

Rule 12

Return of income and return of fringe benefits

12. (1) The return of income required to be furnished under sub-section (1) or sub-section (3) or sub-section (4A) or sub-section (4B) or sub-section (4C) or sub-section (4D) or sub-section (4E) or sub-section (4F) of section 139 or clause (i) of sub-section (1) of section 142 or section 148 or section 153A relating to the assessment year commencing on the 1st day of April, 2024 shall, -

“(a) in the case of a person being an individual who is a resident other than not ordinarily resident and where the total income includes income chargeable to income tax, under the head,-

- (i) “Salaries” or income in the nature of family pension as defined in the Explanation to clause (iia) of section 57; or
- (ii) “Income from house property”, where assessee does not own more than one house property and does not have any brought forward loss or loss to be carried forward under the head; or
- (iii) “Income from other sources”, except winnings from lottery or income from race horses and does not have any loss under the head, be in Form SAHAJ (ITR-I) and be verified in the manner indicated therein;

Provided that the provisions of this clause shall not apply to a person who,-

- (I) has assets (including financial interest in any entity) located outside India;
- (IA) has signing authority in any account located outside India;
- (IB) has income from any source outside India;
- (IC) has income to be apportioned in accordance with provisions of section 5A;
- (ID) has claimed deduction under section 57, other than deduction claimed under clause (iia) thereof;
- (IE) is a director in any company;
- (IF) has held any unlisted equity share at any time during the previous year;
- (IG) is assessable for the whole or any part of the income on which tax has been deducted at source in the hands of a person other than the assessee;
- (II) has claimed any relief of tax under section 90 or 90A or deduction of tax under section 91;
- (III) has agricultural income, exceeding five thousand rupees.
- (IV) has total income, exceeding fifty lakh rupees;
- (V) has income taxable under section 115BBDA;
- (VI) has income of the nature referred to in section 115BBE;
- (VII) is a person in whose case tax has been deducted under section 194N; or

(VIII) is a person in whose case payment or deduction of tax has been deferred under sub-section (2) of section 191 or sub-section (1C) of section 192;”;

(c) in the case of a person being an individual [not being an individual to whom clause (a) applies] or a Hindu undivided family where the total income does not include income under the head business or profession, be in Form No. ITR-2 and be verified in the manner indicated therein;

(ca) in the case of a person being an individual or a Hindu undivided family, who is a resident other than not ordinarily resident, or a firm, other than limited liability partnership firm, which is a resident, deriving income under the head “Profits or gains of business or profession” and such income is computed in accordance with special provisions referred to in section 44AD, section 44ADA and section 44AE of the Act for computation of such income, be in Form SUGAM (ITR-4) and be verified in the manner indicated therein:

Provided that the provisions of this clause shall not apply to a person who,-

(I) has assets (including financial interest in any entity) located outside India;

(IA) has signing authority in any account located outside India;

(IB) has income from any source outside India;

(IC) has income to be apportioned in accordance with provisions of section 5A;

(ID) is a director in any company;

(IE) has held any unlisted equity share at any time during the previous year;

(IF) has total income, exceeding fifty lakh rupees;

(IG) owns more than one house property, the income of which is chargeable under the head “Income from house property”;

(IH) has any brought forward loss or loss to be carried forward under any head of income;

(IJ) is assessable for the whole or any part of the income on which tax has been deducted at source in the hands of a person other than the assessee;

(II) has claimed any relief of tax under section 90 or 90A or deduction of tax under section 91;

(III) has agricultural income, exceeding five thousand rupees.

(IV) has income taxable under section 115BBDA; or

(V) has income of the nature referred to in section 115BBE;

(VI) has income of the nature specified in clause (vi) of sub-section (2) of section 17 on which tax is payable or deductible, as the case may be, under sub-section (2) of section 191 or sub-section (1C) of section 192;.”

