

FINANCE ACT, 2020

New Section 115BAC and Income Tax Slabs

Option to employee - Old and New Tax Regime

New Section 115BAC has provided an option to the individual to opt for the new tax regime and forego their claim to several exemptions under Section 10 and Section 16, and deductions under Section 24 and Chapter VIA. This means that an individual can pick and choose between the two tax regimes every financial year, post analyzing which regime is more beneficial.

An employee intending to opt for the new tax regime may submit a declaration to the employer, basis which, the employer is required to compute his taxable income and TDS thereon, as per the provisions of Section 115BAC of the Act

In the absence of any declaration by the employee, TDS would be computed as per the existing old regime, basis the regular declaration of investments provided by the employee.

Tax Regime (New / Old), once opted by the employee is not liable to be modified during that year. However, the employee would be allowed to update or change the tax regime at the time of filing tax return in the prescribed manner.

Since the final option has to be exercised while filing the return of income, declaration to employer would not amount to exercising the option for the purposes of filing return of income and the option at the time of filing return can be different than the declaration made to the employer

Comparative Income Tax Slabs

Basic Income Tax Slabs

Income Slab from	Income Slab to	Old Tax Regime (%)	New Tax Regime (%)
2,50,000	5,00,000	5	5
5,00,001	7,50,000	20	10
7,50,001	10,00,000	20	15
10,00,001	12,50,000		20
12,50,001	15,00,000	30	25
Greater than	15,00,000		30

Surcharge is levied as below

Annual Income	Rate of Surcharge %
upto Rs 50 lakhs	NIL
Above Rs 50 lakhs and upto Rs. 1 crore	10%
Above Rs 1 crore and upto Rs. 2 crores	15%
Above Rs 2 crores and upto Rs. 5 crores	25%
Above Rs 5 crores	37%

Rebate Under Section 87A:

Individuals having income upto Rs. 5,00,000 shall be allowed a rebate of Rs. 12,500 or tax payable whichever is lower.

<u>Health and Education Cess:</u>

4% of total tax payable including surcharge. Cess is payable at all levels of income.





Ineligible Exemptions / Deductions under New Tax Regime

Once an individual opts to be assessed to tax as per the lower rates of tax under the New Regime, the following exemptions / deductions shall be withdrawn and added back to the Net Taxable income:

Exemption U/s 10

- Leave travel concession u/s 10(5);
- House rent allowance u/s 10(13A)
- Allowance u/s 10(14) like Children Education Allowance, Hostel Allowance, Uniform Allowance etc except those allowances granted to meet the expenditure in performance of duties of an office

Deduction U/s 16: Standard deduction and deduction for Professional tax

Deduction U/s 24:

- Interest on Loan in respect of self-occupied or vacant property
- Set-off of Loss under the head Income from house property for let-out Property

Any deduction under chapter VIA except 80CCD(2) i.e. Employer Contribution to NPS

like section 80C, 80CCC, 80CCD, 80D, 80DD, 80DDB, 80E, 80EE, 80EEA, 80EEB, 80G, 80GG, 80GGA, 80GGC, 80IA, 80-IAB, 80-IAC, 80-IBA, etc

Chapter VIA deduction including your investment in PF, PPF, NSC, ELSS, Insurance Premium etc. are not eligible under the New Tax Regime

Meal Card (Rule 3)

Exemption in respect of free food and beverage through vouchers provided to the employee

Approach to New Declaration under Dual Tax Regime

Step 1:

Simulate Tax on the ESS, to review the impact of proposed tax investments and the resultant tax outgo under both the Old regime and the New Regime

<u>Click >></u> Main Menu : Tax Simulator

Sub Menu: Simulate Tax

Step 2:

Post review basis the Tax Simulator, submit your Option on the Online Regime Option Page

<u>Click >></u> Main Menu : Investment Declaration

Sub Menu: Choose Tax Regime

The Tax Simulation Page has a hyperlink to the Online Regime Option Page

Step 3:

In case, you have opted for the Old Regime, Tax Declaration for investments has to be submitted in the normal course

Click >> Main Menu: Investment Declaration

Sub Menu: Tax Declaration



SCENARIOS

Scenario - Case 1

Gross Salary: 7,20,000
Proposed: Section 80C (PF Deduction) 50,000

No Other Investments

Tax Outgo:Current Tax Liability37,440Under Old Regime : No Additional Investments37,440Under New Regime : No Additional Investments35,880

Recommended Regime:

New Tax Regime, with NIL Investment

Particulars	Basis Last processed Salary	Revised Declaration
Housing Interest / Loss on House Property	-	-
Investments - Section 80C	50,000	50,000
Other Investments - Chapter VIA	-	-
Employer contribution to NPS	-	-
Total Rent for the year	-	-
Update Rent Location (Metro / Non-Metro)		Metro

