CHAPTER FOUR

ANALYSIS AND EVALUATION OF STATUTORY PROVISIONS

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4.1 INTRODUCTION:

The discussion in the present Chapter is focused on the analysis and evaluation of the statutory provisions governing the assessment of income from salary vis-a-vis the conceptual and theoretical aspects explained in the preceding Chapter. The entire exercise concentrates on judging the overall spirit and significance of the statutory provisions in relation to the procedural aspects concerning the assessment of income from salary in the light of the objectives taken up for the study.

4.2 SECTION 14 - HEADS OF INCOME:

The total income of an assessee (subject to statutory exemptions and reliefs, is chargeable under section 4(1)). The scope of the total income, which varies with the factor of residence, is defined in section 5. Section 14 enumerates the 5 (originally six) heads under which the income of an assessee falls to be charged. Since the rules for computing income and the permissible deductions vary with the different heads of income, each of the heads is dealt with by a separate set of sections (sections 15 to 59). "In short, section 4(1) charges total income, section 5 defines its range; section 14 classifies it; sections 15 to 59 quantity it".[1] The effect of

this section is to classify profits and gains under different heads according to the character of source, for the purpose of providing for each head appropriate rules for computing the amount of income.[2] Income from salaries has been accorded 'Head-A' under this section.

4.3 SECTION 15 - SALARIES:

Section 15 broadly states what is chargeable, section 16 deals with permissible deductions while section 17 details what items are to be included in the 'salary'. Section 15 contains three clauses dealing respectively with salary due in the previous year (whether paid or not), salary paid in advance and salary paid in arrear.

Clause (a) makes it clear that the salary is taxable on the basis of accrual and not on the basis of receipt. Though there is a protective provision (section 192)- which prohibits deduction of tax from the salary before it is paid, tax on salary due but not paid can be collected after formal assessment.

The words "though not due" in clause (b) as distinguished from "before it became due" should be noted. The latter clearly refer to advance of salary. The former cannot refer to a loan but only to non-repayable item such as the value of benefits and amenities, which are not paid but "allowed".

Under clause (c), the words "if not charged", etc. create doubts as to the option of the Revenue to tax either in the "due" year or in the year of "receipt". It is not always easy to decide when arrears become due, whether at the end of the period in respect of which they are paid or only when the appropriate authority sanctions the payment. That is why the word "allowed" is used. But there is a mitigating provision in section 89, which allows each case to be dealt with on its merits, irrespective of the meaning of section 15.

The cardinal principle for treating "income" as 'salary' is that there should exist employer-employee relationship. The sine qua non for the chargeability of income-tax under the head 'salaries' is that there must exist a relationship of employee and employer between the assessee and the person making the payment, etc., or on whose behalf payment, etc., is made. In other words, before a payment, etc., from one party to the other can be regarded as salary within the meaning of sections 15 to 17, the relationship of employer and employer or master and servant is essential.[3]

Section 15 contemplates every kind of servant, however highly or lowly placed he may be, and it refers to every employee or an employer, namely, a local authority, or a company, or any other public body or association,

or Central or State Government, or a foreign government, or any other private employer, etc., and hence, all persons who hold office of employment are to be dealt with under this section in the first instance, irrespective of any prior profession or vocation followed by them.[4]

In order to render a payment assessable under these provisions, it is not enough for the Deepartment to establish that the employee would not have received the sum on which tax is claimed had he not been an employee. The court may be satisfied that the service agreement was the causa causans and not merely the causa sine qua non of the receipt of income.[5,6]

Furthermore, in order to attract tax liability under the head 'salaries', the employee should have some vested interest in the amounts paid by the employer; and mere contingency of getting some benefit from the payment would not justify being taxed under these provisions. In other words, the benefit of money, for which the person is being made liable to tax, should be vested in the person who is being charged in order to be treated as salary, wages, annuity, pension, gratuity, etc.[7]

Given below are the cases where the amount in question was held to be salary and not income from business:

1. Sum received by the assessee from a textile mill for

running the management of a retail shop belonging to the mill.[8]

2. Remuneration received by the assessee for acting as managing agent of a company; Tribunal found that the assessee was, in fact, chief manager.[9]

3. Remuneration received under the service agreement.[10]

4. Managing director was to work for the execution of the decision of the board of directors under the control of the latter and they could terminate his employment.[11]

In the following cases, however, the amount in question was held to be income from business and not salary:

1. Remuneration received by the assessee from a mill for securing orders, advising mill to manufacture readily marketable cloth and guaranteeing realization of the sale proceeds.[12]

2. Commission received by the assessee from a textile mill for acting as selling agent of the mill.[13]

3. Commission received by the assessee from a Bank for acting as guarantee commission agent.[14]

4. Income derived by a firm of partners from a managing agency of a company.[15]

5. Remuneration received by a company for acting as managing agent of another company.[16]

The diversity of the above rulings brings out the

fact that a person may hold an office and that he should receivea a remuneration by virtue of that office does not necessarily bring into existence a relationship of master and servant between him and the person who pays him the remuneration or the relationship of an employer and an employee.[17]

The statement of the law contained in "Halsbury's Laws of England", Lord Simond's Third Edition (Vol.25, Para 874, p.450) may be referred to in this connection:

> "The difference between the relations of master and servant and of principal and agent is, in general, that a principal has the right to direct what work the agent has to do, but a master has the further right to direct how the work is to be done.
>
> "A person who is subject to no directions as to the time he is to devote to the work of another is an agent and not a servant; but a person who is required to give a definite amount of his time thereto, although allowed to exercise his discretion as to the place and manner of his work, is a servant and not an agent.
>
> "The circumstances that a person is remunerated by commission only is not conclusive as showing him to be an agent and not a servant; and an agent may, in part, be remunerated by salary."[18]

For ascertaining whether a person is a servant or an agent, a rough and ready test is, whether, under the terms of the employment, the employer exercises a supervisory control in respect of the work entrusted to him. A servant acts under the direct control and supervision of his master. An agent, on the other hand, in the exercise of his work, is not subject to the direct control or supervision of the principal, though he is bound to exercise his authority in accordance with all lawful orders and instructions which may be given to him from time to time by his principal. But this test is not universal in its application and does not determine in every case, having regard to the nature of employment, that he is a servant.[19]

4.4 SECTION 16 - DEDUCTIONS FROM SALARY:

Prior to the assessment year 1975-76, this section granted separate deductions in respect of:

(a) purchase price of books (cl.i)

(b) taxes levied by a State on professions, trades, callings or employments (cl.iii)

(c) conveyance expenses (cl.iv), and

(d) expenses, wholly, necessarily and exclusively incurred in the performance of duties (cl.v).

From the assessment year 1975-76, all these separate deductions were withdrawn and in their place were granted,

under clause (i), a single deduction on a graded scale, subject to a maximum, in respect of the expenditure incidental to the employment. From the assessment year 1982-83, clause (i) grants a straight deduction of a sum which has been gradually increased over the years. The present limit is one-third of the salary or Rs.12,000, whichever is less. Where the employee gets salary from more than one employer, the deduction under this clause is to be computed with reference to the aggregate salary (Explanation 1). The deduction in respect of State tax on employment is once again granted under the present clause (iii) with effect from the assessment year 1990-91.

Clause (ii)(a) deals with employees of the Government. As regards non-Government employees, clause (ii)(b) grants a deduction in respect of entertainment allowance only to those who are in receipt of such entertainment allowance regularly and continuously from their present employer before 1st April 1955. The ceiling of deduction under this sub-clause is the amount of entertainment allowance received before 1st April 1955, or one-fifth of the salary (exclusive of any allowance, benefit or other perquisite) or Rs.7,000, whichever is the least.

4.5 SECTION 17 - 'SALARY', 'PERQUISITE' AND 'PROFITS IN LIEU OF SALARY' DEFINED:

This section lists a number of benefits arising from

employment - some of them in the nature of income and some not, some of them convertible into money and some not - which fall to be assessed as 'salary'.

The section is full of 'definitions within a definition'.[20] Clause (1) defines 'salary' as including, among other things, perquisites and profits in lieu of salary. Clauses (2) and (3) go on to give inclusive definitions of 'perquisite' and 'profits in lieu of salary'. These two items are also included in the definition of income in section 2(24(iii). Benefits which are taxable as perquisites under clause 2(iii) and (iv) of this section find a parallel in section 2(24)(iv), which makes the value of similar benefits taxable in the hands of the employee and non-employees alike, and in section 28(iv), which taxes the value of any benefit or perquisite, whether convertible into money or not, arising from business or the exercise of a profession.

Clause (1) of section 17 covers the following payments received by an employee from the employer as taxable incomes:

(1) Salary in lieu of notice of termination or employment;

(2) Annuity, pension and gratuity;

(3) Fees, commissions, perquisites or profits;

(4) Stock options;

(5) Encashment of leave;

(7) Annual accretions in recognized provident fund.

