

MINISTRY OF FINANCE**(Department of Revenue)****(FOREIGN TAX DIVISION)****NOTIFICATION**

New Delhi, the 2nd February, 2005

(INCOME TAX)

S.O. 125(E).—Whereas the Convention between the Government of the Republic of India and Republic of Philippines for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income that came into force on the 21st day of March, 1994, after the notification by both the Contracting States to each other of the completion of the procedures required under their laws for bringing into force the said Convention;

And whereas the Central Government in exercise of the powers conferred by Section 90 of the Income-tax Act, 1961 (43 of 1961) had directed that all the provisions of the aforesaid Convention annexed to the notification of the Government of India in the Ministry of Finance (Department of Revenue) (Foreign Tax Division) number G.S.R. 173(E) dated the 2nd April, 1996, shall be given effect to in the Union of India;

Now, therefore, in exercise of the powers conferred by Section 90 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby directs that the following amendment shall be made in clause (b) of Para 1 of Article 15 of the said Convention annexed to the notification number G.S.R. 173(E) dated the 2nd April, 1996.

1. In the Convention annexed to the said notification, in Article 15, in paragraph 1, for clause (b), the following clause shall be substituted, namely :—

“If the recipient is present in the other State for a period or periods exceeding in the aggregate 183 days in the relevant ‘previous year’ in the case of Republic of India or ‘calendar year’ in the case of Republic of the Philippines”.

2. The foregoing modification has been agreed to by the competent authorities of the two countries and shall come into effect from the date of publication of the notification in the Official Gazette.

[Notification No. 23/2005/F. No. 501/7/74-FTD]

POONAM DUTT, Jt. Secy.