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Taxation

Deduction in respect of medical treatment, etc (Section 80 DDB)

Where an assessee who is resident in India has, during the previous year, actually paid any amount for the medical treatment of such disease or ailment as may be specified in the rules made in this behalf by the Board: -

- (a) for himself or a dependant in case the assessee is an individual;
- (b) for any member of a Hindu undivided family, in case the assessee is a Hindu undivided family.

The assessee shall be allowed a deduction of the amount actually paid or a sum of forty thousand rupees, whichever is less, in respect of that previous year in which such amount was actually paid;

Provided that no such deduction

(2)

shall be allowed unless the assessee furnishes with the return of income, a certificate in such form, as may be prescribed, from a neurologist, an oncologist, an urologist, a hematologist, an immunologist or such other specialist, as may be prescribed working in a government hospital.

Provided further that the deduction under this section shall be reduced by the amount received, if any, under an insurance from an insurer or reimbursed by an employer, for the medical treatment of the person referred to in clause (a) or clause (b).

Provided also that where the amount actually paid is in respect of the assessee or his dependant or any member of a Hindu undivided family of the assessee and who is a senior citizen, the provisions of this section shall have effect as if for the words "forty thousand rupees", the words "sixty thousand rupees" had been substituted.

Explanation - For the purposes of this section:-

(i) "dependant" means:-

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

(b) in the case of a Hindu undivided family a member of the Hindu undivided family.

(3)

dependant wholly or mainly on such individual or Hindu undivided family for his support and maintenance.

(ii) "Government hospital" includes a departmental dispensary whether full time or part time established and run by a Department of the Government for the medical attendance and treatment of a class or classes of Government servants and members of their families a hospital maintained by a local authority and other hospital with which arrangements have been made by the Government for the treatment of Government servants.

(iii) insures shall have the meaning assigned to it in clause (9) of section (2) of the Insurance Act 1938.

(iv) "senior citizen" means an individual resident in India who is to the age of sixty-five or more at any time during the relevant previous year.

(7-A) The amount of deduction in the case of any multiplex theatre shall be —

(a) fifty per cent of the profits and gains derived from the business of building owning and operating a multiplex theatre for a period of five consecutive years beginning from the initial assessment year in

any place.

Provided that nothing contained in this clause shall apply to a multiplex theatre located at a place within the municipal jurisdiction of Kolkata, Chennai, Delhi or Mumbai.

(c) The deduction under clause (a) shall be allowable only if—

(i) such multiplex theatre is constructed at any time during the period beginning on the first day of April 2002 and ending on the 31st day March 2005;

(ii) the business of the multiplex theatre is not formed by the splitting up or the reconstruction of a business already in existence or by the transfer to a new business of any building or of any machinery or of plant previously used for any purpose;

(iii) the assessee furnishes along with the return of income, the report of an audit in such form and containing such particulars as may be prescribed and duly signed and verified by an accountant, as defined in the Explanation below sub-section (2) of section 288, certifying that the deduction has been correctly claimed.