Clause (2) relates to the 'perquisites', for the purpose of Income-tax Act, 1961. "Perquisite" is defined in the Oxford English Dictionary as 'any casual emolument, fee, or profit, attached to an office or position, in addition to salary or wages'. Perquisite denotes a personal advantage; it is something that benefits a man by going 'into his own pocket'; it does not cover a mere reimbursement (be it by way of allowance) of travelling or other expenditure incidental to the employment.[21] Thus, transport facilities made available to an employee for going from home to office and back, should not be regarded as a perquisite. This view has now received statutory recognition in the Explanation to Clause 2(iii).

On the above reasoning, the Bombay[22] and Calcutta[23] High Courts held that the city compensatory allowance paid to meet the extra expenses incurred by an employee by reason of his posting at a particular place is not perquisite. The Andhra Pradesh[24] and Allahabad[25] High Courts took the contrary view. This controversy could have raged on and on until settled through the Supreme Court's intervention. Through a legislative amendment, however, such allowance is now deemed to be income under section 2(24)(iii-a) and (iii-b).

Perquisites and profits may take a variety of forms, e.g. extra payment, voluntary or stipulated, for something done outside the duties of office, money allowance given for specific work being done, lodging allowance, dearness allowance,

house-rent allowance and other allowances like bad-climate allowance and extra-shift allowance, payment by the employer for lighting, heating and telephone charges and other outgoings in respect of the employee's residence, free personal use of motor car, lump sum bonus or bonus calculated with reference to the net profits of the company, voluntary or contractual payment made by way of addition to remuneration, allowances paid to meet the extra cost of living in a forign country or for the maintenance and education of employee's children. But in order that the employee may be taxable, the perquisite must accrue to him.

Under this clause, 'perquisites' includes certain items, in addition to what that word means under the general law. The various benefits and amenities set out in this clause should all be regarded as 'perquisites', whether they are convertible into money or not.

Sub-clauses (i) and (ii) bring to charge as perquisite the value of rent-free accommodation or the value of any concession in the matter of rent, respecting any accommodation provided to the assessee by his employer.[26]

Sub-clause (iii) taxes the value of any benefit[27] or amenity granted or provided free-of-cost or at concessional rate to three categories of employees: (a) a director, (b) an employee who has a substatial interest in the company within section 2(32), i.e. an employee who is the beneficial owner of

atleast 20 percent of the ordinary shares, and (c) any other employee whose income under the head "Salaries" (exclusive of non-monetary benefits) exceeds Rs.24,000.[28] If a director is an employee and his remuneration is assessable under section 56 as income from other sources, the value of the benefit or perquisite would still be assessable as income within section 2(24)(iv). In order to be taxable as income, the benefit should have been authorized by the company, the value of any unauthorized benefit in respect of which the director would be liable to make restitution to the company is not perquisite. The foreign tour expenses of the wife of a director met directly by the company is not assessable as a perquisite in the director's hands under this sub-clause.[29]

Under sub-clause (iv), any payment made by the employer in discharge of any liability of the employee is exigible to tax. The amount of an employee's club fees or bills or tax dues paid by the employer would fall within this clause. In order to attract this clause, the obligation should have been voluntarily incurred by the employee; the clause does not cover a life, medical or personal accident insurance policy, which an employer for his own benefit keeps live in respect of the employee.[30] Nor is such policy covered by sub-clause (v) which includes within the meaning of 'perquisite' any amount paid by the employer, directly or through a fund other than a recognized provident fund

or an approved superannuation fund, to effect an assurance on the life of the employee or to effect a contract for an annuity. Likewise, where the employee has no vested interest in the policy, e.g. a deferred annuity policy under which the employer is the nominee and the employee has no right of commutation, the purchase price of the policy paid by the employer cannot be taxed as perquisite in the hands of the employee.[31]

Rule 3 prescribes the method of valuing various perquisites, rent-free residential accommodation (furnished or unfurnished), residential accommodation at a concessional rent, motor-car provided or maintained by the employer, use of gas, electricity and water, free educational facilities for children, etc.

