

Introduction to Principles of GST

Goods and Services Tax (GST) was introduced in India in July 2017 with an intent to streamline India's indirect tax regime. Various State and Union level indirect taxes were subsumed to create a single nationwide indirect tax. Since its implementation, GST has had attracted numerous opinions, favorable and unfavorable, as regards its efficacy. The views about its need have now receded into the background as various commentators have conceded to the fact that GST is a reality and the foreseeable future of India's indirect tax regime.

The legal developments in GST have left even the most astute and agile scholars and practitioners gasping for breath as changes have been numerous and unending. Be it the legal cover for GST Compensation Cess, appropriate tax rate on essential items such as sanitary pads or now the controversial GST on online gaming; GST-related laws have seen much action and an equal if not less scrutiny. What is amiss is a coherent theoretical understanding of the GST and a conceptual framework that helps us understand the trajectory of GST.

This course will introduce students to aspects of GST: constitutional backdrop and amendment that facilitated GST, the theoretical and abstract arguments in favor of GST, the actual implementation of GST and how it fell short of the some of the anticipated and expected benefits that GST was supposed to unleash. The detailed discussion on theoretical aspects will be succeeded by practical aspects and practical aspects of GST that legal professionals encounter on a regular basis. Accordingly, this course seeks to achieve the following:

1. Introduce students to the theoretical underpinning of an indirect tax such as goods and services tax and its characteristic feature as a value added tax. Compare it with previous versions of indirect taxes such as retail sales tax, the need to move to value added tax.
2. Discuss the Constitutional backdrop of GST and need for a Constitutional amendment to introduce GST in India. Examine the Constitutional changes, their rationale and long-term implications for the fiscal federal structure of India.
3. Examine the features of GST as discussed and envisaged by the various Committees that ideated on GST and GST as implemented in India eventually. This part of the course will discuss the dual nature of GST, nationwide nature of GST, scope of GST, limits of 'One Nation, One Tax', and distribution of revenue proceeds between the Union and States.
4. The course will move to the detailed discussion on some of the core aspects of GST such as supply as taxable event, computation of value of supply, time of supply, and the controversial place of supply which determines which State gets to claim the GST on the transaction in question.

5. Finally, the course will introduce students to the criminal dimensions of GST and the evolving jurisprudence on matters such as arrests, bail, and provisional attachment of a taxpayer's property.

Readings:

1. Rav Pratap Singh, Constitution of Tax: A Tale of Four Constitutional Amendments and Indirect Taxes (Oakbridge, 2021)
2. Tarun Jain, Goods and Services Tax – Constitutional Law and Policy (EBC, 2018)
3. Arun Kumar, Ground Scorching Tax (Penguin, 2019)
4. R. Kavita Rao, Evolution of Goods and Services Tax in India (CUP, 2019)
5. Keshab Bhattarai, Impact of GST reforms on efficiency, growth and redistribution of income in India: A Dynamic CGE Analysis (Journal of Development and Finance, 2021)