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Unlocking Tax Benefits: The Income Tax Declaration Scheme 2016

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Abstract: The Income Tax Declaration Scheme 2016, introduced by the government, aimed to provide an opportunity for individuals and entities to disclose their undisclosed income and assets and pay the corresponding tax and penalties. This scheme acted as a means to bring undisclosed income into the formal economy and improve tax compliance. The scheme provided an attractive platform for taxpayers to come forward and voluntarily disclose their undisclosed income, as the government offered various benefits and immunities in return. These benefits included immunity from prosecution, immunity from certain indirect taxes, and a reduced penalty rate. This scheme also allowed individuals to declare assets, including cash, bank deposits, immovable properties, jewellery, shares, and more. By doing so, taxpayers could regularize their undisclosed income and assets and avoid legal consequences.

This paper briefly highlights the purpose and benefits of the Income Tax Declaration Scheme 2016, which aimed to boost tax compliance and encourage individuals to bring their undisclosed income and assets into the formal economy.

Keywords: *ITDS 2016, Tax declaration scheme, voluntary disclosure scheme, Tax amnesty scheme, Black money declaration, tax evasion declaration, Income tax declaration.*

Introduction to the Income Tax Declaration Scheme 2016: What is it and why was it implemented:

The Income Tax Declaration Scheme 2016, also known as the Black Money Declaration Scheme, was an initiative introduced by the Government of India to provide individuals with an opportunity to disclose their undisclosed income and assets and bring them into the legal framework, in return for paying a tax and penalty. This scheme was implemented to tackle the issue of black money, or undisclosed income, which has been a long-standing problem in India. Black money is often accumulated through both legal and illegal means and is kept hidden from the government, thus denying the nation valuable financial resources. It leads to a disparity in the distribution of wealth, hinders economic growth, and affects the overall development of the country. The Income Tax Declaration Scheme 2016 aimed to encourage individuals to voluntarily declare their undisclosed

income and assets by providing them a window of opportunity. In doing so, the government intended to bring more transparency in financial transactions and increase the tax base (Cleartax, 2021).

The scheme allowed individuals to disclose their undisclosed income by filing a declaration and paying the applicable tax and penalty. In return, they would receive immunity from prosecution under various tax and economic laws. The scheme provided an opportunity for individuals to rectify their past mistakes by regularizing their undisclosed income and assets (Das, 2023).

By implementing this scheme, the government sought to unearth black money, generate additional tax revenue, and promote a culture of tax compliance among the citizens. It also aimed to deter future tax evasion and increase the tax-GDP ratio, which would contribute to the overall economic growth of the country (PIB, 2021).

Overall, the Income Tax Declaration Scheme 2016 was introduced as an amnesty scheme to provide individuals with a chance to come clean about their undisclosed income and assets and contribute to the nation's development by fulfilling their tax obligations.

Eligibility criteria for taxpayers to avail the benefits of the scheme:

The Income Tax Declaration Scheme 2016, commonly referred to as the Income Tax Amnesty Scheme, provided an opportunity to taxpayers to declare their undisclosed income and assets and settle their tax liabilities (PIB, 2016). To avail the benefits of this scheme, taxpayers had to meet certain eligibility criteria:

- 1. Resident and non-resident individuals, Hindu undivided families, companies, firms, and various other categories of taxpayers were eligible to participate in the scheme.
- 2. The scheme was applicable to undisclosed income and assets held in India or abroad for any assessment year prior to the financial year 2016-17.
- 3. It covered taxable income that has not been disclosed under the Income Tax Act, and assets that have not been reported for taxation purposes.
- 4. The scheme provided relief for cases involving income or assets that were previously undisclosed, subject to the payment of taxes, surcharge, and penalty. The penalty rate varied depending on the nature of the undisclosed income or assets.
- 5. Taxpayers who had been issued a notice under the Income Tax Act for assessment, reassessment, or any other proceedings were also eligible to avail the benefits of the scheme, subject to certain conditions.
- 6. However, the scheme did not cover cases where prosecution proceedings were initiated under the Income Tax Act or other related criminal laws.
- 7. Taxpayers who opted for the scheme were required to make a declaration of their undisclosed income or assets on or before the specified due date, which was announced by the government.

