

THE TAMILNADU DR. AMBEDKAR LAW UNIVERSITY

LL.M - TAXATION LAW

Paper I - General Principles of Taxation

**Definition and Characterisation**

1. Nature of Tax - Definition - Definition under Indian Constitution - Essential Characteristics of tax kinds of Taxation - Direct - Indirect- Proportional, Progressive, Regressive Taxation - Development of New levies as VAT, FBT, MAT, Service Tax- GST - Tax incentives.

Difference between tax - Fine, Fee licence fee, Duty, Penalty. Octroi-Toll

2. Constitutional Provisions:

Principles of federal finance position under the Indian Constitution with particular reference to Part xi ,xii, and relevant entries in viiith schedule. Art.248,265,269,286,243H, 243Z. Limits of subordinate legislation - Retrospective operation of fiscal law -important amendments.

3. Theoretical foundations of Taxation

Budget and Taxation - Objective of Tax policy - source Jurisdiction and status Jurisdiction - Double Taxation - Incidence of Tax - Tax liability - Tax burden- Tax base - Historical perspective - Ship money Tax and salt tax- Canons of taxation.

4. Tax Policy and Design of Tax System:

Taxation Income and property - Taxation on Consumption , Production and service - Buoyancy and Elasticity of Tax System - Tax policy and economic development - Tax Incentive, Assessment and collection of tax.

5. Interpretation of tax laws:

Law making process - Money Bill and Finance Bill - Structure og Tax Laws - Different approaches to interpretation - U.K. - U.S.A - India - Aids to interpretation - Doctrines applicable to taxation - Doctrine of Instrumentation - Doctrines of Nexus - Doctrine of occupied filled - Tax evasion and Tax avoidance.

## Paper II

### Direct Tax Laws

#### 2.1 Introduction:

Background of Direct Tax levy - General framework of Direct taxes - legislative history - policies of Union relating to Direct taxes Tax on Income and Property - Capital receipt and Revenue receipt Tax reforms committee reports - Salient features of Income Tax At 1961,- Black Money. Relation between income tax and agriculture income tax.

#### 2.2 Basic Concepts:

Income - Received, accrued - Tax arisen - income - deemed income - Person, Assessee, Finance year, Previous year, Assessment year - Residential status- scope of total income - exempted income, incidence of tax - Fringe Benefit Tax (FBT) - Minimum Alternate Tax.

#### 2.3 Different Heads of Income:

Income from salaries - Income from House Property - Profits & Gains of Business of Profession - Capital Gains - Income from other sources.

#### 2.4 Clubbing, Deduction, Set-Off, Assessment, TDS

Clubbing, Deduction, Set-Off & Carry forward of losses - Deduction under Chapter VI-A- Tax Deducted at Source - Assessment Income - Self assessment summary, scrutiny, best judgment - escaped assessment.

#### 2.5 Offences, Appeals & Penalties:

Income Tax Authorities - Appeals under the Act - Offences & Penalties - Settlement of cases - Recovery of Tax. Black money.

## Paper III

### Indirect Tax Laws

#### 3.1 Introduction:

Historical back ground of Indirect Tax - Features of Indirect taxes - legal perspective of indirect tax levy - legislative history - Tax Reforms Committee - Policies of Union, taxes on sale, Works contract and right to use - manufacture (Constitutional issues on goods and service taxes), Export, Import service.

#### 3.2 Customs Law : *Export Import*

Types of customs duties - classification of goods - Valuation of goods - Declaration-Import and export procedures - Exemptions Prohibited goods-negative goods-Assessment, refund-limitations- Warehousing, exemption - offences and penalties attachment of properties.

#### 3.3 Central Excise Law :- *Manufacture*

Basic concepts of Central Excise - Charge, levy, collection, manufacture, manufacturer, excisable goods - Classification of goods - Transaction value - Assessment, advance rulings - Refund, exemptions - offences and penalties

Cen Vat Credit Rules 2004-Background of CENVAT Credit - MODVAT to CENVAT paradigm shift - Overview of Cenvat Credit Rules 2004 - inputs and capital goods - input services - exempted Goods and Exempted Services - Offences and penalties.

#### 3.4 Service Tax

Legislative history -Finance Act 1994- Concept of service - Negative list of services - declared services - point of taxation - valuation of services - Place of provision of services - Abatement and exemptions - Export of services - Offences and penalties.

#### 3.5 Tax on sales

Basic concepts of VAT - Salient features of TNVAT Act 2006 - Inputs and capital goods - Zero rate Tax - Works contract - Assessment.

Important Definitions - Dealer works contract sale - business - goods - Turnover - Total Turnover - Taxable Turn over - Incidence of Tax - Compoundable tax - Input, Input - Tax Credit - assessment.

Important provisions of Central Sales Tax Act,1956