

## Law of Taxation

### Unit- I

#### General Principles of Taxation

(a) Definition- Concept- Purpose of Taxation-Nature and Characteristics of Taxation-Distinction between tax, fee and fine- Mutual relationship between Tax laws and Finance Act (Amended Act) –Canons of Taxation- Kinds of Taxes- Progressive- Proportional-Regressive and Digressive- Eminent Domain Principle- Theory and Basis of Taxation-Scope and Limitations of Taxation- Inherent limitations-Requisites of a Valid tax- Double taxation- Sec-90 and Sec.91 of the I.T. Act.- Importance of OECD guidelines in International Taxation – Black money causes and Effects.

### Unit -11

#### Constitutional basis and Taxing powers:

(a) Constitutional Taxing Powers- Constitutional Amendment 101- Amendment of Art.246A- Amendment of Art.248A- Art.249 and Art.250– Art.243H-Art. 243Z- Art.250-Art.268- Art.268-Art.269- Art.269A – Amendment of Art.270-271-Art.279A-Art.286- Amendment of Seventh Schedule- Art.366- Art.368- Amendment of Sixth Schedule and Seventh schedule-Constitutional amendment 101- Art. 279 A- GST Council- Constitutional Limitations.- Significance of Union Territory Goods and Services Act 2017- Significance of the Goods and Services Tax (Compensation to States) Act 2017.

(b) Historical Development of Tax on supply of Goods and services -Exemptions to the levy of Goods and Services Tax to petroleum products- alcoholic liquor for human consumption- Powers of the GST Council to regulate these goods by notification.- Present status of Central Sales Tax Act,1957 and Central Excise Act-Customs Act and Tamil Nadu Value Added Tax Act 2006.

### Unit-111

#### Direct Taxation:

##### A) Income Tax Act 1961

Preliminary concepts; Income, 'Agricultural Income ' Casual Income,' person – Assesses Residential Status- Previous year- Assessment year – General Charging Section- and Specific Charging Section- Income- Received- Arising – Accrual- Scope and Total Income – Exempted Income : Tax Liability under Specific Heads i) Income from Salaries ii) Income from House Property iii) Income from Business or Profession iv) Income from Capital Gains. V) Income

from other sources : Clubbing of Income: Income of other persons in assesses total Income – Treatment of Losses- Set off and carry forward of losses-Procedure for assessment- Deduction allowed in certain cases- Chapter VI A Deductions- Assessment of Special Class of Assesses.

#### **Unit –IV**

##### **Indirect Taxation:**

C) The Taxation Laws (Amendment) Act,2017. Customs- Customs tariff- Central excise – Central Sales Tax- Miscellaneous – Schedule.

a) **Central Goods and Services Tax Act,2017** – Definition clauses-Administration- Levy and Collection of Tax-Time and Value of Supply-Input Tax Credit-Registration-Tax Invoice credit and debit notes.-Accounts and records>Returns- Payment of Tax-Refunds-Assessment- Audit-Inspection- Search Seizure and Arrest-Demands and Recovery- Liability to pay in certain cases-Advance –Appeals and Revision-Offences and Penalties

b). **Tamil Nadu Goods and Services Tax Tamil Act,2017-** Definition-commencement- Officers under the Act- Powers and functions-Levy and collection of Taxes-Chap III-XI scope of supply- Tax liability on composite and mixed supplies- Levy and Collection-Composition Levy- Power to grant exemption from tax. Time and value of supply-input credit tax- Registration-Tax invoice – debit and credit notes- Accounts and Records>Returns- Payment of Tax – Refunds-Assessment – Audit- Inspection –Search- Seizure and Arrest- Demands and Recovery- Liability to pay in certain cases- Chap XII-XIX-Advance Ruling-Appeals and Revision-Offence and Penalties –Transitional Provisions- Miscellaneous Provisions-Schedules.

c) **Integrated General Services Tax and Rules of States an Union :** Collection and Levy of Integrated General Services Tax- Determination of Nature of Supply -Cross Utilization of credit-Utilization of IGST credit. Inter- state supply and Intra-state supply- Location of supply- Place of supply of goods and services or both. Refund of integrated tax to International tourist.- Zero rated supply-Appportionment of tax and settlement of funds-Miscellaneous Provisions.

#### **UNIT- V**

**Customs Act -1962** with amendments -Role of customs in international trade important terms and definitions– Assessable value Baggage – Bill of entry Dutiable goods Duty Exporter – Foreign going vessel – Aircraft goods – import – import Manifest – Importer – Prohibited goods – Shipping bill – Store – Bill of lading – export manifest – Letter of Credit – Kinds of duties – Basics auxiliary - Basics of levy – Advalorem – Specific duties – Prohibition of export and import of goods and provisions regarding notified and specified goods – Import of goods - Free

import and restricted imports – Type of import – import of cargo, import of personal baggage, import of stores..

**Statutory Materials Relevant acts with amendments ::**

**(Note: Students to prepare answer for illustrative problems)**

Bare Acts of all statutory materials.

Wolters Kluwer Step by Step guide to GST

Wolters Kluwer GST Acts ,Rules and Forms.

Sita Raman and Company GST Law and Practice.

Bharat GST rates of Tax and Compensation CES

Bharat Central GST Laws

Bharat GST Ready reckoner

Manoharan Income Tax Act

Indirect Taxes- V. Nagarajan

Singhanni Guide to Income Tax Act

Bhagawathi Prasad Income Tax Law and Practice

N.A.Phalkiwala- Income Tax

Sukumar Bhattacharya- Income Tax Law Practice

Back ground Material on GST Acts and Draft rules 2017-

Indirect Taxation By Mohammed Rafi.

Black money undisclosed Foreign Income and Assets (Imposition of Tax) Act, 2015

Prevention of Corruption Act, 1947