

PROTOCOL
TO THE CONVENTION BETWEEN
THE GOVERNMENT OF NEW ZEALAND
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 New Zealand and the Government of The Republic of India,

Having regard to the Convention between the Government of New Zealand 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 done at Auckland on 17th October, 1986 (hereinafter referred to as "the Convention"),

Having agreed that the following provisions shall form an integral part of the Convention:

ARTICLE 1

Notwithstanding paragraph (3) of Article 23 of the Convention, a New Zealand resident deriving income from India, being income referred to in that paragraph, shall not be deemed to have paid Indian tax in respect of such income where the competent authority of New Zealand considers, after consultation with the competent authority of India, that it is inappropriate to do so having regard to:

- (a) whether any arrangements have been entered into by any person for the purpose of taking advantage of paragraph (3) of Article 23 for the benefit of that person or any other person;
- (b) whether any benefit accrues or may accrue to a person who is neither a New Zealand resident nor an Indian resident;
- (c) the prevention of fraud or the avoidance of the taxes to which the Convention applies;
- (d) any other matter which either competent authority considers relevant in the particular circumstances of the case, including any submissions from the New Zealand resident concerned.

ARTICLE 2

- (1) The Contracting States shall notify each other that the domestic requirements for the entry into force of this Protocol have been complied with.

- (2) This Protocol shall enter into force on the date of the later of the notifications referred to in paragraph (1) of this Article.

ARTICLE 3

Article 1 of this Protocol shall apply to income derived on or after the 1st day of the month following the date on which this Protocol enters into force.

DONE at NEW DELHI in duplicate on this Twenty Ninth day of August, One Thousand Nine Hundred Ninety Six in the Hindi and the English languages, both the texts being equally authentic. In case of divergence between the two texts, the English text shall be the operative one.

Nick Bridge *Dr. S. G. S.*

FOR THE GOVERNMENT OF
NEW ZEALAND

FOR THE GOVERNMENT OF
THE REPUBLIC OF INDIA