It is important to note that the eligibility criteria for the Income Tax Declaration Scheme 2016 may change or be updated by the government from time to time. Therefore, it is advised to refer to the official announcements and guidelines issued by the relevant authorities for the most accurate and up-to-date information.

Key features of the Income Tax Declaration Scheme 2016:

The Income Tax Declaration Scheme 2016, also known as the Income Declaration Scheme (IDS), was introduced by the Indian government to provide an opportunity for individuals and businesses to disclose their undisclosed income, pay the required tax on it, and legalize their assets (Kushwaha, 2020). Here are the key features of the Income Tax Declaration Scheme 2016:

- 1. Objective: The main objective of the scheme is to bring undisclosed income and assets into the formal economy and boost tax collection in the country. It aims to provide a lawful way for taxpayers to disclose previously concealed assets and income.
- 2. Applicability: The scheme is applicable to individuals, firms, companies, trusts, etc., who have undisclosed income or assets accumulated until the financial year 2015-2016.
- 3. Timeframe: The scheme was open for declarations from June 1, 2016, until September 30, 2016. Declarations had to be furnished within this timeframe.
- 4. Tax Rate and Penalty: Under the scheme, a flat rate of 30% tax was levied on the undisclosed income declared. Additionally, a penalty of 25% of the tax amount was imposed, totaling 45% of the declared income. However, no interest or any other penalty was charged.
- 5. Immunity from Prosecution: Individuals availing the scheme were granted immunity from prosecution under various taxation acts and laws. This protected them from being penalized or pursued legally for non-compliance of tax laws.
- 6. Confidentiality: The declarations made under the scheme were kept confidential and were not used as evidence for any purpose under any statute or act, except for prosecuting a person for giving false information.
- 7. Payment of Tax and Penalty: The tax and penalty amount were required to be paid within a specific timeframe provided by the scheme. The payment could be made in installments with the last installment being due on or before September 30, 2017.
- 8. Non-Availability of Foreign Assets: The scheme did not provide any immunity for undisclosed foreign assets or income derived from such assets. Taxpayers were required to disclose such assets separately under the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015.
- 9. Declarations under other Acts: Declarations filed under the Wealth Tax Act, 1957, and Benami Transactions (Prohibition) Act, 1988 were not eligible under this scheme.
- 10. Non-Applicability to Certain Cases: The scheme was not applicable to certain categories of cases, such as inquiries or proceedings related to a search or seizure, cases prosecuted for offenses under specified acts, etc.

It is important to note that the key features mentioned above are based on the information available at the time of writing and may be subject to updates or revisions. It is advised to consult with a tax professional or refer to the relevant government notifications for the latest and accurate details.

Understanding the difference between declared income and undisclosed income:

The Income Tax Declaration Scheme 2016 was introduced by the Government of India as a one-time opportunity for individuals and organizations to declare their undisclosed income and assets and bring them into the tax net. It aimed to provide a way for taxpayers to regularize their past tax non-compliance by paying taxes, penalties, and surcharges. In this context, it is important to understand the difference between declared income and undisclosed income (india.gov.in, 2018).

Declared income refers to the income that a taxpayer voluntarily reports to the tax authorities while filing their tax returns. This includes income earned from various sources such as salary, business profits, rental income, capital gains, and interest income. Declared income is backed by proper documentation, such as salary slips, bank statements, invoices, receipts, and any other relevant documents required by the tax authorities (PWC, 2023).

Undisclosed income, on the other hand, refers to income that has not been reported or disclosed to the tax authorities. This income may have been earned through various means, such as illegal activities, under-reporting of income, not maintaining proper books of accounts, tax evasion, or any other form of non-compliance with tax laws. Undisclosed income is typically hidden from the tax authorities, and there is a lack of documentation supporting its existence (Taxmann, 2023).

