

India must implement a strong climate policy post-Covid-19

PM must address basic pain points of industry if India is to attract investors

Grasim stock rating on 'hold' over negative outlook for VSF biz



Berkshire Hathaway sells entire stakes in four largest US airlines



KOLKATA, MONDAY, MAY 4, 2020

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MORATORIUM

Banks may give NBFCs a break

ANKUR MISHRA Mumbai, May 3

BANKS COULD REVIEW extending the moratorium to non-banking financial companies (NBFCs) after a meeting with the Reserve Bank of India (RBI) on Saturday, sources close to development told FE. RBI governor Shaktikanta Das held meetings with heads of major public and private sector banks in two separate sessions through a video conference, the regulator said in a release on Saturday. The moratorium for NBFCs was discussed at the meeting, and the regulator is understood to have asked banks to consider a moratorium, at least, on a case-to-case basis. "We will review extending the moratorium to NBFCs at board level," a banker told FE. FE reported earlier that public sector lender Bank of India has already provided a moratorium to NBFCs. The RBI, on March 27, permitted lending institutions to defer installments of term loans by three months from March 1, 2020. The NBFC sector has also given customers a repayments holiday but has not got one from banks. According to bankers, the RBI had already not barred them from giving NBFCs a moratorium and has left it to banks to decide.

Continued on Page 2

TIME TO RE-OPEN CAPITAL

Delhi CM: Will have to be ready to live with corona

To ask Centre to declare only containment areas as red zone, not entire district

PRESS TRUST OF INDIA New Delhi, May 3

CHIEF MINISTER ARVIND Kejriwal on Sunday said the time has come to re-open Delhi and people will have to be ready to live with the novel coronavirus as he announced the implementation of all lockdown relaxations prescribed by the Centre for the 'red zone' in the national capital. Addressing an online media briefing, Kejriwal said the Delhi government will suggest to the Centre that only containment areas in the city be declared red zones and not the entire district. At present, all 11 districts in the national capital have been declared red zones. The chief minister said the



An Indian Air Force helicopter showers flower petals on medics to applaud them for their services during the nationwide lockdown in the wake of coronavirus, in Bengaluru on Sunday

novel coronavirus is going nowhere and it is impossible that cases of coronavirus will be zero. "It is impossible that there will be no cases of coronavirus because it has not happened across the country. We will have to be ready to live with coronavirus. We will have to get used to it," he said. Delhi has been under lockdown since March 23.

PM holds key meeting on steps for financial sector

PRIME MINISTER NARENDRA Prime Minister Narendra Modi held a key meeting with home minister Amit Shah and finance minister Nirmala Sitharaman on Saturday to firm up strategies for the financial sector, amid mounting expectations of a stimulus package, reports FE Bureau in New Delhi. The need to usher in long-term structural reforms in infrastructure, credit offtake and corporate governance were also discussed. The PMO said he also discussed "strategies and interventions to support MSMEs and farmers, enhance liquidity and strengthen credit flows". Continued on Page 2

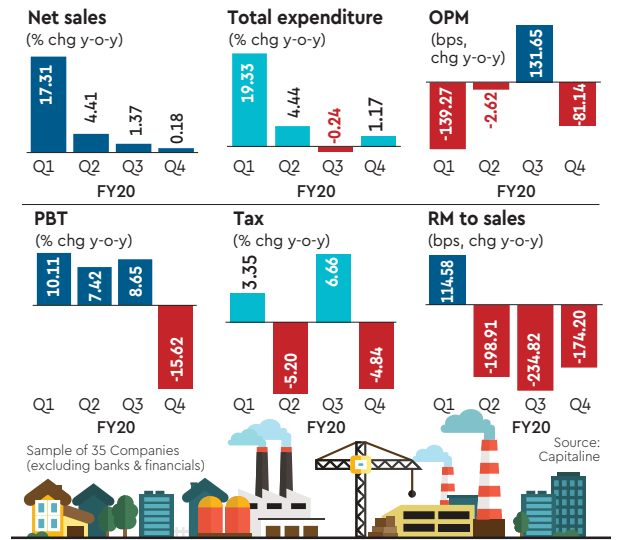
A LONG ORDEAL

After dull Q4FY20, India Inc braces for more pain

Pressure on prices seen across sectors, analysts may cut FY21 outlook further

FE BUREAU Mumbai, May 3

HINDUSTAN UNILEVER CMD Sanjiv Mehta's observations, post the FMCG giant's results announcement last Thursday, that there could be more disruption and it is difficult to say when the recovery will set in, pretty much sums up the mood in corporate India. Grappling with uncertainty about how much damage the pandemic could do to demand, both at home and abroad, CEOs are simply waiting for more evidence before they put out any growth targets. As TCS MD and



CEO Rajesh Gopinathan said the storm could get worse before it gets better. His comment to the effect that clients are stressed and looking to restructure and re-price contracts is a sign that realisations will be under pressure. Continued on Page 2

LOCKDOWN EFFECT

States' tax receipts shrink nearly 80% in April, May could be worse

PRASANTA SAHU, SUMIT JHA & DEEPA JAINANI New Delhi/Lucknow, May 3

STATE GOVERNMENTS SEEM to have collected the lowest-ever inflation-adjusted monthly tax revenue in April. Officials from over half a dozen states told FE that their states' own tax revenues (OTR) in the lockdown month were less than a fourth of the usual (estimated) level, with some putting the figure at even 10%.

