substitute “after sub-section (4), the following sub-section shall be inserted.”.</p>	<p>54 ✓</p>
<p>14.</p>	<p>Page 22, line 23, for “(4)”, substitute “(5)”.</p>	<p>54 ✓</p>
<p>15.</p>	<p>Page 23, line 3, after “being a resident”, insert “other than not ordinarily resident in India</p>	<p>56 ✓</p>

	within the meaning of clause (6) of section 6".	
16.	Page 23, line 37, for "2013", substitute "2014".	59 ✓
17.	Page 24, for lines 40 to 42, substitute — “(14) The Board shall, for the purposes of this section constitute an Approving Panel consisting of not less than three members, being— (i) income tax authorities not below the rank of Commissioner; and (ii) an officer of the Indian Legal Service not below the rank of Joint Secretary to the Government of India.”.	59 ✓
18.	Page 30, for lines 14 to 39, substitute— ‘194LC. (1) Where any income by way of interest referred to in sub-section (2) is payable to a non-resident, not being a company or to a foreign company by a specified company, the person responsible for making the payment, shall at the time of credit of such income to the account of the payee or at the time of payment thereof in cash or by issue of a cheque or draft or by any other mode, whichever is earlier, deduct the income-tax thereon at the rate of five per cent. (2) The interest referred to in sub-section (1) shall be the income by way of interest payable by the specified company,— (i) in respect of monies borrowed by it at any time on or after the 1st day of July, 2012 but before the 1st day of July, 2015 in foreign currency, from a source outside India,— (a) under a loan agreement; or (b) by way of issue of long-term infrastructure bonds, as approved by the Central Government in this behalf; and (ii) to the extent to which such interest does not exceed the amount of interest calculated at the rate approved by the Central Government in this behalf, having regard to the terms of the loan or the bond and its repayment. Explanation.—For the purpose of this section— (a) “foreign currency” shall have the meaning assigned to it in clause (m) of section 2 of the Foreign Exchange Management Act, 1999; (b) “specified company” means an Indian company.’.	74 ✓ Income by way of interest from Indian company.  42 of 1999.
19.	Page 31, for lines 14 and 15, substitute— “76. In section 197A of the Income-tax Act, with effect from the 1st day of July, 2012,— (a) in sub-section (1C), for the words “sixty-five years”, the words “sixty	76 ✓ Amendment of section 197A.

	<p>years" shall be substituted;</p> <p>(b) after sub-section (1E), the following sub-section shall be inserted, namely:-</p> <p>"(1F) Notwithstanding anything contained in this Chapter, no deduction of tax shall be made from such specified payment to such institution, association or body or class of institutions, associations or bodies as may be notified by the Central Government in the Official Gazette, in this behalf."</p>	
20.	<p>Page 32, after line 6, insert—</p> <p>"(aa) in sub-section (1A), after the words "articles or things", the words "or for the purposes of generation of power" shall be inserted;"</p>	79 ✓
21.	<p>Page 32, for lines 8 to 11, substitute—</p> <p>"(1D) Every person, being a seller, who receives any amount in cash as consideration for sale of bullion (excluding any coin or any other article weighing ten grams or less) or jewellery, shall, at the time of receipt of such amount in cash, collect from the buyer, a sum equal to one per cent. of sale consideration as income-tax, if <u>such consideration,</u></p> <p>(i) for bullion, exceeds two hundred thousand rupees; or</p> <p>(ii) for jewellery, exceeds five hundred thousand rupees."</p>	79 ✓
22.	<p>Page 33, after line 23, insert —</p> <p>'81A. In section 220 of the Income-tax Act, after sub-section (2A), the following sub-section shall be inserted, with effect from the 1st day of July, 2012, namely:—</p> <p>"(2B) Notwithstanding anything contained in sub-section (2), where interest is charged under sub-section (1A) of section 201 on the amount of tax specified in the intimation issued under sub-section (1) of section 200A for any period, then, no interest shall be charged under sub-section (2) on the same amount for the same period."'</p>	New clause 81A ✓ Amendment of section 220.
23.	<p>Page 34, after line 11, insert—</p> <p>'87A. In section 245N of the Income-tax Act, with effect from the 1<sup>st</sup> day of April, 2013,—</p> <p>(I) in clause (a), after sub-clause (iii) and before the proviso, the following sub-clause shall be inserted, namely:—</p> <p>"(iv) a determination or decision by the Authority whether an arrangement, which is proposed to be undertaken by any person being a resident or a non-resident, is an impermissible avoidance arrangement as referred to in Chapter X-A or not.";</p> <p>(II) in clause (b),—</p> <p>(i) in sub-clause (iii), for the word "and", occurring at the end, the word "or" shall be substituted;</p>	New clause 87A ✓ Amendment of section 245N.

