



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A. LL.B (HONS).**

**DETAILS OF COURSE OFFERED**

**ODD SEMESTER- ACADEMIC YEAR 2020-2021**

Sl. No	Course Code	Course Title	L	T	P	CR	CH
1.	BL 406 (Specialization Group Paper II)	Taxation Laws	4 per week	1 per week		4	

**A. CODE AND TITLE OF THE COURSE: BL 406 ,TAXATION LAWS**

**B. COURSE CREDIT : 4 (TOTAL MARKS 200)**

**C. MEDIUM OF INSTRUCTION: ENGLISH**

**D. COURSE COMPILED BY: MONMI GOHAIN**

**E. COURSE INSTRUCTOR: MONMI GOHAIN**

## **1. COURSE OBJECTIVES:**

Taxation has become the biggest and the principal source of revenue to raise the huge sums needed by the governments. It is otherwise considered as the compulsory contribution from the person to the State for the welfare and development of the society at large. This course is designed to equip students to understand the tax system and structure in India. The knowledge of taxation law is the basis for many avenues in the field of law. Government imposes two types of taxes namely Direct taxes and Indirect taxes. Under direct taxes, individuals who pays the tax bears the burden of it e.g. Income tax, Wealth Tax etc., while in Indirect taxes the individual who pays the tax, shifts the burden on the person who consumes the goods or services e.g. GST.

The objective is to impart conceptual understanding to the students of the provisions of the Direct Tax Laws, Indirect Tax Laws and International Taxation.

1. To inculcate the habit of reading and understanding of Taxation law;
2. To learn the nuances of computation of taxes;
3. To identify emerging issues in the field of taxation law;
4. To examine the history of tax law in India and evolution of fundamental principles of tax law;

## **2. TEACHING METHODOLOGY**

The teaching methodology for the above subject will be aim at gaining maximum theoretical as well as practical knowledge about the above subject. Different methods will be used which will help the students to be engaged in the subject apart from classroom teaching. The engagement of the students in the teaching learning process will be helpful for both the student and the teacher to carry on with the subject. It will be in the form of class room teaching and explanation of basic concepts by the teacher. It will also consists of assignment of seminar topics to the students, presentation assignment to the students , group discussiuons, organization of quiz etc.

### 3. EXPECTED OUTCOMES OF THE COURSE

After completion of completion of the course the students are expected to learn the following:

- a. In-depth knowledge about both the theoretical as well as the practical aspect of the course
- b. Take up research topics in the further study in the course
- c. Take up assignments related to the course which they might come across while doing internships and other activities.
- d. Organize various research and practical based activities related to the subject after completion of the course.

### 4. COURSE EVALUATION METHOD

The course evaluation method for the above subject is given as under

**Internal Assessment: 70% (140 marks)**

**External Assessment: 30% (60 marks)**

Sl. No.	Internal Assessment	
1.	Assignments ( written or in presentation mode) (2 Assignments of 20 marks each)	40 marks
2.	Seminar/Group Discussion ( topics will be announced by concerned course teacher)	20 marks
3.	Class Tests ( twice in a semester)	2x 35 = 70 marks
4.	<b>Attendance in class</b>	10 marks
<b>External Assessment</b>		

5	Semester End Examination	60 marks
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## **DETAILED STRUCTURE OF THE COURSE**

### **MODULE I**

#### **EVOLUTION OF TAXATION IN INDIA**

Concept of tax, its nature and characteristics of taxes, Distinction between tax and fee, tax and cess, Classification of Taxes, General Principles of Taxation, Legislative framework of taxation in India under the Indian Constitution

#### **NATURE AND DEFINITION**

Definitions under Income Tax Act 1961, Concept of Income, Previous Year, Assessment Year, Residential Status, Basis of Charge and Scope of Total Income, Incomes which do not form part of Total Income, Computation of Total Income Salaries, Income from House Property, Profit and Gains of Business or Profession, Capital Gains.

