

Total number of printed pages-7

19 (V) PRTX 5.3

2019

PRINCIPLES OF TAXATION LAW

Paper : 5.3

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

*Answer **all** the questions.*

1. Answer the following/choose the correct answer : 1×10=10
 - (a) When the impact and incidence of a tax is on the same person such a tax is referred to as (direct tax/indirect tax).

Contd.

- (b) A progressive tax is that in which the rate of tax depends on change in income of the individual which implies that the higher the income, the higher is the rate of taxation. *(True/False)*
- (c) If a company is incorporated in India, it is considered as resident in India. *(True/False)*
- (d) The arrangement of one's financial affairs to minimize tax liability within the law is known as (Tax avoidance/ Tax evasion).
- (e) Under the GST Act, a manufacturer who pays the tax on the final output (can deduct the tax/cannot deduct the tax) he previously paid on the input he purchased.
- (f) GST is a (development/destination) based tax applicable on all transactions involving supply of goods and services.

- (g) Gross total income as reduced by the amount permissible as deduction u/s 80CC to 80U is called (net income/total income).
- (h) Revision of an order passed by an A.O. can be revised by the CIT under section (264/250) of the Income Tax Act, 1961.
- (i) Appeal to the High Court u/s 260A of the IT Act can be filed purely on the (question of law/substantial question of law).
- (j) The provisions relating to DTAA are contained u/s 90/92 in chapter IX of the Income Tax Act, 1961.

2. Answer the following : 2×5=10

- (a) What is the difference between single and multiple taxation ?

- (b) What is the concept of 'agricultural income' under the Income Tax Act, 1961 ?
- (c) What is HSN code under the GST Act ?
- (d) What is composition levy ?
- (e) What do you understand by the expression 'residential status' of an assessee ?

3. Distinguish between a direct and an indirect tax. What are the advantages of a direct and an indirect taxation system ? What do you think should be an ideal system of taxation for a country like India ?

4+6+2=12

OR

Write notes on :

6×2=12

(a) Canons of Taxation

(b) Impact, incidence and shifting of taxation.

4. List the various Central and State levies which have been subsumed into GST in India. Discuss the dual GST model as introduced in our country. What is the mechanism under the GST regime to resolve the double taxation dichotomy which existed under the previous indirect tax laws ?

2+6+4=12

OR

Discuss in detail, the constitutional powers and functions of the GST Council.

12

5. What are the major features of the registration process under the GST laws? Discuss the procedure of filing of returns under the GST mechanism.

12

OR

Write notes on :

4×3=12

(a) GSTN

(b) IGST

(c) ITC under GST

(d) Composite and mixed supply.

6. "Whether an income is of revenue or capital nature is a question of fact and must depend on the circumstances of each case."
Discuss the above statement citing appropriate illustrations and case laws, thereby highlighting the difference between revenue receipts and capital receipts. 12

OR

Explain the following, citing relevant provisions of the IT Act, 1961 : 3×4=12

- (a) Previous year and assessment year
 - (b) Residential status of an assessee
 - (c) Agricultural income as an exempted income
 - (d) Income from capital gains.
7. What do you understand by the term "assessment" and what are the different types of assessment as envisaged under the IT Act, 1961? Can an order of an *ex parte* assessment be passed by an Income Tax Officer in exercise of his powers under the Act? Cite case laws in support of your answer. 2+6+4=12

OR

Who are the Income Tax authorities as appointed under the Income Tax Act, 1961? Discuss the various powers as exercised by the authorities under the provisions of the Act.

12

2017

PRINCIPLES OF LAW OF TAXATION

Paper : 5.3

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Choose the correct answer : $1 \times 10 = 10$
- (i) Tax can be imposed by _____ only.
(Government/Parliament)
- (ii) Article _____ of the Constitution of India says that "no tax shall be levied or collected without the authority of Law."
(365/265)
- (iii) Any amount withdrawn from Statutory Provident Fund or Public Provident Fund are exempt from tax.
(True/False)

Contd.

