**COURSE STRUCTURE**

**LL.M. TWO YEARS (2022-2023)**

**Group-** §

**Taxation Law**

**FIRST SEMESTER**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Subject Code** | **Paper** | **L** | **Credits** | **Total Marks** | | |
| Internal | External | **Total** |
| LLM-101 | Research Methodology and Legal Writing | 5 | 3 | 20 | 80 | 100 |
| LLM-102 | Indian Constitutional Law: The New Challenges | 5 | 3 | 20 | 80 | 100 |
| LLM-103§ | Foundations of the Taxation | 5 | 3 | 20 | 80 | 100 |
| LLM-104§ | Direct Taxation and Tax Planning | 5 | 3 | 20 | 80 | 100 |
|  | **Sub Total** | **20** | **12** |  |  | **400** |
| **SECOND SEMESTER** | | | | | | |
| LLM-201 | Law and Social Transformation in India | 5 | 3 | 20 | 80 | 100 |
| LLM-202§ | Goods and Services Tax | 5 | 3 | 20 | 80 | 100 |
| LLM-203§ | Corporate Taxation | 5 | 3 | 20 | 80 | 100 |
|  | **Sub Total** | **15** | **9** |  |  | **300** |
| **THIRD SEMESTER** | | | | | | |
| LLM-301§ | International Taxation | 5 | 3 | 20 | 80 | 100 |
| LLM-302§ | Double Taxation | 5 | 3 | 20 | 80 | 100 |
| LLM-303§ | Practical Training (Teaching Assistance) | 5 | 3 | 20 | 80 | 100 |
|  | **Sub Total** | **15** | **9** |  |  | **300** |
| **FOURTH SEMESTER** | | | | | | |
| LLM-401§ | Dissertation | 10 | 5 |  |  | 100 |
| LLM-402§ | viva voce | 10 | 5 |  |  | 100 |
|  | **Sub Total** | **20** | **10** |  |  | **200** |

**FIRST SEMESTER**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** | | |
|  |  |  |  | Internal | External | **Total** |
| LLM-101 | Research Methods and Legal Writing | 5 | 3 | **20** | **80** | **100** |

**Unit-I**

**Introduction of Legal Research**

* Meaning; objectives and scope of legal research.
* Socio-legal Research in India
* Research Method *vis-à-vis* Research Methodology
* Kind of Legal Research- Doctrinal and Non-Doctrinal legal research; Inter/ Multidisciplinary, etc.
* Arm chair research *vis-à-vis* empirical research

**Unit-II**

**Research Design and Techniques**

* Primary and Secondary -Source
* Workable Hypothesis – formulation and evaluation
* Major steps in research design
* Sampling
* Survey and Case Study method

**Unit-III**

**Research Tools and Data Processing**

* Observation
* Interview and Schedule
* Questionnaire
* Socio - Metrics and Jurimetrics
* Data processing (deductions and Inductions) analysis and interpretation of data.

**Unit-IV**

**Legal Writing**

* Essentials of good legal writing
* Structured Legal Writing; Organization of Legal Material
* Report / Article writing in legal research
* Use of definitions, maxims, concepts, principles, doctrines in legal research
* Modern- Technology- Computer, Internet, etc.
* Citation, Reference and Footnoting Methodology
* Book review and case comments
* Dissertation and Thesis Writing
* Plagiarism as an offence in Research.

**Suggested Readings:**

1. Agrawal, S.K; Legal Education in India; Eastern Book House
2. Legal Research and Methodology; Indian Law Institute
3. Pauline, V.; Scientific Social Survey and Research; Prentice-Hall of India
4. Madhava Menon, N.R.; A Handbook of Clinical Legal Education; Tata McGraw Hill
5. William, J.Goode; Methods in Social Research; Tata McGraw Hill
6. Journal on Research Methodology; Indian Law Institute
7. Index to Indian and Foreign Legal Articles; National Law University, Delhi.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** | | |
|  |  |  |  | Internal | External | **Total** |
| LLM-102 | Indian Constitutional Law: The New Challenges | 5 | 3 | 20 | 80 | 100 |

**Unit–I**

**Constitution and Federalism**

* Concept of Constitution
* Meaning and idea of Constitution, Nature, Scope and Goal
* Constitution as Supreme law
* Forms of Government: Unitary and Federal-salient features of both
* Nature of Indian Federalism