		Add : Income
Annual Gross Salary (including Perquisite)	7,20,000	-
Exemption / Tax free Allowances	_	_

Tax Calculation	A. Basis last processed salary and tax declaration	B. Basis revised declaration under Old Regime	C. Basis revised declaration under New Regime
Annual Gross Salary (including Perquisite)	7,20,000	7,20,000	7,20,000
Less : HRA Rebate	-	-	Not Eligible
Less : Other Exemption	-	-	for
Less : Standard Deduction	- 50,000	- 50,000	Exemption or
Less : Profession Tax	- 2,500	- 2,500	Deduction
Less : Deduction : Housing Loss	-	-	under the
Less : Investments - Section 80C	- 50,000	- 50,000	New Tax
Less : Other Investments - Chapter VIA	-	-	Regime
Less : Employer contribution to NPS	-	-	-
Net Taxable Income	6,17,500	6,17,500	7,20,000
Tax On Net Salary Income	36,000	36,000	34,500
Less : Tax Rebate U/S 87A	-	-	-
Add : Surcharge	-	-	-
Add : Education Cess @ 4%	1,440	1,440	1,380
Net Tax Payable	37,440	37,440	35,880
Minimum Tax Payable (Least of A,B and C)			35,880
Recommended Tax Regime Option to Employee	New Regime		•

Scenario - Case 2

Gross Salary: 12,00,000
Proposed: Section 80C 1,50,000
Proposed: Mediclaim 25,000

Proposed: Interest on Housing Loan 1,60,000

Tax Outgo:

Current Tax Liability 1,13,360

Under Old Regime: Proposed Investments 78,000

Under New Regime: Proposed Investments 1,19,600

Recommended Regime:

Old Tax Regime, with Proposed Investment Plan

Particulars	Basis Last processed Salary	Revised Declaration
Housing Interest / Loss on House Property	-	1,60,000
Investments - Section 80C	1,50,000	1,50,000
Other Investments - Chapter VIA	15,000	25,000
Employer contribution to NPS	-	
Total Rent for the year	-	-
Update Rent Location (Metro / Non-Metro)		Metro

		Add : Income
Annual Gross Salary (including Perquisite)	12,00,000	-
Exemption / Tax free Allowances	-	-

	A. Basis last processed salary and tax declaration	B. Basis revised declaration under Old Regime	C. Basis revised declaration under New Regime
Annual Gross Salary (including Perquisite)	12,00,000	12,00,000	12,00,000
Less : HRA Rebate	-	-	Not Eligible
Less : Other Exemption	-	-	for
Less : Standard Deduction	- 50,000	- 50,000	Exemption or
Less : Profession Tax	- 2,500	- 2,500	Deduction
Less : Deduction : Housing Loss	-	- 1,60,000	under the
Less : Investments - Section 80C	- 1,50,000	- 1,50,000	New Tax
Less : Other Investments - Chapter VIA	- 15,000	- 25,000	Regime
Less : Employer contribution to NPS	-	-	-
Net Taxable Income	9,82,500	8,12,500	12,00,000
Tax On Net Salary Income	1,09,000	75,000	1,15,000
Less : Tax Rebate U/S 87A	-	-	-
Add : Surcharge	-	-	-
Add : Education Cess @ 4%	4,360	3,000	4,600
Net Tax Payable	1,13,360	78,000	1,19,600
Minimum Tax Payable (Least of A,B and C)		78,000	
Recommended Tax Regime Option to Employee	mployee Old Regime with Additional Declaration		



Old Tax Regime, with Proposed Investment

Scenario - Case 3

 Gross Salary :
 20,00,000

 Proposed :
 Section 80C
 1,50,000

 Proposed :
 Mediclaim
 25,000

Tax Outgo:
Current Tax Liability 3,61,140
Under Old Regime: Proposed Investments 3,08,100
Under New Regime: Proposed Investments 3,51,000
Recommended Regime:

Particulars	Basis Last processed Salary	Revised Declaration
Housing Interest / Loss on House Property	_	-
Investments - Section 80C	1,50,000	1,50,000
Other Investments - Chapter VIA	15,000	25,000
Employer contribution to NPS	-	-
Total Rent for the year	_	2,40,000
Update Rent Location (Metro / Non-Metro)		Metro

		Add : Income
Annual Gross Salary (including Perquisite)	20,00,000	-
Exemption / Tax free Allowances	-	-