The Income Tax Declaration Scheme 2016 primarily focused on the disclosure of undisclosed income. Taxpayers were allowed to declare their undisclosed income for the specified period and pay tax on it at a reduced rate along with penalties and surcharges. This provided a chance for taxpayers to come clean and regularize their tax affairs. It is important to note that declaring undisclosed income under this scheme is a voluntary act, and taxpayers who fail to disclose their undisclosed income may face severe penalties, including prosecution, if the tax authorities later discover it (Kapoor, 2019).

Thus, the Income Tax Declaration Scheme 2016 aimed to encourage taxpayers to disclose their undisclosed income and assets to the tax authorities. This scheme provided a way to regularize tax non-compliance, ensuring that taxpayers pay their fair share of taxes and promoting transparency in the tax system (Emmanuel Mathias, 2023).

Process of declaring undisclosed income under the scheme:

Under the Income Declaration Scheme (IDS), which was introduced by the Indian government in 2016, taxpayers were given an opportunity to declare their undisclosed income and assets and pay the required taxes and penalties on them. The scheme provided a chance for people with undisclosed income to come forward and become compliant with the income tax laws of the country (PaisaBazar, 2022). Here is the process of declaring undisclosed income under the Income Tax Declaration Scheme 2016:

1. Understanding the scheme: First and foremost, it is important to understand the provisions of the Income Declaration Scheme 2016. This includes the eligibility criteria, the time limit for filing declarations, the tax rates, and the penalty charges applicable.

- 2. Preparation of the declaration: Take stock of all your undisclosed income and assets, including those held outside of India, and calculate the total amount. This would include any income or assets that were not reported or wrongly claimed in previous tax returns.
- 3. Paying the taxes and penalties: Calculate the tax liability on the undisclosed income as per the rates specified under the scheme. Additionally, a penalty of 25% would be charged on the declared income. Accordingly, make the payment of taxes and penalties using the designated forms and procedures.
- 4. Filing the declaration: After paying the taxes and penalties, file the declaration of undisclosed income using Form-1 under the Income Declaration Scheme 2016. The form needs to be submitted online on the income tax department's e-filing portal within the specified time limit.
- 5. Acknowledgment and verification: Once the declaration is filed, an acknowledgment will be generated by the income tax department. Preserve this acknowledgment for future reference and verification purposes.
- 6. Payment of outstanding taxes and penalties: If there are any outstanding taxes or penalties after filing the declaration, make sure to pay them within the specified time limit. Failure to do so may result in disqualification under the Income Declaration Scheme.
- 7. Confidentiality and immunity: The information provided under the Income Declaration Scheme 2016 is kept confidential and cannot be used for any other purpose, including prosecution. Moreover, the declarations made under the scheme are immune from wealth tax, civil, and criminal proceedings related to the undisclosed income and assets.

It is important to note that the specifics of the process may vary from case to case, and it is advisable to consult with a tax advisor or chartered accountant for accurate guidance and compliance with the scheme.

Benefits and advantages for taxpayers who take advantage of the scheme:

The Income Tax Declaration Scheme (ITDS) 2016, introduced by the government, offers several benefits and advantages to taxpayers who choose to participate (Surana, 2023). Here are some key advantages:

- 1. Reduced penalties: Under the ITDS, taxpayers have the opportunity to declare undisclosed income and assets and pay the applicable taxes. By doing so, they can avoid hefty penalties and prosecuting actions that may be imposed if they are caught in the future.
- 2. Confidentiality: The ITDS ensures strict confidentiality of the declarations made by taxpayers. Information disclosed under this scheme is not shared with any other law enforcement agency or department, ensuring that the taxpayer's privacy is preserved.
- 3. Immunity from prosecution: Participating taxpayers are granted immunity from prosecution under various tax laws for the disclosed income and assets. This provides reassurance to individuals who may have undisclosed income, encouraging them to come forward and regularize their tax affairs.
- 4. Peace of mind: One of the main advantages of the ITDS is the peace of mind it offers to taxpayers. By declaring their undisclosed income and assets, individuals can rectify any past non-compliance and start on a clean slate, knowing that they have fulfilled their tax obligations.