CRUELLEST APRIL. Our own tax receipts were just ₹200 crore in the month, compared with target of ₹3,500 crore. April tax revenues were just about 20% of corresponding month a year ago. As against the tax revenue target of ₹13,591 crore for April, only ₹2,044 crore or 15% was collected.

borrowed at exorbitant costs. The Centre has already transferred ₹46,038 crore to the states as their share of central taxes in April. The states' OTR could take a further hit in May, as the S-GST collections could be even worse than that in April. This is because April GST collections pertain largely to March, which saw the imposition of lockdown in the last week, whereas the May mop-up is primarily from transactions done in April, which witnessed lockdown throughout. Continued on Page 2

FE SPECIALS BRANDWAGON, P10 Immunity products in demand. eFE, P8 Creating value in a time of crisis. PERSONAL FINANCE, P9 Fixing third party cover norms. INFRASTRUCTURE, P4 Bill brightens outlook for sector. SCIENCE & TECH, P5 The games we play.

MARKET RELIANCE

Govt in a fix over raising H1 borrowing target

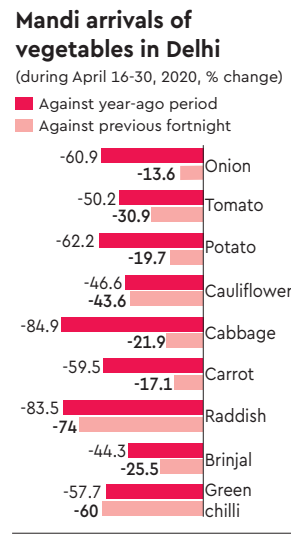
FE BUREAU New Delhi, May 1

THE CENTRAL GOVERNMENT will likely ramp up market borrowing in the second half of this fiscal, but may be forced to stick to its target for the first half at the moment. This is despite the increasing need for boosting productive expenditure through a stimulus package to blunt the Covid-19 impact, despite faltering revenue mop-up. Nevertheless, from tapping multilateral institutions more vigorously to getting the central bank to print more money, the Centre is considering a raft of proposals to finance its fiscal deficit. Continued on Page 2

FRUITS AND VEGETABLES Supply crisis looms as Azadpur arrivals plunge

PRABHUDATTA MISHRA New Delhi, May 3

THE WORST FEARS of a major disruption of the food supply chain due to the prolonged lockdown might come true. While 40-50% of the fruits and vegetables output, including the crop harvested over the last few weeks and the standing crop, is estimated to have perished due to the absence/shortage of labour and transport, market arrivals are learnt to have slumped further in the second fortnight of April. Delhi's Azadpur mandi, the country's largest market yard for these items, saw arrivals of onion, tomato and potato drop by 14-31% during April 16-30 from the previous fortnight. Continued on Page 2



Odisha may slash Kalia aid, merge scheme with PM-Kisan, Page 3

MIGRANT WORKERS

Panel opposes minimum wage cap move

SURYA SARATHI RAY New Delhi, May 3

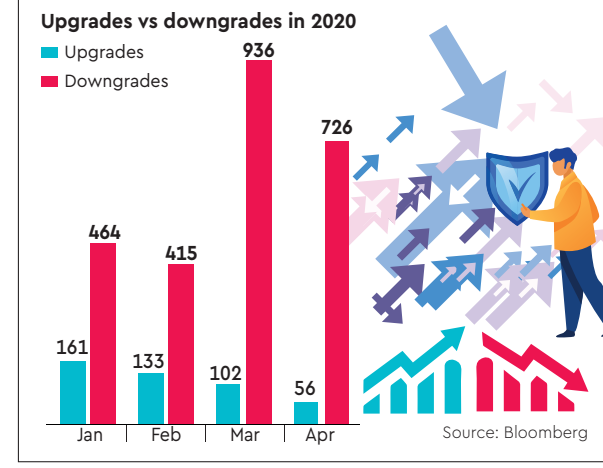
THE CENTRE'S BID to arrogate to itself the power to fix the wage floor for inter-state migrant workers in the name of uniformity across the country has hit a hurdle. If any state government wants to set minimum wages higher than pre-

scribed by the Centre for inter-state migrant workers, it should be free to do so, the parliamentary standing committee on labour opined as it studied the labour code on operational safety, health and working conditions (OSH Code). While inter-state workers are constitutionally under the central list, over the last few years, as inter-state migrations of unskilled labour intensified, several states have begun to take care of such workers settled in their respective states by their inclusion in the food security net and administer various welfare schemes for them, including affordable housing. Continued on Page 2

Pandemic fallout

Downgrades rise, no let-up seen

At 21 downgrades a day between January and April, Corporate India's finances continue to stay under pressure. With the coronavirus pandemic disrupting businesses, many more companies could default in the days to come.



