Government Notice No. 136 of 2026

THE INCOME TAX ACT

Regulations made by the Minister under section 76 of the Income Tax Act

1. These regulations may be cited as the Double Taxation Avoidance Agreement (India) (Amendment) Regulations 2026.

2. In these regulations –

"principal regulations" means the Double Taxation Avoidance Agreement (India) Regulations 1983.

3. The principal regulations are amended by revoking regulation 1 and replacing it by the following regulation –

1. These regulations may be cited as the Double Taxation Avoidance Convention (India) Regulations 1983.

4. Regulation 2 of the principal regulations is amended –

(a) by deleting the definition of "Agreement";

(b) by deleting the definition of "Protocol" and replacing it by the following definition –

"Protocol" means –

(a) the Protocol signed at Port Louis on 10 May 2016 and which came into operation on 19 July 2016, as set out in the Second Schedule; and

(b) the Protocol signed at Port Louis on 7 March 2024, as set out in the Third Schedule,

amending the Convention between the Government of Mauritius 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 and Capital Gains and for the encouragement of Mutual Trade and Investment.

(c) by inserting, in the appropriate alphabetical order, the following new definition –

"Convention" means the Convention entered by the Government of Mauritius with the Republic of India pursuant to section 76 of the Act and set out in the First Schedule, as amended by the Protocols set out in the Second and Third Schedules;

5. The principal regulations are amended by adding the Third Schedule set out in the Schedule to these regulations.

6. The Protocol signed at Port Louis on 7 March 2024 and set out in the Third Schedule shall come into operation on such date as the Minister may specify in a notice to be published in the Gazette.

Made by the Minister on 29 July 2026.

SCHEDULE
[Regulation 5]

THIRD SCHEDULE
[regulation 2]

PROTOCOL AMENDING THE CONVENTION BETWEEN THE GOVERNMENT OF MAURITIUS 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 AND CAPITAL GAINS, AND FOR THE ENCOURAGEMENT OF MUTUAL TRADE AND INVESTMENT

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

Desiring to amend the Convention between the Government of the Republic of India and the Government of Mauritius for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and capital gains, and for the encouragement of mutual trade and investment, signed at Port Louis on 24th August, 1982, as amended by the Protocol signed at Port Louis on 10th May 2016 (hereinafter referred to as "the Convention");

Have agreed as follows:

Article 1

The Preamble of the Convention shall be replaced by the following:

"The Government of the Republic of India and the Government of the Republic Mauritius

Intending to eliminate double taxation with respect to the taxes covered by this Convention without creating opportunities for non-taxation or reduced taxation through tax evasion or avoidance (including through treaty-shopping arrangements aimed at obtaining reliefs provided in this Convention for the indirect benefit of residents of third jurisdictions),

Have agreed as follows:"

Article 2

The Convention shall be amended by adding after Article 27A the following new Article:

Article 27B

ENTITLEMENT TO BENEFITS

Notwithstanding the other provisions of this Convention, a benefit under this Convention shall not be granted in respect of an item of income if it is reasonable to conclude, having regard to all relevant facts and circumstances, that obtaining that benefit was one of the principal purposes of any arrangement or transaction that resulted directly or indirectly in that benefit, unless it is established that granting that benefit in these circumstances would be in accordance with the object and purpose of the relevant provisions of this Convention."

Article 3

1. Each of the Contracting States shall notify to the other the completion of the procedures required by its law for the bringing into force of this Protocol. This Protocol shall enter into force on the date of the later of these notifications.

2. The provisions of this Protocol shall have effect from the date of entry into force of the Protocol, without regard to the date on which the taxes are levied or the taxable years to which the taxes relate.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Protocol.

DONE in duplicate at Port Louis this 7th day of March 2024, in the English and Hindi languages, both texts equally authentic. In the case of divergent interpretation of the texts, the English text shall prevail.

Mr. Dharam Dev Manraj, GOSK	**Mrs. K. Nandini Singla**
Financial Secretary	High Commissioner of India
FOR THE GOVERNMENT OF THE REPUBLIC OF MAURITIUS	**FOR THE GOVERNMENT OF THE REPUBLIC OF INDIA**