- 5. Regularization of past filings: The scheme allows taxpayers to rectify any past mistakes or omissions in their tax filings by disclosing previously undisclosed income or assets. This enables individuals to update their tax records accurately and ensures compliance with tax laws and regulations.
- 6. Better financial planning: By participating in the ITDS, taxpayers can better plan their finances for the future. Regularizing their tax affairs allows individuals to accurately assess their tax liabilities and plan for the payment of taxes in a structured manner, avoiding surprises and penalties in the long run.
- 7. Improved creditworthiness: For individuals or businesses who may need credit facilities, participation in the ITDS can be beneficial. By disclosing previously undisclosed income and paying the applicable taxes, individuals can demonstrate their compliance with tax laws, which can enhance their creditworthiness in the eyes of financial institutions.
- 8. Contribution to national development: The ITDS contributes to the development of the nation by increasing tax compliance. The additional taxes collected through voluntary disclosures can be used for various developmental projects, infrastructure development, and welfare programs initiated by the government.

Overall, the Income Tax Declaration Scheme 2016 provides taxpayers with a golden opportunity to rectify past non-compliance, avoid penalties, gain peace of mind, and improve their financial standing while contributing to the nation's growth.

How the Income Tax Declaration Scheme 2016 aims to reduce tax evasion:

The Income Tax Declaration Scheme 2016 is a government initiative that aims to reduce tax evasion by providing an opportunity for individuals and businesses to voluntarily disclose their undisclosed income and assets. The scheme was introduced to bring undisclosed income into the regular tax system and promote a culture of compliance among taxpayers (DepartmentofRevenueCentralBoardofDirectTaxes, 2017). Here are some ways the scheme helps reduce tax evasion:

- Voluntary disclosure: The scheme allows taxpayers to voluntarily declare their undisclosed income, assets, and liabilities by paying the applicable tax, surcharge, and penalty. By providing this opportunity, the government encourages taxpayers to come forward and disclose their undisclosed income rather than face stricter penalties and prosecution in the future.
- 2. Limited scrutiny: Under the scheme, the declared income is subject to limited scrutiny by the income tax department. This means that the provisions of regular scrutiny, inquiry, and prosecution for the disclosed income are waived off. Taxpayers who make valid declarations are granted immunity from prosecution under various tax laws.
- 3. Confidentiality: The government assures strict confidentiality for the information disclosed under the scheme. The details provided by taxpayers are not shared with any other law enforcement agency or department. This confidentiality encourages taxpayers to come forward without fear of their information being misused.
- 4. Enhanced revenue: By encouraging taxpayers to disclose their undisclosed income, the scheme helps the government generate additional revenue. The tax collected under the scheme can be utilized for

various developmental activities, infrastructure projects, and social welfare initiatives, benefitting the overall economy.

5. Deterrent effect: The Income Tax Declaration Scheme 2016 acts as a deterrent for taxpayers who may be considering tax evasion. With the knowledge that the government is actively pursuing undisclosed income, taxpayers are more likely to comply with tax laws and report their income accurately, reducing the overall instances of tax evasion.

Overall, the Income Tax Declaration Scheme 2016 aims to create an environment of voluntary tax compliance and reduce tax evasion by providing taxpayers with a transparent and lenient opportunity to disclose their undisclosed income and assets.

Potential impact of the scheme on the Indian economy:

The Income Tax Declaration Scheme 2016, also known as the Income Disclosure Scheme, had the potential to have a significant impact on the Indian economy (TheEconomicTimes, 2016). Here are some of the potential impacts of the scheme:

- Increased tax compliance: The scheme aimed to encourage taxpayers to declare their undisclosed income
 and assets and pay the necessary taxes and penalties. This would ultimately lead to increased tax
 compliance and a broader tax base. It would help the government collect more revenue and address the
 issue of tax evasion.
- 2. Revenue generation: The scheme provided an opportunity for individuals and businesses to come forward and disclose their undisclosed income without facing severe penalties or legal consequences. This would generate additional revenue for the government, which could be used for various developmental projects and infrastructure initiatives.
- 3. Reduction in black money: Black money refers to undeclared income or assets that are held in cash or other unaccounted forms. The Income Tax Declaration Scheme aimed to bring these undeclared assets into the formal economy by offering a one-time opportunity to declare and regularize them. By reducing the circulation of black money, the scheme could curb corruption and increase transparency in financial transactions.
- 4. Enhanced macroeconomic stability: The declaration of undisclosed income and its subsequent regularization would contribute to improved macroeconomic stability. It would reduce the presence of unaccounted money and promote greater transparency in financial transactions, leading to a healthier and more stable economic environment.
- 5. Increased investment and economic growth: By addressing the issue of undisclosed income and reducing tax evasion, the scheme could enhance investor confidence in the economy. This increased confidence could lead to higher levels of investment, both domestic and foreign, driving economic growth and creating employment opportunities.
- 6. Strengthened financial institutions: The scheme necessitated individuals to make their declarations through banking channels, which would enhance the role of financial institutions in the economy. This would help strengthen the banking system and improve the overall efficiency of financial transactions.

While the potential impact of the Income Tax Declaration Scheme 2016 appeared promising, its actual outcomes would depend on the level of participation and the extent of undisclosed income that was declared and regularized.

Comparison with previous income declaration schemes and assessment of their effectiveness:

The Income Tax Declaration Scheme 2016 was introduced by the Indian government with the aim of allowing individuals to declare their undisclosed income and assets and pay taxes on them without any fear of prosecution. This scheme, also known as the Black Money Scheme, aimed to bring unaccounted funds into the formal economy and generate revenue for the government. However, this was not the first income declaration scheme launched by the government. In this article, we will compare the Income Tax Declaration Scheme 2016 with the previous income declaration schemes and assess their effectiveness (LegalWindow, 2023).

According to (PTI, 2016) the first income declaration scheme was introduced in 1997 by the then government led by Prime Minister Atal Bihari Vajpayee. This scheme, known as the 'Voluntary Disclosure of Income Scheme' (VDIS), aimed to bring back unaccounted money held by Indians abroad. The scheme allowed individuals to declare their undisclosed income and assets by paying taxes at a rate of 30%, without the fear of any scrutiny or prosecution. In return, the government promised immunity from prosecution for the declarants.

The VDIS scheme was highly successful, with an estimated amount of Rs. 10,000 crores being declared, which resulted in nearly Rs. 9,600 crores in taxes being generated. However, the success of this scheme was short-lived as it was followed by two more income declaration schemes in 1998 and 2015, which did not garner as much response from the taxpayers (BusinessStandard, 2024).

According to (De, 2023) the next income declaration scheme was the 'Income Declaration Scheme' (IDS) introduced by the government in 1998. Under this scheme, individuals were allowed to declare their undisclosed income by paying taxes at a rate of 35%. Unlike the VDIS, this scheme did not provide immunity from prosecution, which led to a lower response from the taxpayers. The IDS generated only Rs. 4,500 crores in taxes, which was lower than the expected amount of Rs.10,000 crores.

In 2015, the government launched the 'Black Money and Imposition of Tax Act' which allowed individuals to declare their undisclosed foreign assets and pay taxes at a rate of 30%. This scheme was called the 'Black Money Scheme' and it resulted in the declaration of Rs. 71,300 crores in assets, which generated about Rs. 2,500 crores in taxes (PIB, 2021).

Now, coming back to the Income Tax Declaration Scheme 2016, it was introduced against the backdrop of the government's crackdown on black money. The main difference between this scheme and the previous ones was the tax rate. Under this scheme, individuals were required to pay taxes at a rate of 30% along with a penalty of 7.5%. However, unlike the VDIS, the immunity from prosecution was not provided, which may have deterred some individuals from coming forward (GANDHI, 2016).

In terms of the response from taxpayers, the Income Tax Declaration Scheme 2016 was quite successful, with about Rs. 67,382 crores being declared, resulting in nearly Rs. 30,000 crores in taxes being generated. This was the highest amount generated by any income declaration scheme till date. However, this amount was still lower than the government's expected target of Rs. 1 lakh crore (PTI, 2016).

One of the reasons for the success of the Income Tax Declaration Scheme 2016 can be attributed to the stricter measures taken by the government to track down and penalize tax evaders. The introduction of initiatives like the Benami Transactions Act and the demonetization drive played a crucial role in encouraging individuals to come forward and declare their undisclosed income (PTI, 2018).

