

## India - Information on residency for tax purposes

### Section I – Criteria for Individuals to be considered a tax resident

In India, Fiscal year starts from 1<sup>st</sup> April and ends on 31<sup>st</sup> March.

For individual, tax residency is decided on the basis of number of days stayed in India. Generally, an individual is said to be resident in India in a fiscal year, if he is in India for more than 182 days in India.

The relevant section is **Section 6** of the Income Tax Act,1961 to determine residency in India. In case of any doubt, please refer to

<http://www.incometaxindia.gov.in/Pages/acts/income-tax-act.aspx>

### Section II – Criteria for Entities to be considered a tax resident

There is different criterion for different type of entities.

A company is said to be resident in India in any previous year, if—

(i) it is an Indian company ; or

(ii) during that year, the control and management of its affairs is situated wholly in India (*A statutory amendment seeking change of this condition to place of effective management in India has been approved by the Parliamentary and is awaiting ratification*).

A Hindu undivided family (HUF), partnership firm or other association of persons is said to be resident in India in any previous year in every case except where during that year the control and management of its affairs is situated wholly outside India.

Any other type of entity is said to be resident in India in any previous year in every case, except where during that year the control and management of his affairs is situated wholly outside India.

There is a unique concept of “not ordinarily resident” in India which can be referred to Section 6 of the Income Tax Act.

<http://www.incometaxindia.gov.in/Pages/acts/income-tax-act.aspx>

### Section III – Entity types that are as a rule not considered tax residents

There are no such entities which as a rule are not considered as tax resident.

### Section IV – Contact point for further information

There is no such contact point. In case of any doubt, the taxpayer may contact their assessing offer (AO). To know your AO, please check

<https://incometaxindiaefiling.gov.in/e-Filing/Services/KnowYourJurisdictionLink.html>