Tax Calculation	A. Basis last processed salary and tax declaration	B. Basis revised declaration under Old Regime	C. Basis revised declaration under New Regime
Annual Gross Salary (including Perquisite)	20,00,000	20,00,000	20,00,000
Less : HRA Rebate	-	- 1,60,000	Not Eligible
Less : Other Exemption	-	-	for
Less : Standard Deduction	- 50,000	- 50,000	Exemption or
Less : Profession Tax	- 2,500	- 2,500	Deduction
Less : Deduction : Housing Loss	-	-	under the
Less : Investments - Section 80C	- 1,50,000	- 1,50,000	New Tax
Less : Other Investments - Chapter VIA	- 15,000	- 25,000	Regime
Less : Employer contribution to NPS	-	-	-
Net Taxable Income	17,82,500	16,12,500	20,00,000
Tax On Net Salary Income	3,47,250	2,96,250	3,37,500
Less : Tax Rebate U/S 87A	-	_	-
Add : Surcharge	-	-	-
Add : Education Cess @ 4%	13,890	11,850	13,500
Net Tax Payable	3,61,140	3,08,100	3,51,000
Minimum Tax Payable (Least of A,B and C)		3,08,100	
Recommended Tax Regime Option to Employee	Old Regime with Additional Declaration		

Scenario - Case 4

 Gross Salary :
 30,00,000

 Proposed : Section 80C
 1,50,000

 Proposed : Mediclaim
 25,000

Tax Outgo:
Current Tax Liability 6,77,820
Under Old Regime: Proposed Investments 6,70,020
Under New Regime: Proposed Investments 6,63,000
Recommended Regime:
New Tax Regime, with Proposed Investment

Particulars	Basis Last processed Salary	Revised Declaration
Housing Interest / Loss on House Property	-	-
Investments - Section 80C	1,50,000	1,50,000
Other Investments - Chapter VIA	-	25,000
Employer contribution to NPS	-	-
Total Rent for the year	-	-
Update Rent Location (Metro / Non-Metro)		Metro

	Add : Income	
Annual Gross Salary (including Perquisite)	30,00,000	-
Exemption / Tax free Allowances		-

Tax Calculation	A. Basis last processed salary and	B. Basis revised declaration	C. Basis revised declaration
	tax declaration	under Old Regime	under New Regime
Annual Gross Salary (including Perquisite)	30,00,000	30,00,000	30,00,000
Less : HRA Rebate	-	-	Not Eligible
Less : Other Exemption	-	-	for
Less : Standard Deduction	- 50,000	- 50,000	Exemption or
Less : Profession Tax	- 2,500	- 2,500	Deduction
Less : Deduction : Housing Loss	-	-	under the
Less : Investments - Section 80C	- 1,50,000	- 1,50,000	New Tax
Less : Other Investments - Chapter VIA	-	- 25,000	Regime
Less : Employer contribution to NPS	-	-	-
Net Taxable Income	27,97,500	27,72,500	30,00,000
Tax On Net Salary Income	6,51,750	6,44,250	6,37,500
Less : Tax Rebate U/S 87A	-	-	-
Add : Surcharge	-	-	-
Add : Education Cess @ 4%	26,070	25,770	25,500
Net Tax Payable	6,77,820	6,70,020	6,63,000
Minimum Tax Payable (Least of A,B and C)			6,63,000
Recommended Tax Regime Option to Employee	New Regime		





FAQ of New Tax Regime

Q: What is the new Tax Regime?

A: A new Section 115BAC has been inserted under the Finance Act,2020 to provide an alternative to individuals to pay tax at lower concessional rates. Option under this scheme can be exercised by every individual. The income under this new scheme shall be computed without claiming any regular exemptions / deductions like HRA Rebate, Standard Deduction, investments under Section 80C etc.

Q: What are the tax slabs under the New Tax Regime as compared to the Old Tax Regime?

A: The concessional tax slabs under the New Personal Tax Regime (NPTR) are as below

Range of Annual Net Taxable Income	Old Tax Regime Rate (%)	New Tax Regime Rate (%)
On first Rs. 2,50,000	_	5
Rs. 2,50,001 - Rs. 5,00,000	5	5
Rs. 5,00,001- Rs 7,50,000	20	10
Rs. 7,50,001 - Rs. 10,00,000	20	15
Rs. 10,00,001- Rs 12,50,000	30	20
Rs. 12,50,001 - Rs. 15,00,000		25
Above Rs 15,00,000		30

Q: What is the impact of choosing / opting for the New Tax Regime?

A: In case, you opt for the New Tax Regime, Tax on Salary shall be computed by applying the concessional rates of tax (NPTR) on the Net Taxable Income.

It is critical to note that, Net Taxable Income under the New Tax Regime is computed without considering any exemptions / deductions, as currently applicable under the Old Regime

- HRA Rebate
- LTA exemption
- Standard Deduction (up to Rs. 50000)
- Profession Tax deduction
- Housing Benefit (Interest on Housing Loan / Loss on Let out Property)
- Investments U/s 80C and Chapter VIA (Mediclaim premium, Education Loan interest etc.)



