

IL 401: Taxation Laws

UNIT – I: Constitutional Perspectives relating to Taxation Laws and Inter-State Goods & Service Tax:

- a. Concept of Tax- Nature and characteristics of taxes-
- b. Constitutional Provisions Art. 265 to 289 –Article 279-A :
- c. GST Council - Direct and Indirect taxes Tax evasion and tax avoidance-
- d. Scope of taxing powers of Parliament,
- e. Doctrine of Unjust Enrichment
- f. Integrated Goods and Services Tax Act, 2017 : Object, Reasons, Salient Features, Goods and Services :
- g. Place of supply –Imported into or Exported from India,
- h. Location of Supplier/recipient is in India or outside India, Refund, apportionment of tax and settlement of fund, Transfer of Input Tax Credit

UNIT- II Income Tax Act

- a. The Income Tax Act: Basis of taxation of Income- Incomes exempted from tax- Various Heads of Income and taxability- Taxability of Agriculture Income, Taxation of individuals, HUF, firms, association of persons, Co-operative Societies and Non-residents. Capital Gain and its taxability
- b. TDS, Advance Payment of Income Tax, Resident, Non-Resident and Ordinary Resident
- c. Income Tax Authorities- Their appointment- Jurisdiction Powers and functions, Provisions relating to collection and recovery of Income Tax-Refund of tax, appeal and revision provisions, offences and penalties.

UNIT- III: Intra State Goods and Service Tax -I:

(Note: the following provisions will have to be studied under the Central Goods and Services Tax Act, 2017 and Gujarat Goods and Services Tax Act, 2017)

- Concept, Object and Reasons of Goods and Service Tax Act: Minimal interface between Tax Payer and Authorities, Defects of structure of old Indirect Tax Provisions in India, Goods and Service Tax: meaning, advantages- benefits of GST
 - Prevention of evasion of tax- frauds
- Important Definitions of the Gujarat GST Act and Central GST Act:
- Adjudicating Authority, Aggregate Turnover, Assessment, Business, Business Vertical, Composite Supply, Continuous Supply of Goods, Continuous supply of Services, Drawback (Rebate of Duty), Input Service Distributor, Input Tax, Output Tax, Place of Business, Recipient, Turnover in State, Works Contract

UNIT- IV: Intra State Goods and Service Tax -II:

- Input Tax Credit, Levy and Exemption of Input Tax Credit : Conditions, Registration – Persons liable and not liable for registration, Procedure, Deemed Registration, Cancellation and Revocation of Registration
- Payment of Tax, interest, penalty etc., Tax Deduction at Source and Collection of Tax at source, filing of various returns : Monthly, Quarterly, annually, Refund of Tax, interest on delayed refunds, Consumer Welfare Fund
- Assessment : self and provisional, Scrutiny of returns, Audit , Powers of Inspection, Search, Seizure and Arrest, Provisions relating to Appeal and Reasons, ADR Mechanism
- Offences and Penalties under the GST Act

Suggested Readings:

1. V. Ramachandran & T.A. Ramakrishnan (eds) A. N. Aiyar's Indian Tax
2. Laws (2000) Company Law Institute of India Pvt. Ltd. Chennai.
3. S. Bhattacharya & H. R. .Garg, Hbandbook of Direct Taxes (1990) Eastern Law House, Calcutta.
4. Bhalla Monish, Commercial's GST DECODED (2017) Commercial Law Publishers (India) Pvt. Ltd.
5. V. S. Datey, TAXMANN'S GST Ready Reckoner, (2017)
6. Garg Rakesh, Garg Sandeep, GST Laws Manual (2017), Bloomsbury Publishers, New Delhi
7. Bare Act : Gujarat Goods and Services Act, 2017
8. Constitution of India (101th Amendment) Act, 2016