(d) in the case of a person being an individual or a Hindu Undivided family other than the individual or Hindu Undivided family referred to in clause (a) or clause (c) or clause (ca) and having income under the head business or profession, be in Form No. ITR-3 and be verified in the manner indicated therein;

(e) in the case of a person not being an individual or a Hindu Undivided family or a company or a person to which clause (g) applies, be in Form No. ITR-5 and be verified in the manner indicated therein;

(f) in the case of a company not being a company to which clause (g) applies, be in Form No. ITR-6 and be verified in the manner indicated therein;

(g) In the case of a person including a company whether or not registered under section 25 of the Companies Act, 1956 (1 of 1956), required to file a return under sub-section (4A) or sub-section (4B) or sub-section (4C) or sub-section (4D) of section 139, be in Form No. ITR-7 and be verified in the manner indicated therein;

(2) The return of income required to be furnished in Form SAHAJ (ITR-1) or Form No. ITR-2 or Form No. ITR - 3 or Form SUGAM (ITR-4) or Form No. ITR-5 or Form No. ITR -6 [or Form No. ITR-7] shall not be accompanied by a statement showing the computation of the tax payable on the basis of the return, or proof of the tax, if any, claimed to have been deducted or collected at source or the advance tax or tax on self-assessment, if any, claimed to have been paid or any document or copy of any account or form or report of audit required to be attached with the return of income under any of the provisions of the Act.

[Provided that where an assessee is required to furnish a report of audit specified under sub-clause (iv), (v), (vi) or (via) of clause (23C) of section 10, section 10A, section 10AA, clause (b) of sub-section (1) of section 12A, section 44AB, section 44DA, section 50B, section 80-IA, section 80-IB, section 80-IC, section 80-ID, section 80JJAA, section 80LA, section 92E, section 115JB, section 115JC or section 115VW [or to give a notice under clause (a) of sub-section (2) of section 11] of the Act, he shall furnish the same electronically.]

(3) The return of income referred to in sub-rule (1) shall be furnished by a person mentioned in column (ii) of the Table below to whom the conditions specified in column (iii) apply, in the manner specified in column (iv) thereof:-

Table

Sl. No	Person	Condition	Manner of furnishing return of income
(i)	(ii)	(iii)	(iv)
1	Individual or Hindu undivided family	(a) Accounts are required to be audited under section 44AB of the Act;	(A) Electronically under digital signature; or (B) Transmitting the data electronically in the return under electronic verification code;
		(b) Where total income assessable under the Act during the previous year of a person, being an individual of the age of eighty years or more at any time during the previous year, and who furnishes the return in Form number SAHAJ (ITR-1) or Form number SUGAM (ITR-4).	(A) Electronically under digital signature; or (B) Transmitting the data electronically in the return under electronic verification code; or (C) Transmitting the data in the return electronically and thereafter submitting the verification of the

			return in Form ITR-V; or (D) Paper form;
		(c) In any other case	(A) Electronically under digital signature; or (B) Transmitting the data electronically in the return under electronic verification code; or (C) Transmitting the data in the return electronically and thereafter submitting the verification of the return in Form ITR-V;
2	Company	In all cases	Electronically under digital signature.
3	A person required to furnish the return in Form ITR-7	(a) In case of a political party;	Electronically under digital signature;
		(b) In any other case	(A) Electronically under digital signature; or (B) Transmitting the data in the return electronically under electronic verification code; or (C) Transmitting the data in the return electronically and thereafter submitting the verification of the return in Form ITR-V.
4	Firm or limited liability partnership or any person (other than a person mentioned in Sl. 1 to 3 above) who is required to file return in Form ITR-5	(a) Accounts are required to be audited under section 44AB of the Act;	Electronically under digital signature;
		(b) In any other case.	(A) Electronically under digital signature; or (B) Transmitting the data in the return electronically under electronic verification code; or (C) Transmitting the data in the return electronically and thereafter submitting the verification of the return in Form ITR-V.

Explanation.- For the purposes of this sub-rule “electronic verification code” means a code generated for the purpose of electronic verification of the person furnishing the return of income as per the data structure and standards specified by Principal Director General of Income-tax (Systems) or Director General of Income-tax (Systems).

(4) The Principal Director-General of Income-tax (Systems) or Director-General of Income-tax (Systems) shall specify the procedures, formats and standards for ensuring secure capture and transmission of data and shall also be responsible for evolving and implementing appropriate security, archival and retrieval policies in relation to furnishing the returns in the manners (other than the paper form) specified in column (iv) of the Table in sub-rule (3) and the report of audit or notice in the manner specified in proviso to sub-rule (2).

(5) Where a return of income, relates to the assessment year commencing on the 1st day of April, 2023 or any earlier assessment year, it shall be furnished in the appropriate form as applicable in that assessment year.