	(ii) after sub-clause (iii), the following sub-clause shall be inserted, namely:—  “(iii) is referred to in sub-clause (iv) of clause (a); and”.	
24.	Page 34, after line 14, insert—  ‘88A. In section 245R of the Income-tax Act, in sub-section (2), in the first proviso, in clause (iii), after the word, figures and letter “section 245N”, the words, brackets, figures and letters “or in the case of an applicant falling in sub-clause (iii) of clause (b) of section 245N” shall be inserted with effect from the 1 <sup>st</sup> day of April, 2013.’.	New clause 88A Amendment of section 245R.
25.	Page 39, after line 11, insert—  ‘108A. In the Fourth Schedule to the Income-tax Act, in Part A, in rule 3, in sub-rule (1), in the first proviso, for the words, figures and letters “the 31 <sup>st</sup> day of March, 2012”, the words, figures and letters “the 31 <sup>st</sup> day of March, 2013” shall be substituted with effect from the 1 <sup>st</sup> day of April, 2012.’.	New Clause 108A Amendment of Fourth Schedule.
26. Amendment of section 104 2 of 1974      2 of 1974	Page 41, for lines 21 to 35, substitute—  ‘120. In section 104 of the Customs Act, for sub-section (4), the following sub-sections shall be substituted, namely:-  “(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence relating to –  (a) prohibited goods; or (b) evasion or attempted evasion of duty exceeding fifty lakh rupees, shall be cognizable.  (5) Save as otherwise provided in sub-section (4), all other offences under the Act shall be non-cognizable.  (6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under the Act shall be bailable.”.	120
27.	Page 46, line 3, for “ notification”, substitute “ notifications”,	139
28.	Page 46, for line 4, substitute—  “ numbers G.S.R.62 (E), dated the 6 <sup>th</sup> February,2010 and G.S.R.163(E), dated the 17 <sup>th</sup> March,2012 (hereinafter referred to as the said notifications),”	139
29.	Page 46, line 8, for “ notification”, substitute “ notifications”,	139
30.	Page 46, line 10, for “ notification”, substitute “ notifications”,	139





	the meaning of clause (29A) of article 366 of the Constitution; or”.	
38.	Page 50, <i>after</i> line 30, <i>insert</i> — “Explanation 1A.— For the purposes of this clause, transaction in money shall not include any activity relating to the use of money or its conversion by cash or by any other mode, from one form, currency or denomination to another form, currency or denomination for which a separate consideration is charged;”.	143 ✓
39.	Page 51, <i>for</i> lines 8 and 9, <i>substitute</i> — “out, repair, maintenance, renovation, alteration of any moveable or immovable property or for carrying out any other similar activity or a part thereof in relation to such property”.	143 ✓
40.	Page 51, line 46, <i>after</i> “agriculture” <i>insert</i> “or agricultural produce”.	143 ✓
41.	Page 52, lines 33 and 34, <i>for</i> “vessel of less than fifteen tonne net” <i>substitute</i> “vessel, between places located in India”.	143 ✓
42.	Page 52, lines 40 and 41, <i>for</i> “to the first customs station of landing” <i>substitute</i> “up to the customs station of clearance”.	143 ✓
43.	Page 54, line 41, <i>after</i> “sub-section (1)”, <i>insert</i> “(except the period of eighteen months of serving the notice for recovery of service tax)”.	143 ✓
44.	Page 58, <i>for</i> lines 37 to 42, <i>substitute</i> — ‘153. In the Finance (No.2) Act, 2004, with effect from the 1st day of July, 2012,— (a) in section 97, - (i) after clause (5), the following clauses shall be inserted, namely:— ‘(5A) “initial public offer” has the meaning assigned to it in clause (p) of sub-regulation (1) of regulation 2 of the Securities and Exchange Board of India (Issue of Capital and Disclosure Requirements) Regulations, 2009 made under the Securities and Exchange Board of India Act, 1992; (5B) “lead merchant banker” means a merchant banker appointed as lead merchant banker in accordance with sub-regulation (1) of regulation 5 of the Securities and Exchange Board of India (Issue of Capital and Disclosure Requirements) Regulations, 2009 made under the Securities and Exchange Board of India Act, 1992.”; (ii) in clause (13), after sub-clause (a), the following sub-clause shall be inserted, namely:— “(aa) sale of unlisted equity shares by any holder of such shares under an offer for sale to the public included in an initial public offer and where such shares are subsequently listed on a recognised stock exchange; or”’; (b) in section 98, in the Table,- (i) against Sl. No. 1, under column (3) relating to rate, for the figures and words “0.125 per cent.”, the figures and words “0.1 per cent.”	152 ✓ Amendment of Act 23 of 2004.
15 of 1992.		
15 of 1992.		

