

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

LOK SABHA UNSTARRED QUESTION NO. 2386

TO BE ANSWERED ON MONDAY, AUGUST 04, 2025/SRAVANA 13, 1947 (SAKA)

REPEAL OF SUB-SECTION (2) OF SECTION 5A OF IT ACT

2386. Shri. Captain Viriato Fernandes:

Will the Minister of FINANCE be pleased to state:-

- (a) whether prior to the insertion of Section 5A in the Income Tax Act, 1961, income from salaries was apportioned equally between spouses in the State of Goa governed by the 'Comunhão dos Bens' of the Portuguese Civil Code;
- (b) if so, the specific reasons and legislative intent for excluding salary income from such apportionment through the insertion of sub-section (2) of Section 5A;
- (c) the Government's justification for continuing this differential treatment, discriminating the salaried individuals as other assesseees are still governed by the same Portuguese Civil Code; and
- (d) whether the Government is considering repealing sub-section (2) of Section 5A to provide equitable tax treatment to salaried persons in Goa and if so, the details thereof?"

ANSWER

**MINISTER OF STATE FOR FINANCE
(SHRI PANKAJ CHAUDHARY)**

(a)

No, prior to the insertion of Section 5A in the Income Tax Act, 1961 (the Act) by Finance Act, 1994 with retrospective effect from 01.04.1963, income from salary was not subject to equal apportionment between spouses in the State of Goa governed by the '*Comuniao dos Bens*' of the Portuguese Civil Code for the purposes of the Act.

(b)

Not applicable in view of reply at (a).

(c)

The Section 5A (2) of the Act is applicable to all assesseees. Only the income under the head salary of any assessee is not apportioned as this is unique to each person who has earned it.

(d)

At present, there is no official proposal under consideration to repeal sub-section (2) of Section 5A of the Income-tax Act, 1961.