Compensation for loss of employment is a capital receipt under the general law; but clause (3)(i) brings to charge as profits in lieu of salary any compensation due or received from an employer or former employer at or in connection with the termination of employment or modification of its terms. "Compensation" in this sub-clause implies some sort of an obligation to pay; an ex-gratia payment made to an employee on termination of his service when he was not entitled to a fixed period of employment, is not covered by this clause.[32] In this case, however, section 10(10B) provides an exemption in respect of retrenchment compensation paid to a workman, and section 10(10C) in respect of payment

made to an employee of a public sector undertaking at the time of his voluntary retirement.

Clause 3(ii) taxes as profits in lieu of salary any payment due to or received by an assessee from an employer or former employer. But the payment must be related to the employment.[33] An amount may be taxable as a profit of employment although it may be paid after the employment has come to an end. This is made clear by the words "an employer or a former employer", which also occur in section 15.

Remuneration for service may take the form of a payment at the end of the employment, and the payment does not cease to be remuneration for services because it is payable to the employee or his representatives after the services have come to an end.[34] A sum payable to an employee-director at the conclusion of the term of his directorship or a payment made to any other employee after the employment has terminated[35] is taxable even as a lump sum remuneration at the beginning of employment for a period of years.[36] It is the profit of the year in which the sum is due or paid and is not distributable over the whole term of service.[37]

This sub-clause further provides that any payment (other than what is exempt under various clauses of section 10) due to or received from a provident or other funds (not being an approved superannuation fund) is, to the extent to which it

does not consists of contributions by the assessee or interest on such contributions, a profit of employment. Thus, generally speaking, only the sum representing the employer's contributions and the interest on such contributions[38] are treated as 'salary' but the interest on the employee's own contributions to an unrecognized provident fund, though not taxable as 'salary', is, nevertheless, taxable as 'income from other sources'.[39] It is immaterial whether the payment from the fund is made during or at the termination of the employment.

The words "due to or received by an assessee" show that like all other types of remuneration taxable as salary, payments from provident funds are also taxable on accrual or on receipt basis. Since payment from a provident or other fund may be taxed as the income of the year in which it is due or paid, it may result in the assessment of the employee at a rate higher than would have been the case otherwise, in which event, relief is available under section 89(1) read with rule 21A.

Exemption is granted in respect of the following receipts upon cessation of employment, which may otherwise be taxable as salary:

(a) Gratuity subject to a maximum [section 10(10)];

(b) Payment in commutation of persion in certain circumstances and subject to the specified limit [section 10(10A)];

(c) Retrenchment compensation received by a workman [section 10(10B)];

(d) Payment received by an employee of a public sector company under a voluntary retirement scheme [section 10(10C)];

(e) Any payment from a provident fund to which the Provident Funds Act, 1925, applies [section 10(11)];

(f) Accumulated balance due to an employee, participating in a recognized provident fund, to the extent provided in Rule 8 of Part A of Fourth Schedule [section 10(12)];

(g) Any payment from an approved superannuation fund made on the death of a beneficiary or in lieu of or in commutation of an annuity, or by way of refund of contributions in certain cases [section 10(13)].[40]

Thus is concluded the discussion about the analysis and interpretation of the statutory provisions, based on the case-law that has emerged out of judicial intervention over the years. This exercise in analysis and interpretation has been attempted in accordance with the Objectives (1) and (2) of the present research work.

As regards Objective (3) of the study, it would be convenient to set out first the law upto the assessment year 1988-89 and then to indicate how far it is altered by the

Direct Tax Laws (Amendment) Act, 1987, from the assessment year 1989-90.

Law prior to assessment year 1989-90:

Total income is assessed and the tax payable determined under sections 143 and 144. According to these provisions, an assessment may be made:

(a) on the basis of the return, subject to adjustments,

(b) on the basis of the evidence adduced, or

(c) to the best of the Assessing Officer's (AO) judgment.

The above bases are now taken up for discussion one by one.

(a) On the basis of return: The AO may, without requiring the presence of the assessee or the production by him of any evidence, make an assessment on the basis of the return after making the prescribed return (section 143(1);