Q: Does this mean that the Net Taxable Income under the Old Regime is lower that the New Regime?

A: Yes. The Old Regime provides an individual exemption in respect of HRA Rebate, LTA, Education allowance etc. and deductions like Standard deduction, Profession Tax, Housing Interest and investments U/s 80C and Chapter VIA. These deductions from Salary are not available under the New Tax Regime

Particulars	Old Regime	New Regime
Net Taxable Income	Lower	Higher 🚺
Tax Slabs	Higher 🚺	Lower 👢

Q: How do I choose the Optimum Regime, basis my Salary Income and Proposed Investments?

A: There is no standard rule to determine the optimum tax regime that is applicable to each individual. The Employee Self Service Link (ESS), provides a Basic Tax Simulator, which guides you to determine the impact of opting for a particular Tax Regime basis your planned investments.

Q: <u>I am a New Joiner, and having access to the ESS, but I am yet to receive my 1st month Salary. How will the Tax Simulator facilitate my tax calculation?</u>

A: For a New Joiner, the Tax Simulator is only available post processing of your 1st monthly salary. Basis your earned income and projected salary, the Tax Simulator will appropriately guide you on the tax saving (if any) under the New Tax Regime

Q: <u>How do I communicate my option i.e. Old Tax Regime OR New Tax Regime, so that tax may be computed accordingly in my monthly salary?</u>

A: The Employee Self Service Link (ESS), provides a Regime Option Page, which allows you to choose a particular Tax Regime and submit the same to be considered in your monthly tax calculation.

Q: <u>For the purpose of monthly tax calculation, can I change my choice of Tax Regime, during the course of the year?</u>

A: You will have only one chance to choose and submit the Tax Regime during the year. Tax Regime (New / Old), once opted by you is not liable to be modified during that year.

Q: How will my monthly tax be computed, in case, I fail to choose an appropriate Tax Regime on the ESS link?

A: In the absence of any declaration by you, TDS would be computed as per the existing old regime, and considering your regular declaration of investments.



- Q: <u>Does this mean that I lose any benefit that is due to me under the optimum Tax Regime, in case, I have made a wrong option submission?</u>
- A: The Tax guidelines provide for an individual to update or change the tax regime at the time of filing tax return in the prescribed manner. Consequently, any excess tax recovered by the employer under an alternative regime can be claimed as a refund in your Personal Income Tax Return (ITR)
- Q: Once I have intimated my choice of Tax Regime in the current year, am I supposed to retain the same regime in subsequent financial years?
- A: Tax Regime (New / Old), once opted by you is not liable to be modified during that year. However, you are free to choose an alternative regime in the subsequent year/years.
- Q: How do I submit details of my investments towards Insurance Premium, PPF and Rent for HRA Rebate?
- A: You are required to submit details of your personal investments with respect to Section 24 (Housing Interest), Section 80C (Insurance Premium, PPF, NSC, ELSS etc.) and Others in the normal course on the Investment Declaration on the ESS link.
 - <u>Please note that these exemptions / deductions will not be considered for computation in case, you have opted</u> for the New Tax Regime.
- Q: I am a New Joiner, post April and I have already shared my choice with my previous employer. Do I need to submit the same to my current employer also?
- A: Irrespective of any submission to your previous employer, you are mandated to provide a fresh declaration to your current employer towards the Regime opted by you. The same will be considered for calculation of tax liability on your consolidated salary income (including Gross Salary from previous employment, if any) as shared with your current employer.
- Q: <u>Under Flexi Benefit Scheme (FBP), I have blocked Tax-free entitlement towards LTA and Meal Coupons.</u>

 <u>Thereafter, I have opted for the New tax Regime, under which exemptions towards LTA and Meal Coupons is not available. How can I reverse my FBP Option?</u>
- A: Flexi Benefit Plan and tax-free entitlements opted by you, are not liable to be modified or reversed. You are requested to revalidate your FBP and tax plan, before you opt for the New Tax Regime. In such a scenario, the FBP entitlements towards LTA / Meal Card shall continue to be processed, as in the normal course, without any attached tax exemption.
- Q: <u>Is the Rebate u/s 87A applicable under New Regime also?</u>
- A: Yes, Rebate u/s 87A upto Rs. 12500 is also applicable under New Regime, if the Net taxable Income is less than Rs 5 Lakhs.
- Q: <u>I have made a contribution through a Salary deduction to the PM-CARES Fund. Will I be eligible to claim deduction U/s 80G under the New Regime also?</u>
- A: It is critical to note that, Net Taxable Income under the New Tax Regime is computed without considering any exemptions / deductions, as currently applicable under the Old Regime. Deduction under Section 80G will not be available, in case, you opt for the New tax Regime.