

Budget 2018 - Long Term Capital Gains Tax

Why in news?

\n\n

Stock markets have reacted adversely to the proposed Long-Term Capital Gains Tax (LTCG) on securities.

\n\n

What is a LTCG?

\n\n

\n

- Any profit from the sale of a capital asset is deemed as 'capital gains'.
- A capital asset is officially defined as any kind of property held by an assessee, excluding goods held as stock-in-trade, agricultural land and personal effects.
- If an asset is held for less than 36 months, any gain arising from selling it is treated as a short-term capital gain (STCG).
- If an asset is held for 36 months or more, any gain arising from selling it is treated as a 'long-term' capital gain (LTCG).
- Shares and equity mutual funds alone enjoy a special dispensation which is, holding period of 12 months or more qualifies as 'long-term' in this case.

\n

\n\n

What is the current scenario?

\n\n

\n

- Prior to the budget, long-term capital gains arising from the transfer of long-term capital assets, which are held as equity shares is exempt from taxation.
- However, transactions in such long-term capital assets are liable to securities transaction tax (STT).

- \n
- This regime is seen as inherently biased against manufacturing and has encouraged diversion of investment to financial assets.
- \n
- It has also led to significant erosion in the tax base, which has been further compounded by abusive use of tax arbitrage due ambiguities in exemptions.
- \n

\n\n

What is the new proposal?

\n\n

- \n
- The withdrawal of the exemption to LTCG from April 1, has been proposed in the budget.
- \n
- Hence, the long-term capital gains arising from transfer of long-term capital assets like such as shares or share-oriented products, exceeding Rs. 1 lakh will be taxed at a concessional rate of 10%.
- \n
- The short-term capital gains tax at 15% will continue for transfer of shares within 1 year.
- \n
- **The Application** - The new tax is applied if the assets are held for a minimum period of 1 year from the date of acquisition.
- \n
- Long-term capital gains will be computed by deducting the **cost of acquisition** from the full value of consideration on transfer of the capital asset.
- \n

\n\n

- \n
- The proposed tax applies to the following types of equity capital:
- \n

\n\n

- \n
1. Equity Shares in a company listed on a recognised stock exchange
- \n
2. Unit of an equity oriented fund
- \n
3. Unit of a business trust
- \n

\n\n

\n

- **'Grandfathering' Clause** - It is the exemption granted to existing investors or gains made by them before the new tax law comes into force.

\n

- The government said that gains from shares or equity mutual funds made till January 31, will be grandfathered/exempted. There will be no LTCG tax on notional profit in shares till then.

\n

\n\n

What are the concerns?

\n\n

\n

- **Inflation Indexing** - Inflation indexation is a technique to adjust the the cost of acquisition to present level of inflation.

\n

- This will convert the profit earned by transaction of long term capital assets in real terms and safeguards the purchasing power of the public.

\n

- But in the current proposal, Inflation indexation of the cost of acquisition would not be available for computing LTCG tax.

\n

- This has been provided in the proposal and has been subsequently clarified.

\n

- **Continuation of STT** - The STT is made to continue.

\n

- STT is paid at the time of transaction.

\n

- But it is to be noted that the STT was introduced as an alternative to LTCG tax on equities.

\n

- So retaining STT is a bigger shock for investors.

\n

- Logically there should only be on tax.

\n

\n\n

\n\n

Source: Business Standard

\n



SHANKAR
IAS PARLIAMENT
Information is Empowering