### **MODULE II**

#### **INCOME AND COMPUTATION OF INCOME**

Heads of Income and provisions governing computation of income, Profit & Gains of Business or Profession, Capital Gains, Aggregation of income, Set-off, or Carry forward and set-off of Losses, Deductions from gross total income, Direct and Indirect Taxes

#### **INDIVIDUALS AND AUTHORITIES AND THEIR FUNCTIONS**

Power and functions of different authorities in collection of taxes, Search and Seizure, Best Judgment, Assessment; Income escaping assessment Offences and penal sanctions, Settlement of grievances.

## **MODULE III**

### **GOODS & SERVICES TAX IN INDIA**

An introduction including constitutional aspects, Levy and collection of CGST and IGST, Basic concept of time and value of supply, Input tax credit, advantages and limitations of GST, filling of GST compensation, composition of GST Council and decisions, State Goods and Services Act, commodities proposed to be kept outside the purview of GST Computation of GST Liability, Registration.

## **MODULE IV**

### **INTERNATIONAL TAXATION**

Basic principles of International taxation, – Jurisdiction to Tax: Residence (Territoriality principle) and Source Principle (Nationality principle) - Fundamentals of international tax treaties - Principles of transfer pricing, Corporate Income Tax, taxation of cross-border income under domestic corporate income tax laws

### **PRESCRIBED READINGS:**

There are several books on direct taxes as well as indirect taxes. The preferred books are: Vinod K. Singhania & Kapil Singhania, “*Taxmann’s Direct Taxes- Law &*

*Practice*”,

Girish Ahuja & Ravi Gupta, “*Direct Taxes – Law and Practice*”,

L. N. Rangarajan (ed. & translated), *Arthashastra, 1992, Part V (Treasury, Sources of Revenue, Budget, Accounts and Audit)*.

Adam Smith, *An Inquiry Into The Nature And Causes Of The Wealth Of Nations, 1776, Book V Chapter II (Of the Sources of the General or Public Revenue of the Society)*.

Joseph Isenbergh, *International Taxation: U.S. Taxation of Foreign Taxpayers and Foreign Income*, 1989.

Lynne Oats, Emer Mulligan, *Principles of International Taxation*, 7<sup>th</sup> edn, 2019

Ola Ostaszewska, Belema Obuoforibo, Roy Rohatgi, *International Taxation – Volume 1: Principles*, 2018,

Nigam Nuggehalli, *International Taxation, The Indian Perspective*, 2020.

Kailash Rai, *Taxation Laws*, 9th Edn, 2007.

Kanga and Palkiwala, *The Law And Practice Of Income Tax*, (2014).

Remesh Sharma, *Supreme Court On Direct Taxes*, 2008.

Sampath Iyengar, *Law Of Income Tax*, 2008.

## **STATUTORY REFERENCES**

Constitution of India, 1950

The Constitution (Forty-Sixth Amendment) Act, 1982□

Income Tax Act, 1961

Income Tax Rules, 1962

Constitution 101st Amendment

Goods and Service Tax Act,2017

## **LAW COMMISSION OF INDIA REPORTS**

12 Report (1958) on “Income Tax Act 1922”

115 Report (1986) on “Tax Courts”

12 Report (1958) on “Income Tax Act 1922”

## **CASES**

- a. *Flipkart India Private Limited v. ACIT [2018] 92*
- b. *Gyanchand M. Bardia v. ITO [2018]*
- c. *Pendurthi Chandrasekhar v. DCIT [2018]*
- d. *MasterCard Asia Pacific Pte. Ltd., In re. [2018]*
- e. *Minda S M Technocast (P.) Ltd. v. ACIT [2018]*
- f. *Binod Kumar Agarwala v. CIT [2018]*
- g. *Bhojison Infrastructure (P.) Ltd. v. ITO [2018]*
- h. *Samir Trikambhai Patel v. ITO [2018]*
- i. *Vaani Estates (P.) Ltd. v. ITO [2018]*