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A STUDY ON NEW DIMENSIONS OF TDS ON FIXED DEPOSITS, RECURRING DEPOSITS ACCOUNTS PARTICULARLY ON COOPERATIVE BANKS OF INDIA

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ABSTRACT

Income Tax Department has introduced the provision of TDS deduction on the Interest of Fixed Deposits of Co-Operative Banks in the Financial Budget of 2015-16. As Union Budget 2015 presented by Finance Minister Arun Jaitley has made amendment to Section 19A of Income Tax Act, 1961 w.e.f June 1, 2015, which stated that the exemption from TDS on payment of interest to members by co-operative societies and banks would be withdrawn. Through this, the Government will collect more Taxes and Tax Evasion will be avoided. It may be one of tool to garner revenue. There are many Co-operative Banks in function all over India from Small Towns to Big Cities. Persons of every hierarchy in the society have Accounts in the Co-operative Banks. Generally, due to no TDS deduction and more Interest Rate on Deposits in Co-operative banks than the Nationalized Banks, many prefer deposits in the Co-operative Banks in rural areas. But due to this stringent provision of TDS, Cooperative Banks and Depositors have to face the change. The present research paper focuses on impact of changes in TDS provisions on depositors and Co-operative banks.

KEYWORDS

Co-operative banks, Income Tax.

INTRODUCTION

ost of the co-operative banks in India are paying interest on Rs 10,000 or above on FDR (fixed deposit receipt/or time deposit receipt) without deducting TDS on the assumption that if the interest is payable to the member, the TDS provisions are not applicable. Actually, if the interest Rs 10,000 is paid by any co-operative society engaged in the banking has to deduct the TDS like other banks governed by Banking Regulation Act 1949. That the effective or charging provision regarding the TDS on time deposits is dealt in clauses (vii) & (viia) of 194A(3) which is extracted as under: "The provisions of subsection (1) shall not apply -

(vii): to such income credited or paid in respect of deposits (other than time deposits made on or after the 1st day of July, 1995) with a banking company to which the Banking Regulation Act, 1949 (10 of 1949) applies (including any bank or banking institution referred to in section 51 of that Act); (viia): to such income credited or paid in respect of, (a) deposits with a primary agricultural credit society or a primary credit society or a co-operative land mortgage bank or a co-operative land development bank; (b) deposits (other than time deposits made on or after the 1st day of July, 1995) with a co-operative society, other than a co-operative society or bank referred to in sub-clause (a), engaged in carrying on the business of banking"

"The provisions are very clear that co-operative banks have to deduct TDS on payment of interest Rs 10,000 on FDR whether it is paid to member or non-member & if the same is not done the expenditure of interest paid may be disallowed u/s. 40(a)(ia) & also liable for interest & penalties," The applicability for deducting TDS on interest Rs 10,000 or above was since July 1, 1995. Since 20 years, Government did not pay any heed or issued any clarification although, co-operative banks and societies were liable to deduct TDS. Instead of taking any action on co-operative banks and societies, just by overlooking the actual provisions of the Act, prospective amendment has been made effective from June 1, 2015.

OBJECTIVES

- 1. To understand the concept of new provisions relating to TDS on FD and RD account.
- 2. To study the effect of TDS provisions on Co-operative Banks and Account Holders.
- 3. To know the attempt of Government in making income tax systems strengthen.

RESEARCH METHODOLOGY

The present study is based on descriptive study which includes secondary data. The secondary data is based on incometax department reports, newspaper and magazines.

TAX DEDUCTED AT SOURCE

TABLE 1

Asse		TDS Rate Chart 15-2016 Financial Year : 2014-2015		
Particulars	Individual / HUF	Domestic Company / Firm	Criteria for Deduction	
Nature of Payments	Section Code	Rate	Rate	Payment in excess of
1. Salary	192	As per the prescribed rates applicable to Individual / Women & Senior Citizens		
2. Interest other than Interest on Securities	194A	10	10	Banking Rs. 10,000/- p Others Rs. 5,000/- p.a
3. Winning from Lotteries & Puzzles	194B	30	30	Rs. 10,000/- p.a.
4. Payment to Contractors	194C	1	2	Rs. 30,000/- per contract or Rs. 75,000/- p.a.
4.1 Payment to Adverting / Sub Contractors	194C	1	2	
5. Insurance Commission	194D	10	10	Rs. 20,000/- p.a.
6. Commision & Brokerage	194H	10	10	Rs. 5,000/- p.a.
7. Rent - Land & Building	1941	10	10	Rs. 1,80,000/- p.a.
7.1 Rent - Plant & Machinery	1941	2	2	
8. Professional Fees & Technical Services	194J	10	10	Rs. 30,000/- p.a.
Immovable Property other than Agricultural Land	194IA	1	1	Rs. 50,00,000/-

According to Section 194A of Income Tax Act, if interest on the deposit exceeds Rs. 10, 000/- in a year then the Bank has to deduct TDS @10% on such Interest. This provision has an exception before 1st June, 2015 that no TDS will be deducted on the Interest if deposit were made in Co-operative Bank and if the depositor is the Member of Bank. But now from 1st June, 2015 the provision of TDS deduction on the interest of cooperative banks is being introduced by the Government. E.g. If fixed deposit of amount Rs.1 lakh is kept in Co-operative Bank for tenure of 1 Year or more having interest rate 12% then the Interest will be Rs. 12,000/- and TDS @ 10% will be Rs. 1, 200 that means Interest will be credited Rs 10,800 in the Bank Account of depositor after deducting TDS of Rs.1, 200.

TDS ON INTEREST INCOME FROM RECURRING DEPOSIT

TDS rules for Fixed Deposit have changed. Till now people were playing smart to avoid TDS deduction. They used to open FD in different branches of the same bank. To avoid TDS, FD interest at each bank branch was intentionally kept below Rs.10000 in a financial year. Depending on ROI and tenure, FD amount was reverse calculated so that FD interest should be below Rs. 10000. With PAN in place, it is not difficult for banks to find out cumulative interest income from FD's across the bank branches.

Many rural taxpayers may come in trouble due to this provision of TDS. By this Provision, income tax department will have the information of taxpayers' fixed deposit. While filling income tax return, taxpayer has to mention the details of deposits, interest on it and has to claim TDS credit on it. Further the taxpayer who never files income tax return has to file return by showing interest income so as to claim refund of TDS. The Biggest difficulty will arise to the taxpayer who has never shown the deposits in the books of accounts of previous year and has to show it in the current year. Further on Income tax departments enquiry justification of source of the income will have to be given. e.g. If the taxpayer has a Deposit of Rs. 10 lakh and it is not shown in the books of accounts of the previous year then he has to show that in the books of the current year and also has to give Explanation for the source of Income of the deposit.

TDS ON INTEREST INCOME FROM RECURRING DEPOSIT

Interest Income from Recurring deposit is taxable. From, 1st June, 2015 if the interest income from RD is more than Rs 10,000 then TDS @ 10% will be deducted. Interest Income will be cumulative interest from all the Recurring Deposits with the Bank. Therefore, if you have 3 RDs with 3 different branches of the same bank and cumulative interest is more than Rs 10,000 then TDS will be deducted proportionately. This is one of the major change in TDS rules as the recurring deposit is most popular savings scheme in small towns.

In case, the depositor has not provided PAN then TDS @ 20% will be deducted. Let's see after TDS deduction what will be additional tax liability of people in various income tax brackets.

NON-TAXABLE INCOME

TDS deducted will be refunded. Alternative you can submit form 15G (Non-Senior Citizens) or Form 15H (For Senior Citizens) with the bank. Bank will not deduct TDS if Form 15G / Form 15H is submitted. Please note that these forms should be submitted at each and every branch where the deposits are being maintained. Normally people submit at one branch assuming the bank will consider the same for all the deposits across branches.

TDS ON DEPOSITS WITH CO-OPERATIVE BANKS

There was also a situation wherein investors who were members of a cooperative bank did not have TDS deducted on the interest on their deposits. This segregation has been done away with and it has been clarified that the cooperative banks would have to make the TDS on all their depositors. This will bring a lot more of the investors under the TDS fold and they can expect to get a net receipt of their earnings which will require them to make the necessary adjustments at the time of filing their income tax returns. The other option is to actually submit Form 15G/Form 15H if their income is below the taxable limit and no TDS needs to be deducted.

RATE OF TDS

As per section 194A read with Part II of First Schedule to Finance Act, tax is to be deducted @ 10% from the amount of interest. However, if the payee does not furnish his Permanent Account Number (PAN), then the payer has to deduct tax at the higher of following:

• At the rate specified in the relevant provision of the Income-tax Act.

- At the rate or rates in force, i.e., the rate prescribed in the Finance Act.
- At the rate of 20%.

TABLE 2

Income Slab	TDS Rate levied by Banks	Tax Beyond TDS (that you have to pay)
Below Rs 2.5 Lakh	10%	0% (Can claim Refund of TDS)
Rs 2.5 Lakh to Rs 5 Lakh	10%	Nil
Rs 5 Lakh to Rs 10 Lakh	10%	10.30%
Above Rs 10 Lakh	10%	20.60%

TDS ON AMOUNT INVESTED IN A BANK

There is also a change that has been made on the manner in which the limit of interest earned would be calculated for seeing whether TDS has to be made applicable to the investor. Earlier this was done if the interest earned was Rs 10,000 or more in a particular branch. Now this restriction of branch has been removed and it includes the entire bank and hence if there are multiple deposits at different branches then this would be considered together for the purpose of calculating whether there has to be a TDS made on the interest. This will impact all those who have spread around their money into different branches to get around the earlier guidelines.