	<p>shall be substituted;</p> <p>(ii) against Sl. No. 2, under column (3) relating to rate, for the figures and words "0.125 per cent.", the figures and words "0.1 per cent." shall be substituted;</p> <p>(iii) after Sl. No.5, and the entries relating thereto, the following Sl. No. entries shall be inserted, namely:—</p> <table border="1" data-bbox="373 630 1209 818"> <thead> <tr> <th data-bbox="373 630 438 696">1</th> <th data-bbox="438 630 933 696">2</th> <th data-bbox="933 630 1096 696">3</th> <th data-bbox="1096 630 1209 696">4</th> </tr> </thead> <tbody> <tr> <td data-bbox="373 696 438 818">"6.</td> <td data-bbox="438 696 933 818">Sale of unlisted equity shares under an offer for sale referred to in sub-clause (aa) of clause (13) of section 97.</td> <td data-bbox="933 696 1096 818">0.2 per cent.</td> <td data-bbox="1096 696 1209 818">Seller";</td> </tr> </tbody> </table> <p>(c) in section 100,—</p> <p>(i) after sub-section (2), the following sub-section shall be inserted, namely:—</p> <p>"(2A) The lead merchant banker appointed by the company in respect of an initial public offer shall collect the securities transaction tax from every person who enters into a taxable securities transaction referred to in sub-clause (aa) of clause (13) of section 97 at the rate specified in section 98.";</p> <p>(ii) in sub-section (3),—</p> <p>(A) after the words, brackets and figure "sub-section (2)", the words, brackets, figure and letter "or sub-section (2A)" shall be inserted;</p> <p>(B) after the words "Mutual Fund", the words "or the lead merchant banker in the case of an initial public offer" shall be inserted;</p> <p>(iii) in sub-section (4), after the words, "Mutual Fund", the words "or the lead merchant banker in the case of an initial public offer" shall be inserted;</p> <p>(d) in section 101, after the words "in the case of every Mutual Fund", the words "or the lead merchant banker in the case of an initial public offer" shall be inserted.'.</p>	1	2	3	4	"6.	Sale of unlisted equity shares under an offer for sale referred to in sub-clause (aa) of clause (13) of section 97.	0.2 per cent.	Seller";	
1	2	3	4							
"6.	Sale of unlisted equity shares under an offer for sale referred to in sub-clause (aa) of clause (13) of section 97.	0.2 per cent.	Seller";							
45.	Page 62, line 24, for "section 115E", substitute "section 115E or sub-clause (iii) of clause (c) of sub-section (1) of section 112".	First Schedule								
46.	Page 64, after line 3, insert — "(GA) on income by way of long-term capital gains referred 10 per cent.;".	The First Schedule								

	to in sub-clause (iii) of clause (c) of sub-section (1) of section 112	
47.	Page 64, line 4, for "income", substitute "other income".	The First Schedule ✓
48.	Page 65, after line 13, insert –  “(viii) on income by way of long-term capital gains referred to in sub-clause (iii) of clause (c) of sub-section (1) of section 112 10 per cent.”	The First Schedule ✓
49.	Page 65, line 14, for "income", substitute "other income".	The First Schedule ✓
50.	Page 66, line 8, column 2, for "Rs. 10,00,000", substitute "Rs. 5,00,000".	The First Schedule ✓
51.	Page 72, omit line 34	The Third Schedule ✓
52.	Page 72, omit lines 39 to 44	The Third Schedule ✓
53.	Page 74, line 6, for "G.S.R.62 (E)", substitute "1. G.S.R.62 (B)".	The Fifth Schedule ✓
54.	Page 74, after line 12, insert—  “2. G.S.R. 163(E), dated the 17 <sup>th</sup> March, 2012 [12/2012-Central Excise, dated 17 <sup>th</sup> March, 2012] In the said notification, in the Table, in Sl.No. 199, against item (I),— 17th day of March, 2012”  (a) for the entry in column (4), the entry "Nil" shall be substituted;  (b) the entry in column (5) shall be omitted.	The Fifth Schedule ✓
55.	Page 77, line 23, for "10%+Rs. 1218 per thousand", substitute "Rs. 1463 per thousand".	The Seventh Schedule ✓
56.	Page 77, line 29, for "10%+Rs. 809 per thousand", substitute "Rs. 1034 per thousand".	The Seventh Schedule ✓
57.	Page 77, line 30, for "10%+Rs. 1218 per thousand", substitute "Rs. 1463 per thousand".	The Seventh Schedule ✓
58.	Page 77, line 31, for "10%+Rs. 1624 per thousand", substitute "Rs. 1974 per thousand".	The Seventh Schedule ✓

59.	Page 77, line 32, for "10%+Rs. 1948 per thousand", substitute "Rs. 2373 per thousand".	The Seventh Schedule
60.	Page 85, omit line 1.	The Seventh Schedule
61.	Page 85, omit lines 6 to 11.	The Seventh Schedule
62.	Page 86, line 15, after "tariff items", insert "of headings 8601 to 8606".	The Seventh Schedule
63.	Page 86, line 16, after "8604 00 00", insert "and in all the tariff items of heading 8607, 8608 and in tariff item 8609 00 00".	The Seventh Schedule