- (iv) The present Income Tax Act, 1961 came into enforce from _____.
(1st March, 1962/1st April, 1962)
- (v) The Central Board of Direct Taxes (CBDT) constituted under the Central Board of Revenue Act, 1963
(True/False)
- (vi) In India GST came into enforce from _____.
(1st June, 2017/1st July, 2017)
- (vii) GST comes under which amendment bill of the Constitution of India ?
(120/122)
- (viii) Which of the following country is the first one to implement GST ?
(France/USA)
- (ix) Who is the Chairman of the GST Council ?
(Finance Minister/Prime Minister)
- (x) Which state became the first state of India to ratify GST bill ?
(Assam/Andhra Pradesh)

2. Answer the following : 2×5=10

(a) What is meant by Canons of Taxation ?

(b) What is the meaning of aggregate turnover ?

(c) Write short note on CGST.

(d) Define PAN.

(e) What is meant by 'Financial Year' ?

3. What is "Tax" ? What are its classification ?
Discuss the main characteristics of a good tax system. 12

Or

Discuss the constitutional provisions relating to collect and levy of tax. 12

4. Define GST. Discuss the main features of GST Act. 12

Or

What do you mean by GST Council ?
Discuss its constitution, power and functions. 12

5. Discuss the different types of taxes at the Centre and State level being subsumed into GST. 12

Or

Write an exhaustive note on the different provisions of the State Goods and Services Act, 2017. 12

6. What are the different heads of income to be taxed under Income Tax Act, 1961? Discuss with suitable example. 12

Or

What do you mean by Income Tax Return? Explain briefly the provisions relating to filing of different forms of returns under the Income Tax Act. 12

7. Discuss in detail the Special Provisions relating to income of non-residents and certain companies. 12

Or

Who are the Income Tax Authorities? Discuss the power and functions of Income Tax Authorities. 12

2016

PRINCIPLES OF TAXATION LAW

Paper : 5·3

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

Answer Q. No. 1 and 2 and any five from the rest.

1. Choose the correct answer : $1 \times 10 = 10$
- (a) Income Tax was first introduced in British India in _____. (1860/1961)
- (b) No tax can be levied or collected except by authority of law is found in Art _____ of the Constitution of India. (265/370)
- (c) Assessment year means a period of twelve _____. (months/year)

Contd.

- (d) According to the Assam Shop and Establishment Act, a child is a person who has not completed the age of _____ years. (14/18)
- (e) Income Tax is imposed on the _____ of previous year of a person. (net income/gross income)
- (f) As per section 2(aa) of CST Act, 1956 'Business' does not include _____. (Profession/Commerce and Trade)
- (g) Indirect Taxes are ordinarily _____ (progressive/regressive) in nature.
- (h) Agricultural Income Tax Act was passed in the year _____. (1939/1940)
- (i) Income Tax falls under Entry _____ of the Union list. (82/84)
- (j) For not registering under CST Act where required to be registered is punishable with imprisonment upto _____ months. (6/9)

2. Write the following : 2×5=10

(a) Single and multiple Taxation

(b) Liability of Tax on Inter-State Sales

(c) Double Taxation relief

(d) Charge of Wealth Tax

(e) Agricultural income.

3. What do you mean by Tax ? What are the characteristics of Tax ? Discuss the different types of Tax. 4+4+4=12

Or

Discuss the requirements of Good Tax System. Whether our state has followed so far, amplify your answer with reasons.

8+4=12

4. Explain the principles for determining when a sale or purchase of goods takes place in the course of inter-state trade or commerce outside the state. 12

Or

What is the effect for non-registration of Dealers ? Discuss also determination of Turnover under the CST Act 6+6=12

5. Explain how the income tax is computed in respect of different heads taxable under law. 12

Or

Discuss what are the different income forming part of total income on which no Income Tax is payable. 12

6. Discuss the authorities of Wealth Tax with their powers. 12

Or

What is gift ? How gift tax is charged and by whom ? Explain in the light of Gift Tax Act 1958. 12

7. Write an essay about Assam General Sales Tax Act with special reference to VAT. 12

Or

Who are taxing authorities under the Assam Agricultural Income Tax Act, 1939 ? Discuss the exemption granted from purview of Tax under the said Act. 6+6=12

2014

**PRINCIPLES OF LAW OF
TAXATION**

Paper : 5·3

Full Marks : 80

Time : Three hours

***The figures in the margin indicate full marks for
the questions.***

Answer Q. no. 1 & 2 and any five from the rest.