(b) On the basis of evidence adduced: If (a) the assessee objects to the assessment under sub-section (1), or (b) whether or not an assessment has been made under sub-section (1), the AO considers it necessary or expedient to verify the correctness and completeness of the return, it is his duty to serve upon the assessee a notice requiring him either to attend at the AO's office or to produce any evidence on which the assessee wants

to rely in support of the return [section 143(2)]. A previous approval from the Dy.Commissioner of Income-tax is necessary for the issue of such a notice if an assessment has been made under sub-section (1) and has been accepted by the assessee. The AO may also order, under section 142(1), the production of such accounts, documents and information as he may require, and may gather other evidence and information in exercise of his powers under sections 131 to 133A and 142(2). After weighing such evidence as the assessee produces and such other evidence as the AO may have required on specified points, the AO has to assess the total income, or assess it afresh if the assessment already made under sub-section (1) is found to be incorrect, inadequate or incomplete (Explanation 1), and determine the tax payable by the assessee (section 143(3)). If the amount of adverse variation proposed to be made by the AO, before 1st October 1984, in the income or loss returned exceeded the amount fixed by the CBDT under section 144B(6), the AO had to send the draft assessment order to the assessee. If the assessee objected to the variation, the AO had to send to the Deputy Commissioner the draft order along with the assessee's objections and had ultimately to make the assessment according to the directions issues to him by the Dy.Commissioner (section 144B).

(c) Best judgment assessment: If no return is filed, or if a notice under section 142(1) to produce accounts, documents or information, or a direction under section 142(2A) to get the accounts audited, or a notice under section 143(2) to attend or produce evidence, is not complied with, the AO is bound to make the assessment to the best of his judgment (section 144). He is also entitled to make a best judgment assessment in cases where the assessee has maintained incorrect or incomplete accounts or has not regularly employed a method of accounting (section 145(2)).

Changes made from assessment year 1989-90:

Section 143 has been recast and the following main changes in the procedure for assessment are effected by the Direct Tax Laws (Amendment) Act, 1987, with effect from 1st April 1989:

(1) Under section 143(1), a regular assessment order as such is not to be passed. Any tax or interest due should be demanded, and any refund due should be granted, on the basis of the income returned, subject to the adjustments specified in the first proviso to clause (a) of the sub-section. The power to make an adjustment, by disallowing a carried-forward loss, a deduction or relief claimed in the return, can be invoked only when the claim is "prima facie inadmissible".

A debatable issue cannot be decided by the AO under the guise of making an adjustment under section 143(1)(a). This is the only acceptable construction in view of three factors:-

1. adjustments are to be made without hearing the assessee at all;
2. an intimation sent under section 143(1), on the basis of the adjustments made to the income returned, is not appealable under section 246; and
3. penal addition tax is attracted on the amount added by way of an adjustment.

(2) Where the total income adjusted as above exceeds the total income returned, additional income-tax (over and above the tax due) is payable under sub-section (1A).

(3) The demand for tax or interest should be sent within two years from the end of the relevant assessment year; but this period gets extended in the circumstances set out in clauses (b) and (c) of the sub-section.

(4) The AO should issue a notice under section 143(2) where on the return of income furnished, the AO considers it necessary or expedient to ensure that the assessee has not (a) understood the income, or (b) computed excessive loss, or (c) underpaid the tax in any manner. Such notice should be served on the assessee within the financial year, or within six months from the end of the month, in which the return is furnished, whichever period ends later.

(5) Where proceedings are taken under section 143(2), regular assessment order should be made under section 143(3). But in no case is the AO required to send the draft order to the Deputy Commissioner of Income-tax for his directions. (Section 144B became inoperative from 1st October, 1984).

It is seen from the descriptions of the old procedure and new procedure for assessment of income, that except for removing one or two administrative bottlenecks, nothing significant has been achieved towards the simplification of the procedure so as to alleviate the problems of the assessee.

The computation of taxable income under the head "Salaries" is shown in two Examples, one for the assessment year 1990-91 and another for the year 1991-92 on the following pages. The example for the year 1990-91 shows that at the salary level of Rs.36,000 per year and allowing for standard deductions, the assessee was eligible for the refund of Rs.1,898/- from the tax deducted at source; while the example for the assessment year 1991-92 shows with the same salary level, but due to omission of section 80C and application of section 88, the assessee has now to pay a tax Rs.72/.