**Unit-II**

**Legislative relations between Centre and State**

* Theory of Separation of Powers
* Separation of Powers under the Indian Constitution
* Interrelationship among the three organs of the state
* Distribution of Legislative Powers: The Scheme of the distribution of legislative powers in India, the judicial approach and the present position
* Recommendation of Sarkaria Commission & Venkatachaliah Commission
* Centre's responsibility and internal disturbance within states
* Directions of the Centre to the state under Articles 356 and 365

**Unit-III**

**Emerging regime of new rights and remedies**

* Concept and nature of fundamental rights
* Right to Equality
* Rights against Exploitation, Cultural Rights, Rights to Freedom of Religion
* Right to education; Commercialization of education and its impact; and Brain drain by foreign education market
* Directive Principles of State Policy and Fundamental Duties

**Unit-IV**

**Democratic Process**

* Nexus of politics with criminals and the business
* Election: Status of election commission, electoral reforms
* Coalition government: “stability, durability, and corrupt practice”
* Grass root democracy

**Unit-V**

**Constitutional Remedies, Emergency and Amendment of the Constitution**

* Right to Constitutional Remedies - Features of Writ Jurisdiction under Art. 32
* Concept of locus standi - Dynamic approach of Supreme Court on Public Interest Litigation – Judicial Activism - Comparison between Art. 32 and 226
* Freedom of trade and Commerce
* Types of Emergencies and their impact on Federal structure
* Recent amendments

**Suggested Readings:**

1. Pandey, J.N.,*Constitutional law of India*, Central Law Agency, 2019
2. Shukla,V.N.,*Constitution of India*, Eastern Book Company, 13th Edition, 2017
3. Jain, M.P.,*Indian Constitutional Law,* J[ustice JastiChelameswar](https://www.amazon.in/s/ref=dp_byline_sr_book_2?ie=UTF8&field-author=Justice+Jasti+Chelameswar&search-alias=stripbooks) (Editor), [Justice Dama Seshadri Naidu](https://www.amazon.in/s/ref=dp_byline_sr_book_3?ie=UTF8&field-author=Justice+Dama+Seshadri+Naidu&search-alias=stripbooks) (Editor), LexisNexis, 8th Edition, 2018
4. Basu, D.D.,*Introduction to Constitution of India,* LexisNexis, 23rdEdition, 2018
5. Mahajan, V.P.,*Constitution of India,* Eastern Book Company, 7th Edition, 1991
6. Seervai,H.M.,*Constitution of India*, Vol. 1-3, 1992, Tripathi, Bombay
7. Kauper and Beytagh*Constitutional law: Cases and materials (Law school casebook series),*Publisher: Little, Brown; 5th Edition, 1982
8. Basu, D.D., *Select Constitutions of The World (Including International Charters)* Bhagbati Prasad Banerjee, B.M. Gandhi, LexisNexis, 4th Edition
9. Tripathi, *Constitution law of India,* Bombay H.M. Seervai (Vols. 3).
10. Derret, Duncan, *The State, Religion and Law in India*, OUP, 1999
11. Indian Law Institute, *Law and Social Change: Indo-American Reflections*, Tripathi Publications, 1988
12. Stone, Julius, *Social Dimension of Law and Justice, Marc Galanter*, Law and Society in Modern India, Oxford Publications, 1997
13. Lingat, Robert, *The Classical Law of India*, Oxford, 1998
14. Baxi, Upendra, *The Crisis of the Indian Legal System*, Vikas Publications, 1982
15. Bhatt, P.Ishwar, *Law and Social Transformation*, Eastern Book Company, Lucknow,2008

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** | | |
|  |  |  |  | Internal | External | **Total** |
| LLM-103§ | Foundations of the Taxation | 5 | 3 | **20** | **80** | **100** |

**Unit-I**

**Nature and Definition of Tax**

* Nature of Tax, Historical Perspective, Definition, Definition under Indian Constitution
* Constitutionality of Levying Tax
* Development of New levies
* Difference between Tax – Fine, Fee, licence fee, Duty, Penalty, Toll
* Concepts of Taxable Event, Taxable Income, Previous Year, Assessment Year etc.

