

**Income Tax (Singapore — India) (Avoidance of Double Taxation Agreement)  
Order 2017**

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**Enacting Formula**

**THE SCHEDULE Third protocol amending the agreement between the  
Government of the Republic of Singapore and the Government of the Republic  
of India for the avoidance of double taxation and the prevention of fiscal evasion  
with respect to taxes on income**

**No. S 71**

**INCOME TAX ACT  
(CHAPTER 134)**

**INCOME TAX  
(SINGAPORE — INDIA)  
(AVOIDANCE OF DOUBLE TAXATION AGREEMENT)  
ORDER 2017**

WHEREAS it is provided by section 49 of the Income Tax Act that if the Minister by order declares that arrangements specified in the order have been made with the government of any country outside Singapore with a view to affording relief from double taxation in relation to tax under the Act and any tax of a similar character imposed by the laws of that country, and that it is expedient that those arrangements should have effect, the arrangements have effect in relation to tax under the Act notwithstanding anything in any written law:

AND WHEREAS by an Agreement dated 24 January 1994, between the Government of the Republic of Singapore and the Government of the Republic of India, arrangements were made, amongst other things, for the avoidance of double taxation:

AND WHEREAS by a Protocol dated 29 June 2005, between the Government of the Republic of Singapore and the Government of the Republic of India, the arrangements set out in the said Agreement were modified as prescribed in the said Protocol:

AND WHEREAS by a Second Protocol dated 24 June 2011, between the Government of the Republic of Singapore and the Government of the Republic of India, the arrangements set out in the said Agreement were modified as prescribed in the said Second Protocol:

AND WHEREAS by a Third Protocol dated 30 December 2016, between the Government of the Republic of Singapore and the Government of the Republic of India, the arrangements set out in the said Agreement were modified as prescribed in the said Third Protocol:

NOW, THEREFORE, it is hereby declared by the Minister for Finance —

- (a) that the arrangements, as modified by the said Third Protocol specified in the Schedule to this Order, have been made with the Government of the Republic of India; and
- (b) that it is expedient that those arrangements should have effect notwithstanding anything in any written law.

## THE SCHEDULE

### THIRD PROTOCOL

#### AMENDING THE AGREEMENT BETWEEN

#### THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE

#### AND

#### THE GOVERNMENT OF THE REPUBLIC OF INDIA

#### FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

The Government of the Republic of Singapore and the Government of the Republic of India,

Desiring to conclude a Third Protocol to amend the Agreement between the Government of the Republic of Singapore and the Government of the Republic of India for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, signed at India on 24 January 1994, as amended by the Protocol signed at India on 29 June 2005 (hereinafter referred to as “the

2005 Protocol”) and by the Second Protocol signed at India on 24 June 2011 (the Agreement so amended hereinafter referred to as “the Agreement”),

Have agreed as follows:

## ARTICLE 1

1. The existing paragraph of Article 9 — Associated Enterprises of the Agreement shall be numbered as paragraph 1; and

2. After the said paragraph 1, the following paragraph shall be inserted:

“2. Where a Contracting State includes in the profits of an enterprise of that State — and taxes accordingly — profits on which an enterprise of the other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other State shall make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Agreement and the competent authorities of the Contracting States shall if necessary consult each other.”

## ARTICLE 2

Article 13 — Capital Gains of the Agreement shall be amended, with effect from 1 April 2017:

- (i) by deleting paragraph 4; and
- (ii) by inserting the following paragraphs:

“4A. Gains from the alienation of shares acquired before 1 April 2017 in a company which is a resident of a Contracting State shall be taxable only in the Contracting State in which the alienator is a resident.

4B. Gains from the alienation of shares acquired on or after 1 April 2017 in a company which is a resident of a Contracting State may be taxed in that State.

4C. However, the gains referred to in paragraph 4B of this Article which arise during the period beginning on 1 April 2017 and ending on 31 March 2019 may be taxed in the State of which the company whose shares are being alienated is a resident at a tax rate that shall not exceed 50% of the tax rate applicable on such gains in that State.

5. Gains from the alienation of any property other than that referred to in paragraphs 1, 2, 3, 4A and 4B of this Article shall be taxable only in the Contracting State of which the alienator is a resident.”

## ARTICLE 3

The Agreement is amended by adding after Article 24, the following Article, with effect from 1 April 2017: