

PRAGATI



BUSINESS TAXATION

B.B.A. SEMESTER - IV : COURSE CODE 403
B.B.M. (I.B.) SEMESTER - IV : COURSE CODE 404



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B.B.A. & B.B.M. (I.B.)

Semester - IV

BUSINESS TAXATION

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For the Assessment Year 2015 - 16)*

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Abhyudaya Pragati, 1312 Shivaji Nagar,

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DISTRIBUTION CENTERS

PUNE

Nirali Prakashan

119, Budhwar Peth, Jogeshwari Mandir Lane,

Pune - 411002, Maharashtra.

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SYLLABUS

(New Syllabus w.e.f. June 2014)

B.B.A. Semester – IV

Business Taxation

(Course Code – 403)

Unit 1: Income Tax Act - 1961 (Meaning, Concepts and Definitions)

- History of Income Tax in India
- Fundamental Concepts and Definitions under Income Tax Act, 1961
- Canons of Taxation
- Objective of Income Tax
- Taxation Structure in India
- Concept and Definitions - Income Person, Assessee, Assessment Year, Previous Year, Residential Status of an Assessee

Unit 2 Computation of Taxable Income under the Different Heads of Income

(a) Income from Salary

Salient Features, Meaning of Salary, Allowances and Tax Liability - Perquisites and their Valuation – Deduction from Salary. (Theory and Problems).

(b) Income from House Property

Basis of Chargeability – Annual Value – Self Occupied and Let Out Property – Deductions Allowed (Theory and Problems).

(c) Profits and Gains of Business/Profession

Definitions, Deductions expressly allowed and disallowed (Theory and Problems).

Chargeability : Meaning and Concept of Short-term and Long-term Capital Gains - Permissible Deductions (Theory and Problems)

(d) Income from Other Sources

Chargeability: Meaning and Concept - Inclusion and Deduction (Theory Only).

Unit 3 Computation of Total Taxable Income of an Individual

Meaning and Concept, Gross Total Income – Deductions u/s 80 and Tax Liability for respective Assessment Year

Unit 4 Miscellaneous

Tax Deducted at Source – Return of Income – Advance Payment of Tax – Methods of Payment of Tax – Forms of Returns – Refund of Tax (Theory Only).

Unit 5 Assessment of Various Entities (Theory Only)

- Assessment of Firms and their Partners
- Assessment of Co-operative Societies
- Assessment of Charitable Trust



B.B.M. (IB) Semester – IV
Business Taxation
(Course Code – 404)

Unit 1 Income Tax Act, 1961 (Meaning, Concepts and Definitions)

Income, Person, Assessee, Assessment Year, Previous Year, Agricultural Income, Exempted Income, Residential Status of an Assessee, Fringe Benefit Tax, Tax deducted at Source, Capital and Revenue Income and Expenditure.

Unit 2 Computation of Taxable Income under the Different Heads of Income

(a) Income from Salary

Salient Features, Meaning of Salary, Allowances and Tax Liability - Perquisites and their Valuation – Deductions from Salary. (Theory and Problems).

(b) Income from House Property

Basis of Chargeability – Annual Value – Self Occupied and Let Out Property – Deductions Allowed (Theory and Problems).

(c) Profits and Gains of Business/Profession

Definitions, Concepts, Practical Aspects, Deductions expressly allowed and disallowed (Theory and Problems).

(d) Capital Gains

Chargeability – Definitions Practical Aspects - Cost of Improvement – Indexation - Short-term and Long-term Capital Gains – Deductions (Theory Only).

(e) Income from Other Sources

Chargeability – Deductions – Amounts not deductible – Taxation (Theory Only).

Unit 3 Computation of Total Taxable Income of an Individual

Gross Total Income – Deductions u/s 80 (80 ccc to 80 u)

Income Tax Calculation – (Rates applicable for respective Assessment Year) Education Cesses, Refund of Tax and Practical Aspects of Refund.

Unit 4 Miscellaneous

Return of Income - Advance Payment of Tax - Methods of Payment of Tax - Forms of Return - Organisation Structure of Income Tax, Authorities/ Administrative and Judicial Organisations) - Central Board of Direct Tax (Functions and Powers of Various Income Tax Authorities).

Unit 5 Introduction to Indirect Taxation

Concepts in Central Excise - Central Sales Tax - Service Tax (Theory Only).



INCOME TAX ACT - 1961

(Meaning, Concepts and Definitions)

* Synopsis *

- 1.1 *History of Income Tax in India*
- 1.2 *Fundamental Concepts and Definitions under Income Tax Act, 1961*
- 1.3 *Canons of Taxation*
- 1.4 *Objectives of Income Tax*
- 1.5 *Taxation Structure in India*
- 1.6 *Concept and Definitions : Income, Person, Assesses, Assessment Year, Previous Year, Residential Status of an Assesses*

1.1 History of Income Tax in India

Q. 1 : Explain the History and Objectives of Income Tax in India.

Ans. : History of Income Tax Act, 1961 :

- In India, Constitution is the parent law. All the other laws should be enacted without exceeding the framework of the Constitution and subject to the norms laid down therein.
- Constitution of India empowers Central Government to levy tax on income. By virtue of this power and to achieve this objective, the 'Income Tax Act, 1961' was enacted in the place of the Income Tax Act, 1922 which was prevalent earlier.
- The 'Income Tax Act, 1961' extends to the whole of India. It came into force on the 1st Day of April, 1962, i.e. from assessment year 1962-63 onwards.

Objectives of Income Tax Act, 1961 :

- (a) To earn the revenue by taxation for the purpose of running the state.
- (b) To earn the revenue for administrative purposes.
- (c) To charge the tax on income by way of salary, business, profession, interest, commission or income of any other kind.
- (d) To collect the tax from an individual firms, companies, Hindu undivided families, non-profit organizations by way of legislation.

- (e) To amass the wealth for future purposes.
- (f) To bring all the components of the country within the ambit of tax-net.
- (g) To increase the tax net and increase the revenue of the nation.
- (h) To regulate the incomes of various assesses by taxation.
- (i) To charge the tax 'annually'.
- (j) To fix the different rates of tax for different assesses.
- (k) To punish a person or an entity who or which doesn't pay the tax.

1.2 Fundamental Concepts and Definitions Under Income Tax Act, 1961

Q. 2 : Explain the various Fundamental Concepts and Definitions under Income Tax Act, 1961.

Ans. : Various Fundamental Concepts and Definitions under Income Tax Act, 1961 : These are as follows :

(a) Assessment Year and Previous Year :

- It is the period of 12 months starting from April 1 of every year and ending on March 31 of the next year.
- For instance, the Assessment year 2015-16 commenced on April 1, 2015 and ended on March 31, 2016. Income earned in a year is taxable in the next year. The year in which income is earned is known as Previous Year. For instance, for Assessment Year 2015-16, Year 2014-15 is the previous year.

(b) Income [Section 2 (24)] : The definition of the term 'income' in Section 2 (24) is inclusive and not exclusive. Therefore, the term not only includes those things which are included in Section 2 (24), but also includes such things which the term signifies according to its general and natural meaning. As per definition under Section 2 (24) , the term 'income' includes the following :

- (i) Profits and gains,
- (ii) Dividend,
- (iii) Voluntary contribution received by a trust created wholly or partly for charitable/religious purposes or by an institution established wholly or partly for such purposes or by an institution or fund referred to in Section 10 (21) /23/23 c (iv)/(v),
- (iv) The value of any 'perquisite' or profit in lieu of salary,
- (v) Any special allowance or benefit granted to the assessee to meet his expenses wholly, necessarily and exclusively for the performance of his duties,

- (vi) Any allowance granted to the assessee either to meet his personal expenses at the place where he performs his duties or to compensate him for the increased cost of living,
- (vii) The value of any benefit or perquisite obtained from a company by a director or by a person who has substantial interest in the company or by relative of a director of such person,
- (viii) Any capital gains,
- (ix) Insurance profit computed under Section 44,
- (x) The value of any benefit or perquisite, whether convertible into money or not, arising from the business or exercise of a profession,
- (xi) Winning from lotteries, crossword puzzles, races including horse-races, card games and other games of any sort.

(c) Person [Section 2 (31)] : The term 'person' includes :

- (i) An individual,
- (ii) A Hindu undivided family,
- (iii) A company,
- (iv) A firm,
- (v) An association of persons or a body of individuals, whether incorporated or not,
- (vi) A local authority, and
- (vii) Every artificial juridical person not falling within any of the above categories.

(d) Assessee [Section 2 (7)] : Assessee means a person by whom any tax or any other sum of money (i.e. penalty or interest) is payable under the Act.

(e) Agricultural Income [Section 2 (1 A)] : By virtue of Section 2 (1A), the expression "agricultural income" means :

- (i) Any rent or revenue derived from the land which is situated in India and is used for agricultural purposes [Section - 2 (1A) (a)].
- (ii) Any income derived from such land by agricultural operations including processing of the agricultural produce, raised or received as rent in kind, so as to render it fit for the market, or sale of such produce [Section 2 (1 A) (b)].
- (iii) Income attributable to farm house subject to the conditions that the building is situated on or in the immediate vicinity of the land and is used as a dwelling house, store house or other let out building and the land is assessed to land revenue or a local rate or, alternatively, the building is situated on or in the immediate vicinity of land which (though

not assessed to land revenue or local rate) is situated outside the urban areas, i.e. any area which comprised within the jurisdiction of a municipality or cantonment board having a population of ten thousand or more or in any area within such notified distance (upto eight kilometres) for the local limits of such municipality or cantonment Board [Section 2 (1A) (c)].

1.3 Canons of Taxation

Q. 3 : State the Features of Income Tax.

Ans. : Features of Income Tax :

- (a) Income tax is charged on the income of previous year, at a rates which are prescribed by the Finance Act for the relevant assessment year.
- (b) The Finance Act is passed every year by the Parliament in the form popular known as 'Budget'.
- (c) Income Tax is levied on a person in relation to his income of the previous year.
- (d) The tax payer's liability is determined with the reference to his residential status in the previous year or accounting year.
- (e) Liability to income tax arises only where the total income in the accounting year exceeds the maximum tax free amount prescribed by the Finance Act of that relevant year.
- (f) The rates of income tax are progressive and incidence of tax increases with the rise in income.
- (g) It is compulsory to deduct the tax at source and to pay it to the Government Treasury.

Q. 4 : State the Various Canons of Taxation.

Ans. : Canons of Taxation :

(A) Canons of Taxation (Advocated by Prof. Adam Smith) :

(a) Canon of Equity :

- According to the first canon which is also called as canon of ability, all citizens of the nation should contribute towards expenses of the Government "as nearly as possible in proportion to their respective abilities."
- In other words, the tax system should be such that the citizens are liable to pay taxes as per individual capacity to pay.
- The rich are expected to pay more while the poor are expected to pay less.
- The ability to pay taxes increases with the rise in income, thus making the higher economic class to contribute more to the Government revenue.

- This principle is based on the simple theory that the ability to pay taxes increases more than proportionately to the increase in the income because the utility of money gradually diminishes with every increase in the income.
- The canon of ability is also recognised as a canon of equity as it calls for equal tax burden for all persons who are similarly situated in the economic income class.
- The basic principle underlying here is that "equals should be treated equally". This principle makes a tax system "fair and just".

(b) Canon of Certainty :

- Like canon of equity, Adam Smith advocated canon of certainty. The tax which an individual must pay, ought to be certain and not arbitrary.
- Thus, the amount of tax, the time of payment, the method of payment, etc. must be clear to the tax-payer and to other persons – otherwise, the tax-payer shall be at the mercy of the tax administrators who may increase the tax rates as per their whims and fancies. This may put the public into greater degree of inconvenience and this may encourage corruption in administration.
- This canon of certainty was mainly advocated to prevent exploitation of tax payers by the authorities collecting taxes. If the taxation policies are arbitrary and full of doubts and confusion, the possibility of harassment to the tax payers by the collecting authorities by using their power cannot be ruled out.
- To avoid such a situation, the taxation policies should be very clear and should create confidence in the minds of tax payers that tax being collected from them is just and proper.
- The canon of certainty also meant that Government should clearly know how much revenue it should get from the taxation system employed and the time when the revenue would be available in the hands of Government to meet the needs of public expenditure.

(c) Canon of Convenience :

- The third canon of taxation advocated by Adam Smith is the Canon of Convenience.
- In the words of Adam Smith "every tax ought to be levied at the time or in the manner in which it is most likely to be convenient for the contributor to pay it".
- The tax should be levied at such a time and in such a manner that its payment should cause least hardship or inconvenience to the tax payer.
- For example, when land revenue is collected from a farmer after harvesting season, it is quite easy for him to pay the tax but if it is collected before the harvesting season, it is most troublesome and

inconvenient to him. Similarly, sales tax, excise duty or taxes on commodities satisfy the canon of convenience.

- In short, the tax system should be such that its enforcement is certain.
- Even voluntary compliance should exist in the tax policies.
- The taxes which are impossible to enforce and inconvenient to pay should be avoided.

(d) Canon of Economy :

- Adam Smith's fourth canon of taxation is the canon of economy.
- The tax system should be economical to operate and the tax should be such that the cost of its collection should be minimum.
- The revenue from tax should be much more than the cost of its collection. Otherwise, the major portion of revenue will be taken away by the cost of its collection. This is particularly important from the point of view that the costs spent on the collection and nothing to the national output and resources which are already in scarcity, should not be wasted.
- A heavy tax burden also does not satisfy the canon of economy. Thus, it is interpreted that if a tax is quite heavy reducing savings of the public, reducing investments and, thus, the productive capacity, the tax system seems to have failed to satisfy this canon. The people should not feel that the tax is excessive.
- The above four canons were advocated by Adam Smith. These canons of taxation are the fundamentals of a good tax system and they are nothing but the directions to the government authorities to administer any tax system.

(B) Additional Canons of Taxation Advocated by Other experts : In addition to the above basic fundamentals of the tax system, the economist also advocated few other principles to supplement the basic canons of taxation. The additional canons are as follows :

(a) Canon of Simplicity :

- The tax policy should be simple and to the point. The better tax policy is a simple one, requires fewer conditions or assumptions. The assessment of tax, the rates and tax structure laws and rules governing taxes, tax exemptions, etc. must be simple and not complicated.
- The canon is meant to prevent harassment to tax-payers and corruption among the staff of tax administration. The tax system must be easy to operate. A sound tax system should be simple and should not be too complex.

(b) Canon of Elasticity :

- The tax system should be adaptable to changing circumstances. It should not be rigid or inelastic.

- The tax system is expected to provide built-in devices to facilitate growth and expansion without dissatisfaction. The tax system should be flexible so that taxes may be increased or decreased as per the needs of the state.

(c) Canon of Productivity :

- Productivity has become a key issue with tax planners. Economic growth has come to be firmly linked with gains in productivity.
- The canon of productivity requires that the taxes imposed by the State provides sufficient revenue so that the government may not be required to face financial difficulties.
- Thus, a tax system should be capable of providing adequate revenue to the State to enable it to perform its functions satisfactorily.

(d) Canon of Co-ordination :

- Co-ordination aims at higher efficiency and effectiveness. Co-ordination brings about integration.
- Co-ordination expresses the principles of organisation in total, nothing less.
- Co-ordination is the orderly arrangement of group efforts to provide unity of action in the pursuit of common purpose.
- It is essential to secure maximum co-ordination between different taxes imposed by different governments.
- The Constitution of India provides various guidelines in respect of taxation by various governments in order to avoid any conflict or dispute between the Central Government and the State Government.
- This ensures maximum co-ordination. Any Government should not encroach upon the rights of other Government in the matters of taxation.

(e) Canon of Variety / Diversity :

- Under diversification a multiple tax system is preferable. A government which adopts variety or diversity as a growth plan seeks to enter into new tax system and process.
- According to this canon, a multiple tax system should be preferred instead of a single tax system.
- A single tax system is one whereunder only one tax is to be levied upon a person i.e. he has to pay to the State only one tax, thereby the Government collects all that a person has to pay to the state.
- This will enable the state to distribute burden of taxation on every section of the society.

1.4 Objectives of Income Tax**Q. 5 : State the Objectives of Income Tax.****Ans. :** Refer to Q. No. 1 of this Chapter.**1.5 Taxation Structure in India****Q. 6 : Write a Note : Basis of Charge of Income Tax.****Ans. : Basis of Charge of Income Tax :**

- (a) **Annual Tax** : Income tax is an annual tax on income
- (b) **Tax on Person** : Tax is charged on every person.
- (c) **Tax Rate of Assessment Year** : Income of previous year is chargeable in the next following assessment year at the tax rates applicable for that assessment year.

Q. 7 : State the Tax Rates for A. Y. 2015-16.**Ans. : Tax Rates for Assessment year 2015-16:** Tax rates for the assessment year 2015-16 are given below:**(a) For a Resident Individual who is below 60 years on the last day of the previous year i.e. (who is born on or after April 1, 1955) :**

Net income range	Income-tax rates‡	Education cess	Secondary and higher education cess
Upto ₹ 2,50,000	Nil	Nil	Nil
₹ 2,50,000 – ₹ 5,00,000	10% of (total income minus ₹ 2,50,000).	2% of income-tax.	1% of income-tax.
₹ 5,00,000 – ₹ 10,00,000	₹ 25,000 + 20% of (total income minus ₹ 5,00,000).	2% of income-tax.	1% of income-tax.
Above ₹ 10,00,000	₹ 1,25,000 + 30% of (total income minus ₹ 10,00,000).	2% of income-tax.	1% of income-tax.

Notes :

- 1. Surcharge** : For Assessment Year 2014-15 and 2015-16 surcharge on income-tax payable is @10% of income-tax where the taxable income exceeds ₹ 1,00,00,000 (One crore) subject to marginal relief.
- 2. Educational cess** : It is 2 per cent of income-tax and surcharge, if any.
- 3. Secondary and higher education cess** : It is 1 per cent of income-tax and surcharge, if any.

(b) For a Resident Senior Citizen (who is 60 years or more at any time during previous year but not more than 80 years on the last day of the previous year i.e. born during April 1, 1933 and March 31, 1954):

Net income range	Income-tax rates‡	Education cess	Secondary and higher education cess
Upto ₹ 3,00,000	Nil	Nil	Nil
₹ 3,00,000 – ₹ 5,00,000	10% of (total income minus ₹ 3,00,000).	2% of income-tax.	1% of income-tax.
₹ 5,00,000 – ₹ 10,00,000	₹ 20,000 + 20% of (total income minus ₹ 5,00,000).	2% of income-tax.	1% of income-tax.
Above ₹ 10,00,000	₹ 1,20,000 + 30% of (total income minus ₹ 10,00,000).	2% of income-tax.	1% of income-tax.

(c) For a Resident Super Senior Citizen (who is 80 years or more at any time during the previous year i.e. born before April 1st 1934) :

Net income range	Income-tax rates‡	Education cess	Secondary and higher education cess
Upto ₹ 5,00,000	Nil	Nil	Nil
₹ 5,00,000 – ₹ 10,00,000	20% of (total income minus ₹ 5,00,000).	2% of income-tax.	1% of income-tax.
Above ₹ 10,00,000	₹ 1,00,000 + 30% of (total income minus ₹ 10,00,000).	2% of income-tax.	1% of income-tax.

Rebate of (Deduction from) Income-tax in case of certain individuals (Chapter VII, Section 87A) :

- From assessment year 2014-15 and onwards, Section 87A provides that an assessee being an individual resident in India, whose total (taxable) income does not exceed ₹ 5,00,000/- (Five lacs), shall be entitled to a deduction from the amount of income-tax (as computed before allowing deductions under Chapter VIII) on his total (taxable) income of an amount of equal to 100% of such income-tax subject to ceiling limit of ₹ 2,000/-.

Q. 8 : Explain : Taxation Structure in India.

Ans. : Taxation Structure in India :

- To understand the taxation structure in India one has to study the different taxes imposed on the citizens through various enactments and legislations.

- The simple model of the taxation structure in India is depicted in the following figure.

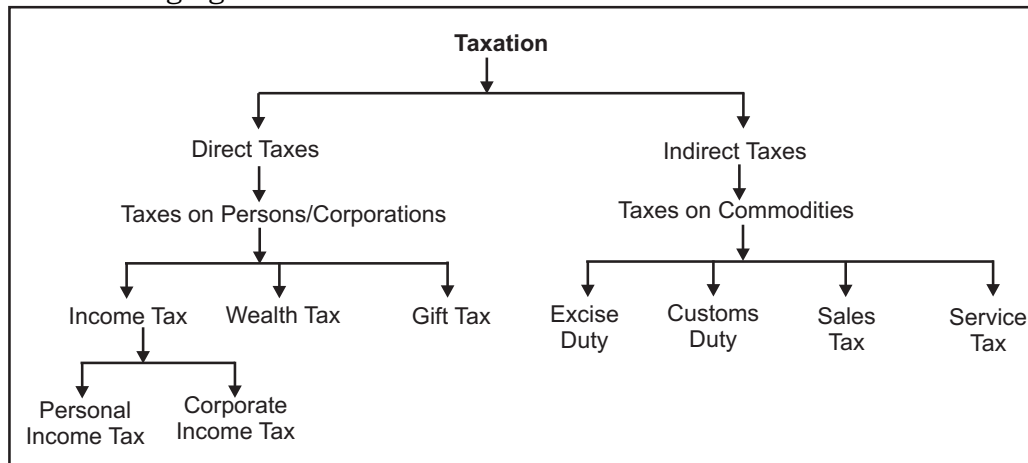


Fig. 1.1 : Taxation Structure in India

Q. 9 : State the Various Income Tax Authorities (Under the Income Tax Act, 1961).

Ans. : Income Tax Authorities [Section 116] : There shall be the following classification of income tax authorities for the implementation of the Income Tax Act.

- The Central Board of Direct Taxes (CBDT).
- Directors General of Income Tax or Chief Commissioners of Income Tax.
- Directors of Income Tax or Commissioners of Income Tax or Commissioners of Income Tax (Appeals).
- Additional Directors of Income Tax or Additional Commissioners of Income Tax or Additional Commissioners of Income Tax (Appeals).
- Joint Directors of Income Tax or Joint Commissioners of Income Tax.
- Deputy Directors of Income Tax or Deputy Commissioners of Income Tax.
- Assistant Directors of Income Tax or Assistant Commissioners of Income Tax.
- Income Tax Officers.
- Tax Recovery Officers.
- Inspectors of Income Tax.

Business Taxation



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