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L.L.B Part III rd  
Paper VIII th  
Taxation

Deduction in respect of maintenance including medical treatment of a dependant who is a person with disability (Section 80DD):-

(1) Where an assessee, being an individual or a Hindu undivided family, who is a resident in India, has during the previous year:-

(a) incurred any expenditure for the medical treatment (including nursing), training and rehabilitation of a dependant, being a person with disability; or

(b) paid or deposited any amount under a scheme framed in this behalf by the Life Insurance Corporation or any other insurer or the Administrator or the specified company, subject to the conditions specified in sub-section (2) and approved by the Board in this behalf for the maintenance of a dependant, being a person with disability

the assessee shall, in accordance with and subject to the provisions of this section, be allowed deduction of a

(2.)

sum of fifty thousand rupees from his gross total income in respect of the previous year;

Provided that where such dependant is person with severe disability, the provisions of this sub-section shall have effect as if for the words "fifty thousand rupees" the words "seventy-five thousand rupees" had been substituted.

(2) The deduction under clause (b) of sub-section (1) shall be allowed only if the following conditions are fulfilled, namely;—

(a) The scheme referred to in clause (b) of sub-section (1) provides for payment of annuity or lump sum amount for the benefit of a dependant, being a person with disability in the event of the death of the individual or the member of the Hindu undivided family in the whose name subscription to the scheme, has been made;

(b) The aforesaid nominates either the dependant being a person with disability or any other person or a trust to receive the payment on his behalf, for the benefit of the dependant being a person with disability.

(3) If the dependant, being a person with disability, predeceases the individual or the member of the Hindu undivided

family referred to in sub-section (2) an amount equal to the amount paid or deposited under clause (b) of sub-section (1) shall be deemed to be the income of the assessee of the previous year in which such amount is received by the assessee and shall accordingly be chargeable to tax as the income of that previous year.

(4) The assessee, claiming a deduction under this section shall furnish a copy of the certificate issued by the medical authority in the prescribed form and manner along with the return of income under section 139 in respect of the assessment year for which the deduction is claimed.

Provided that where the condition of disability requires reassessment of its extent after a period stipulated in the aforesaid certificate, no deduction under this section shall be allowed for any assessment year relating to any previous year being after the expiry of the previous year during which the aforesaid certificate of disability had expired, unless a new certificate is obtained from the medical authority in the form and manner, as may be prescribed, and a copy thereof is furnished along with the return of income

(4)

Explanation: - For the purposes of this section -  
(a) "Administrator" means the Administrator  
as per reference to in clause (a) of section  
2 of the Unit Trust of India (Transfer of Undertaking  
and Repeal) Act 2002.

(b) Dependant means -

(i) in the case of an individual, the  
spouse, children, parents, brothers and sisters of  
the individual or any of them;

(ii) in the case of a Hindu individual  
family, a member of the Hindu undivided family  
dependant wholly or mainly on such individual  
or Hindu undivided family for his support and  
maintenance and who has not claimed any  
deduction under section 80D in computing his  
total income for the assessment year relating  
to the previous year;

(c) "Disability" shall have the meaning  
assigned to it in clause (i) of section 2 of the  
Persons with Disability Act 1995 and includes  
autism, cerebral palsy and 'multiple disability'  
referred to in clauses (a), (b) and (c) of section  
2 of the National Trust for Welfare of Persons  
with Autism, Cerebral Palsy, Mental Retardation  
and Multiple Disabilities Act 1999.