1. Choose the correct answer —

1×10=10

- (a) A progressive tax is that in which the rate of tax depends on change in the income of the individual, which implies that higher the income, the higher is the rate of taxation. (True/False)
- (b) Agricultural income is exempt from income tax under section 10(1) / 10(2) of the Income Tax Act 1961.

Contd.

- (c) Gross total income as reduced by the amount permissible as deduction under section 80 CC to 80 U is called total income / net income.
- (d) The Wealth tax was imposed in India on the recommendations of Prof Nicholas Kaldor (True / false)
- (e) Income tax falls under Entry 82/84 of the Union list.
- (f) According to the Wealth Tax Act, Wealth Tax is charged at the rate of 1% of the amount by which net wealth exceeds Rs. 30,00,000/-. (True / False)
- (g) As per Section 2 (aa) of CST Act 1956, 'Business' does not include Profession / Commerce / Trade.
- (h) Any remuneration and interest on capital received by a partner from a firm engaged in agricultural operation is agricultural income. (True / false)
- (i) Agricultural Income Tax Act was passed in the year 1939 / 1940.
- (j) For not registering under CST Act where required to be registered is punishable with imprisonment upto 6 months / 9 months.

2. Answer the following : 2×5=10
- (a) What is total income ?
 - (b) Financial year
 - (c) What is Permanent Account Number (PAN) ?
 - (d) Dealer under CST Act
 - (e) Agricultural income
3. Discuss the constitutional provisions relating to collect and levy of tax. 12
4. What is tax ? Distinguish between tax and fee and also direct and indirect tax. 4+4+4=12
5. Define income. What are the different heads of income for chargeability to tax under the Income Tax Act 1961. 4+8=12
6. Define 'declared goods'. What are the restrictions imposed on the levy of tax on declared goods under the CST Act 1956. 12
7. What was the object of agricultural income tax in India ? Write about the authorities to collect and levy agricultural income tax. 6+6=12

8. What is agricultural income ? How it is computed ? Discuss. $6+6=12$

9. Write short notes on : (*any three*) $3 \times 4 = 12$

(a) Casual income

(b) Trade and Commerce

(c) Accounting year

(d) Income tax Return.

Total No. of printed pages = 3

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2011

TAXATION LAWS

Eighth Paper

Full Marks – 100

Time – Three hours

The figures in the margin indicate full marks for the questions.

Answer any *three* questions from Group-A and any *two* questions from Group-B.

GROUP - A

1. Write short notes on any *four* of the following :

(a) Business

(b) Surcharge under Income Tax Act

(c) Agricultural income

(d) Income year

(e) Best Judgement Assessment.

5×4=20

[Turn over

2. Explain avoidance of double taxation. What is the meaning of 'residence in India' for the purpose of taxation ? 12+8=20
3. Describe the mode and manner of Income Tax assessment of a registered firm. 20
4. What do you mean by 'declared goods'? What are the restrictions and conditions in regard to tax on sale or purchase of 'declared goods' within the state ? Illustrate your answer. 6+14=20
5. Explain the principle of 'burden of proof' in case of transfer of goods claimed otherwise than by way of sale under Central Sales Tax Act. 20
6. State the facts and the principle of law laid down in 20

India Carbon Ltd.

Vs.

State of Assam.

(AIR 1999 SC)

GROUP - B

7. Explain any *four* of the following : $5 \times 4 = 20$

- (a) Casual dealer
- (b) Gross Turn Over
- (c) Incidence of Tax
- (d) Manufacture
- (e) Value Added Tax.

8. Write briefly the assessment procedure under the Assam Agricultural Income Tax Act, 1939. How is the agricultural income determined from the income derived from tea industries ? $12 + 8 = 20$

9. Describe briefly the different procedures of registration under Sales Tax laws of the state. 20

10. What do you mean by 'composite tax' under State Tax Laws ? Explain with illustrations. $10 + 10 = 20$