Thus, it can be said that the Income Tax Declaration Scheme 2016 was more effective compared to the previous income declaration schemes. However, there is still scope for improvement in terms of generating more revenue for the government. The government should also focus on implementing stricter measures to curb the generation of black money in the future. The success of such schemes not only benefits the government by generating revenue but also helps in creating a cleaner and more transparent economy (Gale, 2014).

Challenges and criticisms of the Income Tax Declaration Scheme 2016:

The Income Tax Declaration Scheme 2016, also known as the Income Declaration Scheme (IDS), was introduced by the Indian government as an opportunity for taxpayers to declare undisclosed income and assets and regularize their tax obligations (Sharma, 2016). While the scheme aimed to bring in unaccounted wealth into the formal economy and increase tax revenues, it faced several challenges and criticisms.

- 1. Low participation rate: One of the major challenges faced by the IDS was the low participation rate. Despite offering benefits like reduced penalties and immunity from prosecution, many taxpayers chose not to come forward and declare their undisclosed income. This could be attributed to a lack of trust in the government's ability to maintain confidentiality and concerns about potential future scrutiny.
- 2. Limited scope and time frame: Another criticism of the IDS was its limited scope and time frame. The scheme provided only one opportunity for taxpayers to declare their undisclosed income with a narrow window of time. This restricted the number of taxpayers who could take advantage of the scheme, as they may not have been aware of its existence or did not have sufficient time to compile their financial information.
- 3. High effective tax rate: The IDS imposed a fairly high effective tax rate of 45% on the declared undisclosed income. This rate, combined with the additional surcharge and penalty, was considered steep by some taxpayers, which discouraged them from participating in the scheme.
- 4. Lack of clarity and complexity: The overall complexity of the IDS and lack of clarity in its provisions also posed a challenge. Taxpayers found it difficult to understand the various aspects of the scheme, such as the calculation of penalties, time limits, and the process of declaring income and paying taxes. This resulted in confusion and deterred potential participants.

- 5. Strain on tax administration: The IDS put a significant strain on the tax administration system, as it required the processing of a large number of declarations within a limited period. This led to delays in processing, backlogs, and potential errors in handling the declaration process.
- 6. Inadequate deterrence effect: Critics argued that the IDS failed to create a sufficient deterrence effect to discourage future tax evasion. The scheme's lenient penalties and immunity provisions might have signalled to taxpayers that they could declare their undisclosed income at a later date, prompting them to postpone voluntary compliance.

Thus, while the Income Tax Declaration Scheme 2016 aimed to tackle the issue of undisclosed income and assets, it faced challenges and criticisms like low participation rates, limited scope, high effective tax rate, complexity, strain on tax administration, and inadequate deterrence. These factors highlight the need for comprehensive tax reforms and efforts to build trust and simplicity in the tax system.

Conclusion:

In conclusion, the Income Tax Declaration Scheme 2016 was an initiative introduced by the Government of India to provide taxpayers with an opportunity to declare their undisclosed income and assets, and come clean by paying the necessary taxes and penalties. The scheme aimed to tackle the issue of black money by providing a one-time window for individuals to disclose their undisclosed income and assets and bring them into the mainstream economy. One of the key advantages of the scheme was that it allowed taxpayers to pay a reduced tax rate on the undisclosed income and assets without any penalty or prosecution. This incentivized individuals to come forward and declare their undisclosed income without fear of legal consequences. The scheme also offered confidentiality to the declarants, ensuring that the information provided by them would not be shared with any other authority for any other purpose.

Another important aspect of the scheme was the provision for payment of taxes and penalties in installments, making it easier for individuals to fulfill their tax obligations. The Income Tax Declaration Scheme 2016 received a positive response from taxpayers, with a significant number of individuals taking advantage of the scheme to regularize their undisclosed income and assets.

Overall, the scheme played a crucial role in bringing undeclared income and assets into the tax net, thereby contributing to the government's efforts to reduce the prevalence of black money in the economy. It provided individuals with a chance to rectify their past non-compliance and become responsible taxpayers.

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