SALARY INCOME

Example 1

For computing taxable income under the head "Salaries" during the financial year ending on 31.3.1990

Assessment year 1990-91

The estimated annual salary of an employee			
(1) Salary Rs.3,500 x 12			Rs 42,000
(2) Children educational allowance paid by the employer @Rs.100 p.m. for three children of the employee, i.e. Rs.100 p.m. x 12 months x 3	Rs 3,600		
less: Amount exempt u/s.10(14)(ii) r/w notification no.S.O.144 (E) dt.21.2.1989 @Rs.50 per month per child upto a maximum of two children, i.e. Rs.50 p.m. x 12 months x 2	Rs 1,200		Rs 2,400
(3) Perquisite in respect of rent-free furnished accommodation determined in accordance with rule 3(a).			Rs 4,080
Base for deduction under section 16			Rs 48,480
less: (1) Standard deduction under section 16(i) @33.1/3% of salary of Rs.48,400	Rs 16,610		
Maximum deduction restricted to:		Rs 12,000	
(2) Deduction under section 16(iii) for profession tax Profession tax deducted @Rs.40 p.m. x 12 months	Rs 480		Rs 12,480
Estimated annual salary from which tax is to be deducted at source			Rs 36,000
add: Income from other sources Interest on deposit with Bank			Rs 7,240
Gross Income			Rs 43,240
less: Deduction under section 80C - LIC	Rs 3,000		
PF -	2,500		
NSC -	1,100		
Qualifying amount	Rs 6,600		
First Rs.6000 @100%	6,000		
Balance Rs.600 @50%	300	6,300	
U/s.80L Interest on deposit with Bank		7,000	Rs 13,300
Total Income:			Rs 29,940
Tax Payable			Rs 2,882

NOTE: Tax paid - Advance Tax (1) 15. 9.89	560	
(2) 15.12.89	840	
(3) 13. 3.90	1,400	
	2,800	
Tax deducted at source	1,980	
	4,780	
less: Tax payable	2,882	
Refund due:	Rs 1,898	

SALARY INCOME

Example 2

For computing taxable income under the head "Salaries" during the financial year ending on 31.3.1991

Assessment year 1991-92

The estimated annual salary of an employee			
(1) Salary Rs.3,500x12			Rs 42,000
(2) Children educational allowance paid by the employer @Rs.100.00 for three children on the employee, i.e. Rs.100 p.m. x 12 months x 3		Rs 3,600	
less: Amount exempt u/s.10(14)(ii) r/w Notification no.S.O.144 (E) dt.21.2.1989 @Rs.50 per month per child upto a max. of two children, i.e.Rs.50 p.m. x 12 months x 2		1,200	2,400
(3) Perquisite in respect of rent free furnished accommodation determined in accordance with rule 3(a).			4,080
Base for deduction under section 16			48,480
less: (1) Standard deduction under section 16(i) @33% of salary of Rs.48,480	Rs 16,160		
Maximum deduction restricted to		12,000	
(2) Deduction under section 16(ii) for profession tax Profession tax deducted @Rs.40 p.m. x 12 months		480	12,480
Estimated annual salary from which tax is to be deducted at source			Rs 36,000
Income-tax chargeable on estimated annual salary of Rs.36,000			Rs 3,400
less: Rebate of (deduction from) income-tax u/s.88			
(a) Life insurance premia paid		Rs 3,500	
(b) Contributions to Provident Fund out of current year's salary		Rs 3,600	
	Total	Rs 7,100	
Deduction @20% of Rs.7,100 from the amount of income-tax			Rs 1,420
Income-tax on estimated annual salary of Rs.36,000		Rs 1,980	
Deduction of tax every month would be (Rs.1980 ÷ 12)			Rs 165
In addition to salary, the employee has the following sources of income:			
1. Estimated annual salary as computed above			Rs 36,000
2. Interest on deposits with Bank			Rs 7,240
Gross Total Income			Rs 43,240
less: Deductions under section 80I (interest on deposits with bank restricted to:			Rs 7,000
Total Taxable Income:			Rs 36,240
Computation of income-tax			
Income-tax chargeable on Rs.36,240			Rs 3,472
less: (1) Rebate of (deduction from) income-tax u/s.88 as computed above in respect of insurance premia ad provident fund		Rs 1,420	
(2) Tax deducted by employer on salary income		Rs 1,980	Rs 3,400
Tax payable on self-assessment, if no advance tax has been paid			Rs 72

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4. See CIT v. Lady Navajibai R.J.Tata 15 ITR 13 (Bom.).
5. Hochstrasser v. Mayes 42 ITR 457 (HL).
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22. CIT v. Pathak 99 ITR 14
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28. Vasudeva v. CIT 142 ITR 826
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32. CIT v. Ajit 165 ITR 90; CIT v. Jamini 176 ITR 127
33. CIT v. Sheppard 48 ITR 237
34. Datar v. CIT 21 ITR 558
35. Indian Overseas Bank v. CIT 66 ITR 270
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38. CIT v. Bombay Burma, ITR 152; Balaji v. CIT 8 ITC 80
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