**Unit-II**

**Characterisation of Tax**

* Essential Characteristics of Tax, Kinds of Taxes, Direct and Indirect Taxes
* Direct, Proportional, Progressive, Regressive, Degressive Taxation
* Indirect Tax, Specific – Ad Valorem

**Unit-III**

**Theoretical Foundations of Taxation**

* Objectives of Tax policy, Source Jurisdiction and Status Jurisdiction, Origin and Destination Jurisdiction
* Double Taxation, Incidence of Tax, Impact of Tax, Tax liability, Tax burden, Tax base
* Ship Money and Salt Tax, Canons of taxation, Tax Planning, Tax Avoidance, Tax evasion

**Unit-IV**

**Tax Policy and Design of Tax System**

* Taxation of Income and property, Tax on Consumption, Production and Service
* Buoyancy and Elasticity of Tax System, Tax policy and Economic Development
* Tax Incentive, Assessment and Collection of Tax

**Unit-V**

**Operation and Interpretation of Fiscal Laws**

* Retrospective Operation of Fiscal Laws
* Contemporary Developments in direct and indirect taxes.
* Structure of Tax Laws, Different Approaches to Interpretation of Fiscal Statutes -UK -USA-India
* Aids to Interpretation, Doctrines Applicable to Taxation, Doctrine of Instrumentation, Doctrines of Nexus, Doctrine of Severability, Doctrine of Waiver, Doctrine of Eclipse, Doctrine of Occupied Field

**Suggested Readings:**

1. Singhanar V.K: Students' Guide to Income Fax; Taxmann, Delhi
2. Prasaci, Bhagwati: Income Tax Law & Practice: Wiley Publication, New Delhi
3. Mehrotra H.C: Income Tax Law & Accounts ; Sahitya Bhawan, Agra
4. Dinker Pagare: Income Tax Law and Practice: Sultan Chand & Sons, New Delhi
5. Girish Ahuja and Ravi Gupta: Systematic approach to income tax: Sahitya Bhawan Publications, New Delhi
6. Chandra Mahesh and Shukla D.C.: Income Tax Law and Practice; Pragati Publications, New Delhi

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** | | |
|  |  |  |  | Internal | External | **Total** |
| LLM-104§ | Direct Taxation | 5 | 3 | **20** | **80** | **100** |

**Unit-I**

**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, Relation Between Income Tax and Agriculture Income Tax

**Unit-II**

**Basic Concepts**

* Definition of Income, Person, Assessee, Financial Year, Previous Year, Assessment Year
* Scope of Total Income, Residential Status, Income Received, Accrued or Arisen in India, Deemed Income
* Exempted Income

**Unit-III**

**Assessment and Computation of Income and Tax**

* Different Heads of Income
* Clubbing, Set-Off and Carry Forward of Losses
* Assessment of Income
* Income Computation and Disclosure Statements
* Administrative Provisions (Return and PAN)

**Unit-IV**

**Tax Management**

* Tax Deducted at Source
* Tax Collected at Source
* Advance Tax

**Unit-V**

**Administrative Procedures**

* Return & PAN
* Intimation
* Brief concepts of Assessment u/s 140A, 143 and 144
* Basic Concepts of ICDS
* Procedural Compliances

**Suggested Readings:**

1. Singhanar V.K: Students' Guide to Income Fax; Taxmann, Delhi
2. Prasaci, Bhagwati: Income Tax Law & Practice: Wiley Publication, New Delhi
3. Mehrotra H.C: Income Tax Law & Accounts ; Sahitya Bhawan, Agra
4. Dinker Pagare: Income Tax Law and Practice: Sultan Chand & Sons, New Delhi
5. Girish Ahuja and Ravi Gupta: Systematic approach to income tax: Sahitya Bhawan Publications, New Delhi
6. Chandra Mahesh and Shukla D.C.: Income Tax Law and Practice; Pragati Publications, New Delhi

**SECOND SEMESTER**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** | | |
| **Internal** | **External** | **Total** |
| LLM-201 | Law and Social Transformation | 5 | 3 | 20 | 80 | 100 |
| LLM-202§ | Goods and Service Tax | 5 | 3 | 20 | 80 | 100 |
| LLM-203§ | Corporate Taxation | 5 | 3 | 20 | 80 | 100 |
|  | **Sub Total** | **15** | **9** |  |  | **300** |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** | | |
| Internal | External | **Total** |
| LLM-201 | Law and Social Transformation | 5 | 3 | 20 | 80 | 100 |

**Unit-I**

**Law and social transformation theoretical analysis**

* Models of social transformation
* Law as an instrument of social transformation
* Historical and social discourse
* Constitution’s orientation and response to social transformation
* Democracy and social transformation
* Constitutionalism and social transformation

**Unit-II**

**Language and the law**

* Language as a divisive factor
* Constitutional recognition of linguistic pluralism
* Constitutional guarantees to linguistic minorities
* Non-discrimination on the ground of language

**Unit-III**

**Community and the Law**

* Caste as a divisive factor
* Non-discrimination on the ground of caste
* Protective discrimination
* Affirmative action
* Reservation

**Unit-IV**

**Religion and Alternative Approaches to law**

* Religion as a divisive factor
* Freedom of religion and non-discrimination on the basis of religion under Indian
* Constitution, Regionalism
* The Impact of multiculturalism and ethnicity
* Constitutional safeguards against regional barriers
* Equality in matters of employment
* The jurisprudence of Sarvodaya--- Gandhiji, VinobaBhave; Jayaprakash Narayan-Surrender of dacoits
* Concept of Gramanyayalayas.

**Unit-V**

**Modernization and the Law**

* Modernization as a value
* Modernization of social institutions through law
* Public interest litigation
* ADR system
* Lok Adalats
* Democratic decentralization and local self-government

**Suggested Readings:**

1. Kuppuswamy, B. and Kumar, B.V., *Social Change in India,*Konark Publisher Pvt Ltd, Delhi, 2006
2. Baxi, Upendra, 1985,*Towards a Sociology of Indian Law*, New Delhi, ICSSR/Satvahan Publications
3. Upendra,Baxi,*The Crisis of Indian Legal System*, New Delhi : Vikas, ©1982
4. Upendra,Baxi,*Law and Poverty: Critical Essays*, Bombay : N.M. Tripathi, 1988
5. Galenter, Marc, *Law and Society in Modern India*, OUP India, 1993
6. Freidman, W., *Law in Changing Society,* Sweet and Maxwell, South Asian Edition, 2nd Edition,2016
7. Hunt, Allan,*Sociological Movement in Law*, Palgrave, September 30, 1978
8. Sinha, Balbir Sahai,*Law and Social Changein India*, Deep & Deep, 1983
9. Desai, A. R.,*Social Background of Indian Nationalism,* Popular Prakashan Ltd.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** | | |
| Internal | External | **Total** |
| LLM-202§ | Goods and Service Tax | 5 | 3 | 20 | 80 | 100 |

**Unit-I**

**Background and Introduction**

* Basic Concepts
* The Customs Act
* 101st Constitutional Amendment
* Tax Reforms Committee – Policies of Union, Taxes on sale, Works Contract and Right to use

**Unit-II**

**The Central Goods and Services Tax Act, 2017**

* Definitions
* Important Provisions
* Registration, Supply, Types of Supply, Deemed Supply and Time
* Forward and Reverse charge, ITC Credit, Invoice, Credit & Debit notes, Accounts & other records

**Unit-III**

**State Goods and Services Tax**

* Introduction, Definitions, Administration - Levy and Collection of Tax, Composition levy
* Registration, Supply, Types of Supply, Deemed Supply, Time, Value and Place of Supply, Exemptions
* Liability & SGST Act, Forward and Reverse charge, ITC Credit, Invoice, Credit & Debit notes, Accounts & other Records, Returns & Audit, Payment of Tax, Antiprofiteering, Transitional Provisions

**Unit-IV**

**Other Acts of GST**

* Union Territory Goods and Services Tax Act, 2017
* Goods and Services Tax (Compensation to States) Act, 2017
* Integrated Goods and Services Tax Act, 2017

**Unit-V**

**Procedural Compliances under GST**

* Filing of Returns, Assessment, Investigation, Inspection, Search & Seizure, Issue of Demand Notice.
* Adjudication Proceedings, Penal Provisions under GST, Appeals & Revision, Recovery, Refund, Arrest & Prosecution proceedings, Advance Ruling

**Suggested Readings:**

1. V S Datey, GST Ready Reckoner, Taxmann 2017.
2. CA.Ashok Batra, GST Ready Recknor, (Wolters Kluwer).
3. CA.Keshav Garg, GST Ready Recknor, (Bharat).
4. Jaya Vasudevan Suseela, Indirect Taxes (GST and other Indirect Taxes), (EBC Explorer).
5. K.Vaitheeshwaran, Students handbook on Indirect Taxes, (Snow White).
6. Dr.Sanjiv Agarwal & Sanjeev Malhotra, Goods & Services Tax, Laws, Concepts and
7. Impact Analysis, (Bloomsbury).
8. Prof. Jayakumar Sithanandam, Goods and Services Tax Laws, White Falcon Publications.
9. Aditya Singhania, GST Audit and Annual Return, Taxmann Publications Pvt. Ltd.Dr. J.C.Varshney, Indirect Taxes, SBPD Publications.R. Kavita Rao and Sacchidanada Mukerjee , Evolution of Goods and Services Tax in India
10. 14, Cambridge University Press.
11. Arpit Haldia, GST Search Seizure and Arrest, Taxmann Publications.
12. V.S.Datey, Customs Law & Foreign Trade Policy , Taxmann Publications.Sanjay Malhotra, Handbook on GST Audit by Tax Authorities, Bloomsbury Professional India
13. Dr. Vandana Bangar and Dr. Yogendra Bangar, Comprehensive Guide to Inidrect tax Laws – GST, Customs and FTP, Aadhya Prakashan
14. Madhukar N. Hiregange, Compendium of Issues and Solutions in GST, Wolters Kluwer

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** | | |
| Internal | External | **Total** |
| LLM-203§ | Corporate Taxation | 5 | 3 | 20 | 80 | 100 |

**Unit-I**

**Computation of Income**

* Definition of Company, Residential Status of Company , Receipt of Income, Accrual of Income, Business Connection, Components of Income of a Company, Income from business, Definition of Business, Chargeability, Computation, Gross Earnings, Determination of Expenses, Depreciation, (Block of Assets, Actual Cost, Written Down Value) and Admissible Allowances, Exemptions and Deductions.
* Capital Gains, Capital Assets (Short-Term Capital Assets and Long-Term Capital Assets), Basis of Liability, Computation,
* Definition of Transfer
* Special Provisions for Depreciable Assets, Computation, Exemptions and Deductions

**Unit-II**

**Aggregation of Income and Tax Incentive**

* Ordinary and Special Sources, Total Income, Aggregation of Income, Set off and Carry forward of Business Losses and Depreciation
* Special Provisions for Corporate Restructuring and its types under Companies Act, 2013, Tax Planning for Amalgamation, Merger and Demerger of Companies, IBC (Taxation of Company going into Liquidation)
* Tax Incentives, Start-ups, Angel Tax, Contribution to Certain Funds, Political Contributions, Provisions Relating to Investor Protection Funds under Companies Act 2013 and its Taxing Aspects

**Unit-III**

**Assessment and Accounting**

* Assessment of Non-Profit Organizations, Taxation of Income from Venture Capital Funds and Companies.
* Tax on Dividend Distributed (DDT), Minimum Alternate Tax (MAT), Tax on Income Distributed by Mutual Funds, Insurance Companies
* Reopening of Assessment.
* Maintenance of Accounts, Financial Statements, Audit of Accounts, Reporting International Transactions.
* Methods of Accounting, Computation of Book Profits

**Unit-IV**

**Double Taxation**

* Meaning of Double Taxation, Double Taxation Avoidance Agreement (DTAA), Interpretation and Scope of Tax Treaties.
* Importance of DTAA in the era of Globalization, OECD and UN Model Tax Treaties
* Scope of DTAA under the Income Tax Act, 1961, Treaty Shopping, General Anti-Avoidance Rules (GAAR).

**Unit-V**

**Tax Avoidance and Corporate Social Responsibility**

* Tax Avoidance Provisions, Disallowing Expenses – DTAA and OECD
* Determination of Arm’s Length Price, Advance Pricing Agreements, Sale and Buy Back of Securities, Anti-Avoidance Rules
* Significance of Corporate Social Responsibility, Income Tax Provisions on CSR, Deductions under Section 80 G.
* TDS on CSR Expenditure, Issues and Tax Benefits, Reporting

**Suggested Readings:**

1. Nigam Nuggehalli, *International Taxation – The Indian Prespective* , Springer .
2. Singhanar V.K: Students' Guide to Income Fax; Taxmann, Delhi
3. Prasaci, Bhagwati: Income Tax Law & Practice: Wiley Publication, New Delhi
4. Mehrotra H.C: Income Tax Law & Accounts ; Sahitya Bhawan, Agra
5. Dinker Pagare: Income Tax Law and Practice: Sultan Chand & Sons, New Delhi
6. Girish Ahuja and Ravi Gupta: Systematic approach to income tax: Sahitya Bhawan Publications, New Delhi
7. Chandra Mahesh and Shukla D.C.: Income Tax Law and Practice; Pragati Publications, New Delhi

**THIRD SEMESTER**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** | | |
| Internal | External | **Total** |
| LLM-301§ | International Taxation | 5 | 3 | 20 | 80 | 100 |
| LLM-302§ | Law Relating To Tax Planning And Economic Development | 5 | 3 | 20 | 80 | 100 |
| LLM-303§ | Practical Training (Teaching Assistance) | 5 | 3 | 20 | 80 | 100 |
|  | **Sub Total** | **15** | **9** |  |  | **300** |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** | | |
|  |  |  |  | Internal | External | **Total** |
| LLM-301§ | International Taxation | 5 | 3 | **20** | **80** | **100** |

**Unit-I**

**Introduction**

* Meaning of International Taxation, Scope of International Taxation in the era of Globalization
* Source *v.* Resident Rule of Taxation, Destination *v.* Origin Method of Taxation, Relevancy in India.
* Procedural compliance such as PAN, Advance Tax, Self-Assessment Tax.

**Unit-II**

**Taxation of Foreign Income**

* Foreign Income, Various Categories such as Royalty, Fee for Technical Services, Shipping, Aircraft
* Provisions of Income Tax Act, 1961 relating to Deemed Accrual, Business
* Withholding of Taxes, Allocation of Deductions, Efficiency in Savings Decisions

**Unit-III**

**Permanent Establishment**

* Permanent Establishment, Tests in Determining PE Status, OECD and UN Model Conventions, Provisions under the Income Tax Act, 1961
* Contemporary Issues in Determination of Permanent Establishment, Equalisation Levy

**Unit-IV**

**Place of Effective Management**

* Place of Effective Management (POEM), POEM as a Tie Breaker Rule in Determining the Residential Status of a Company
* Guidelines in Determining POEM, CBDT Guidelines, Active Business Outside India (ABOI), Primary and Secondary Factors
* Understanding the difference between POEM and PE

**Unit-V**

**Transfer Pricing**

* Associated Enterprises, Deemed Associated Enterprises, Transfer Pricing, International Transactions, Specified Domestic Transactions
* Arm’s Length Price, Steps in arriving at ALP, Methods in Determining ALP, Tolerance
* Band, Safe Harbour Rules, Eligible Assessee, Eligible International Transactions, Ineligible Transactions
* Advance Pricing Agreements, Purpose, Provisions under the Income Tax Act, 1961, Effect

**Suggested Readings:**

1. Anuschka Bakker, Marc M. Levey (Eds.), Transfer Pricing and Dispute Resolution.
2. Taxman’s Law Relating to Transfer Pricing with Transfer Pricing Audit & Multilateral
3. Convention 2019 to Implement BEPS.
4. Duff Phelps, Transfer Pricing and Dispute Resolution. Guide to International Transfer
5. Pricing: Law, Tax Planning and Compliance Strategies, Wolters Kluwer pvt. Ltd, 8th Edition (2018).
6. IRS O P Yadav ,Transfer Pricing in India: Principles and Practice, OakBridge Publishing; First Edition (2019).
7. Divakar Vijayasarathy , Law & Practice of Transfer Pricing, Bharat Law House Pvt Ltd; 5th edition (2020).
8. D.P.Mittal, Law of Transfer Pricing in India , Taxmann Publisher Pvt. Ltd.
9. Nilesh Modi, The Law and Practice of Tax Treaties – An Indian Perspective , Wolters 20 Kluwer.
10. Nigam Nuggehalli, International Taxation – The Indian Prespective , Springer .
11. Girish Ahuja- (2019), Law and Procedure- Professional approaches to Direct Taxes and
12. International Taxation, Wolters Kluwer India Pvt Ltd.
13. Amar Mehta, Permanent Establishment in International Taxation, Taxman Publications

Pvt. Ltd.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** | | |
|  |  |  |  | Internal | External | **Total** |
| LLM-302§ | Law Relating To Tax Planning And Economic Development | 5 | 3 | **20** | **80** | **100** |

**Unit-I**

**Tax Planning**

* Meaning of Tax Planning, Features and Differences between Tax Planning, Need and Significance of Tax Planning, Types, Strategies of Tax Planning, Tax Planning in respect of Residential Status, Tax Planning relating to Individuals.
* Tax Planning with reference to all Five heads of Income for Individuals – Salary, House Property, Profits or Gains from Business and Profession, Capital Gains and Income from other Sources
* Tax Planning with respect to Deductions, Exemptions, Rebate, Relief, Concession and Incentives (Problems focused on Tax Planning)
* Tax Planning related to Special Economic Zones (SEZ), Export Processing Zones (EPZ), Export Oriented Units (EOUs)

**Unit-II**

**Tax Avoidance**

* Definition of Tax Avoidance, Characteristics, Avoidance by Individuals and Avoidance by Corporates.
* Methods of Tax Avoidance – Profit Shifting, Use of Tax Havens, Transfer Pricing, Thin Capitalisation, Treaty Shopping, Controlled Foreign Companies
* Impact of Tax Avoidance on the Economic Growth

**Unit-III**

**Tax Evasion**

* Definition of Tax Evasion, Characteristics, Types, Causes, Penalties
* Tax evasion according to Kinds of taxation, Tax Evasion in Income Tax, Tax evasion in Customs Duties, Smuggling, Tax Evasion in Business and Profession and their Methods
* Impact of Tax Evasion on Economic Growth
* Differences between Tax Planning, Tax Avoidance and Tax Evasion.

**Unit-IV**

**Domestic Legislations to Curb Tax Evasion**

* Prevention of Money Laundering Act, 2002
* Black Money (Undisclosed Foreign Income and Assets) Imposition of Tax Act, 2015
* Fugitive Economic Offenders Act, 2017
* Provisions under Income Tax Act, 1961, GAAR
* Provisions under The Central Goods and Services Tax Act, 2017
* Provisions under The Customs Act, 1962

**Unit-V**

**International Measures to Curb Tax Avoidance and Evasion**

* Understanding the Meaning of Tax Havens and Secrecy Jurisdictions.
* United Nations Model Double Taxation Convention between Developed and Developing Countries, OECD,
* Model Tax Convention on Income and on Capital, Agreement on Exchange of Information on Tax Matters,
* The Multilateral Convention on Mutual Administrative Assistance in Tax Matters,
* BEPS Action Plans
* International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation (FATF)

**Suggested Readings:**

1. Anuschka Bakker, Marc M. Levey (Eds.), Transfer Pricing and Dispute Resolution.
2. Taxman’s Law Relating to Transfer Pricing with Transfer Pricing Audit & Multilateral
3. Convention 2019 to Implement BEPS.
4. Duff Phelps, Transfer Pricing and Dispute Resolution. Guide to International Transfer
5. Pricing: Law, Tax Planning and Compliance Strategies, Wolters Kluwer pvt. Ltd, 8th Edition (2018).
6. IRS O P Yadav ,Transfer Pricing in India: Principles and Practice, OakBridge Publishing; First Edition (2019).
7. Nigam Nuggehalli, International Taxation – The Indian Prespective , Springer .
8. Girish Ahuja- (2019), Law and Procedure- Professional approaches to Direct Taxes and
9. International Taxation, Wolters Kluwer India Pvt Ltd.
10. Amar Mehta, Permanent Establishment in International Taxation, Taxman Publications Pvt. Ltd.
11. Ahuja, Girish and Ravi Gupta. Systematic Approach to Income Tax. Bharat Law House, Delhi
12. Singhania, Vinod K. and Monica Singhania. Students’ Guide to Income Tax, University Edition. Taxmann Publications Pvt. Ltd., New Delhi

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** | | |
|  |  |  |  | Internal | External | **Total** |
| LLM-303§ | Practical Training (Teaching Assistance) | 5 | 3 | **20** | **80** | **100** |

**FOURTH SEMESTER**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** | | |
| Internal | External | **Total** |
| LLM-401§ | Dissertation | 10 | 5 |  |  | 100 |
| LLM-402§ | Viva | 10 | 5 |  |  | 100 |
|  | **Sub Total** | **20** | **10** |  |  | **200** |