ACCOUNT HOLDERS/ TAXPAYERS' RESPONSIBILITY

The Taxpayer should submit a copy of PAN Card to Bank because in TDS return PAN of the Taxpayer is mentioned and through this the taxpayer gets tax credit. If depositor does not have PAN then TDS will be deducted @ 20%. It is the responsibility of Taxpayer to file Income Tax Return after Year end. While filling Income Tax Return Taxpayer should verify form 26 AS for TDS and Interest Income on Deposit. Income Tax Department has given following options to Taxpayer for no deduction or low deduction of TDS:

• Form 15 G/H: If Taxpayer has no Taxable Income that means the Interest and other Income is below the Basic Exemption limit of Income Tax slabs then he should submit Form 15 G/H to the Bank in which his deposits were kept. On the basis of this Form, Bank will not deduct TDS on the Interest of the depositor. e.g. If in the financial year 2015-16 interest of taxpayer is Rs. 150,000 and that means below Basic Exemption Limit of Rs. 2, 50,000 then he can submit Form 15 G to Bank and no TDS will be deducted on his Interest.

TABLE 3



TABLE 4

Find out if you are eligible to file 15G or 15H

The penalty for filing wrong information to save TDS is stiff. You can be jailed and fined.



• Certificate of section 197 of Income Tax Act: If expected tax on the income of the taxpayer is less than 10% then before start of a year he can file an application to income tax department for less deduction of TDS and if the application is accepted by department then Income Tax department will give Certificate in which TDS Rate is mentioned. So bank will deduct TDS at the rate mentioned in the certificate. E.g. If Income Tax of any Taxpayer is 5% of Income then the Taxpayer may submit an Application consisting Details of Income and Tax calculations on it to Income Tax Department along with the Application and if it is accepted then Bank will deduct TDS at low rate as mentioned in the Certificate.

RESPONSIBILITY OF BANKS

Cooperative banks will have to collect PAN of the deposit holder before 1st June 2015. Due to this KYC documents of many account holders will have to be collected and so many defaulters will come to notice. Every Month Banks have to Deduct TDS on the Interest on Deposits in all branches. The Bank will have to file TDS return after paying TDS to Government. Banks have to give form 16A (TDS Certificate) to all the Depositors and have to submit Form 15 G/H to Income Tax department.

MISCONCEPTIONS OF TDS ON FD AND RD ACCOUNT

There is a change in TDS Rules for RD (Recurring Deposit) and FD (Fixed Deposit) from 1st June, 2015. Not many people are aware of the change in TDS rules. First biggest misconception in India that if the TDS (Tax Deducted at Source) is not deducted then the tax liability is NIL. It's a huge tax leakage for Income Tax Department.

The second misconception is contrary to 1st i.e. if the TDS is deducted then there is no further tax liability. This is true for taxpayers in 10% income tax bracket but not for taxpayers in 20% and 30% tax bracket.

The third misconception is that interest from Fixed Deposit and Recurring Deposit is clubbed under deduction of Rs 10,000 available u/s 80TTA. To clarify, only the *cumulative interest on savings account/s* of up to Rs 10,000 is allowed as a deduction u/s 80TTA. The interest earned over and above Rs 10,000 is taxed as per the income tax slab of the taxpayer.

The main reason for this confusion is that on Fixed Deposits, TDS @ 10% is deducted only if the interest earned on FDs is more than Rs 10,000. The taxpayer gets confused between deduction of Rs 10,000 on Savings Account Interest and TDS relaxation on FD interest of up to Rs 10,000. Let me clarify that the interest earned from Recurring Deposit and Fixed Deposit is **FULLY TAXABLE** whether TDS is deducted or not. It is taxed as per the income tax slab of the taxpayer. If the total interest income from FD/RD is below Rs 10,000 and TDS is not deducted on the same. In this case, the taxpayer has to include it in Income from other sources & pay tax on the same.

FINDINGS

- The responsibility of Cooperative banks has increased in filing the returns.
- There is a chance of decrease in deposits in Co-operative banks.
- Government has taken one more step in strengthening its income tax system by making new provisions of TDS on bank accounts.
- The tax payers cannot avoid tax. Tax avoidance and evasion became difficult.
- Many rural customers are affected due to less returns on interest from FD and RD account.
- PAN acts as an effective tool in knowing the account details of a customer in all the branches so that TDS can be properly implemented.

SUGGESTIONS

- There is a need to improve the awareness and correct knowledge of TDS on bank accounts among the customers.
- > The Bank employees and Government has to take more steps in bringing the transparency of these deductions particularly to rural customers.
- Many rural customers are not aware of filling the forms 15H to get exemption from TDS if their income is below taxable rate. Hence awareness is to be created.
- Many rural customers are not having PAN card hence steps to be taken to make PAN to all the citizens.
- > The Co-operative banks have to equip its employees and itself to the changes and want to bring other technological services to retain its customers.

CONCLUSION

Law is same for all. Earlier the provision of interest on TDS was applicable only to the Nationalized Banks but now it has become applicable to Co-operative Banks too. Many taxpayers, for saving income tax were making deposits in Co-operative Banks under different names. But now this will not be possible. All money will be exposed due to this provision. The tax evader will now have to give justification for the source of income of such deposits. Rural depositors and tax payers may be affected due to this provision.

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