

Section-6 Residence in India

(15)

Section-6(1)

An individual is said to be Resident in India in any previous year if he satisfies **ANY ONE** of the following **2** **Basic** **Condition**.

- 1) He has been in India during the relevant PY for a total period of **182 days** **OR** **More** or.
- 2) He has been in India during the relevant P.Y for a total period of **60 days** **OR** **more** **AND** **365 days** **OR** **More** in 4 Immediately preceding P.Y.

* Male, Female, Minor, Major, Married, unmarried, Indian Citizen **OR** Foreign Citizen etc.....

**

Condition-1

✓

✗

✓

✗

Condition-2

✗

✓

✓

✗

→ Resident

→ Resident

→ Resident

→ Non-Resident

CRUX :-

Individual India में रहा हो,
कहीं पर भी रहा हो, कैसे भी रहा हो
किसी भी purpose के लिए रहा हो, अगर
कोई भी ek condition में fall कर जाएगा
तो Resident बन जाएगा!!

→ Meaning of Previous Year and Assessment Year Under I. Tax

Year Under I. Tax

↓
Previous year

Section-3



→ previous year Means the year in which income is earned.

→ It may be 12 Month or less than 12 Months

→ P.Y starting from.

• In the 1st year in which business is set up = From the date of set up of Business

• From the Next = From 1st April Year

• P.Y ending to 31st March.

For May 2025 / Sep 2025 / Jan 2026

P.Y = 1/4/2024 - 31/3/25

= 24-25 is applicable

↓
Assessment Year

Section-2(9)



→ A.Y means the year in which Income is chargeable to Tax.

→ It may be always 12 Month

→ A.Y starting from

• 1st April to 31st March

For May 25 / Sep 25 / Jan 26

A.Y = 1/4/25 - 31/3/26

= 25-26 is applicable

o Example:-

Date of Business Set up	Date of Business Commencement	P.Y	A.Y
1/4/2024	1/4/24	1/4/24 - 31/3/25	1/4/25 - 31/3/26
1/4/2024	15/7/24	1/4/24 - 31/3/25	u
15/08/2024	1/10/2024	15/8/24 - 31/3/25	u
1/1/2025	1/3/2025	1/1/25 - 31/3/25	u
31/3/2025	15/4/2025	31/3/25 - 31/3/25	1/4/25 - 31/3/26

Ques: Mr. VG is an Indian citizen, he left India on 25/6/2024 to visit USA to see white House and other places. He return back to India on 01/1/2025. Determine his Residential status for A.Y 25-26.

Note :- Mr. VG left India for the 1st time.

Solution:- Provision of Section-6

• An individual is said to be resident in P.Y if he is :-

a)

b)

• Facts of the question

Mr. VG is an Indian citizen

Conclusion:- As per the provision of Section-6 let's compute R. Status.

Total Period stay in India

$$1/4/2024 - 25/6/2024 = 30 + 31 + 25 = 86 \text{ days.}$$

$$01/1/2025 - 31/3/2025 = 24 + 28 + 31 = 83 \text{ days}$$

$$\text{Total } \underline{169} \text{ days.}$$

Total 169 days in P.Y 2024-25, he does not satisfy Condition-1 since less than 182 days, but he satisfied Condition 2nd since 60 days \textcircled{a} More (i.e 169 days) and 365 days \textcircled{a} More in last 4 years since he left 1st time. So, Mr. VG is Resident in India.

Ques:- Mr. VG is a Foreign citizen, he visit in India during the P.Y 24-25 as follows:-

visit in India

Left India

28/7/2024

-

01/9/2024

15/9/2024

-

15/12/2024

01/1/2025

-

31/3/2025

His total stay in last 4 P.Y = 360 days.

Determine R.S For A.Y 25-26?

Solution :- Computation of NO. of days stay in India

$$a) 28/7/2024 - 8/9/24 = 4 + 31 + 8 = 43 \text{ days}$$

$$b) 15/9/2024 - 15/12/24 = 16 + 31 + 30 + \cancel{31} + \cancel{36} + 15 = 154 \text{ days } 92 \text{ days}$$

$$c) 8/1/25 - 31/3/25 = 24 + 28 + 31 = 83 \text{ days}$$

218 days

Mr. V.G. is Resident since he satisfy 1st condition of Section-6(1).

Ques :- Mr. James is a foreign citizen. He visit in India for 100 days every year. Determine his Residential status

Solution :- 2nd Condition satisfied Mr. James is Resident.