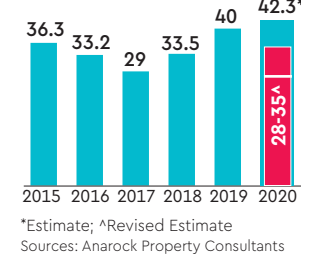
WORK FROM HOME

Office space demand may see sharp fall

RISHI KALA New Delhi, May 3

DEMAND FOR OFFICE space could fall sharply over the next two years as the economy remains in slow gear and more companies ask employees to work from home. What's more, rentals too could see a dip, as businesses look to conserve cash. Foreign firms, especially US-based IT/ITES companies, are among the biggest occupiers of office space with a share of almost 45%. Experts say their strategies would have a big bearing on the trend in rentals. Anarock Property Consultants projects the space rented could fall by anywhere between 17 and 34% in 2020 which means about 28-35 million sq ft of space could go abegging. Before the outbreak of the pandemic, Anarock had estimated demand could be in the region of 42.3 msf, compared with about 40 msf in 2019. Continued on Page 2

Office space demand



Quick Picks

Redemptions under credit risk funds down 81.5%: Amfi

AMFI ON Sunday said net redemptions under credit risk funds have plunged by over 81% after the RBI's special liquidity measure of ₹50,000 for mutual funds, reports PTI. There is an 81.5% drop in net redemptions in the credit risk funds category on April 30 from the peak net redemptions as on April 27.

NITI member Paul says rise in Covid cases may stabilise soon

THE CONTINUOUS rise in the number of people testing positive for coronavirus is expected to stabilise sometime soon, NITI Aayog member VK Paul said on Sunday, reports PTI. In an interview to PTI, Paul said a sudden spurt in number of cases is still amenable to containment strategy.

E-ADDA

Key Covid strategist, AIIMS chief Guleria is guest today

EXPRESS NEWS SERVICE New Delhi, May 3

AS INDIA APPROACHES the end of a 40-day national lockdown and negotiates a staggered exit, some key questions sharply frame its fight against Covid 19: Are we prepared for a possible surge in cases if curbs are eased? What does containment mean when people start moving more between districts and states? Do we have enough beds, paramedical staff, intensive care units and ventilators to face a possible spike? How



Dr Randeep Guleria

much testing is optimal and do we have enough kits? What's the new normal? There is no better person to address these questions than Dr Randeep Guleria, director,

All India Institute of Medical Sciences, the country, who is closely involved in building strategies for prevention, containment, and management of Covid-19 in India. The Indian

Express will host its second online Express Adda with Dr Guleria, also internationally renowned pulmonologist, on Monday, May 4. The e-Adda will be moderated by Ravish Tiwari, Political Editor, and Kaunain Sheriff M, Principal Correspondent.

Dr Guleria is part of the core team of top officials reviewing and monitoring the pandemic in the country. He heads the Clinical Research Group of the National Task Force for Covid-19. He is also a member of the empowered group constituted

by the government to track the availability of facilities and critical care training and heads a team that runs the National Tele-consultation Centre at AIIMS, connecting doctors across the country in real-time for the treatment of patients.

In an interview with The Indian Express earlier, he had earlier underlined that although the number of positive cases had not skyrocketed compared with other countries, India should not sit back.

Continued on Page 2

Infrastructure

MONDAY, MAY 4, 2020

EXPERT VIEW

Sluggishness in economic activity was evident in FY20, with all segments, save mining (up ~39% y-y) recording lower project announcements. Awarding was down ~38% y-y to ~₹2 trn. FY20 awarding also lagged the past-five-year average of ~₹3 trn

—Anand Rathi

● DRAFT ELECTRICITY (AMENDMENT) BILL 2020

Proposals brighten outlook for sector

While the draft Bill which seeks to increase private participation and address key issues has been welcomed by industry, more clarity is needed on some of its provisions

ANUPAM CHATTERJEE

THE DRAFT ELECTRICITY (Amendment) Bill 2020, unveiled last month by the Ministry of Power, has been welcomed by power distribution companies even as they await more clarity on the implementation of some of its provisions. Experts hold that by side-stepping contentious issues and focussing on critical concerns impacting the sector, the government has helped the prospects of the Bill being passed by Parliament soon.

This is important because two draft versions of amendments to the Electricity Act of 2003 floated by the Union power ministry in 2014 and 2018 failed to become law. The amendments have been framed keeping in mind the "few critical issues which have weakened commercial and investment activities in the electricity sector and need to be addressed immediately to ensure sustainable growth of the country", the government said while unveiling the proposals.

"These amendments were essential



since the electricity sector has been evolving with increasing non-government investments and structural changes throughout the value chain," ICICI Securities has said in a recent note.

Experts agree that 'doability' has guided the scope of the amendments that the government has proposed, with reforms included in the earlier draft that evoked opposition having been dropped. To take one example, the provision for separation of carriage and content, which would have segregated the business of operating local trans-

mission systems from the distribution of electricity — effectively allowing end-consumers to choose who they want to buy electricity from, similar to the way telecom and direct-to-home television operators work—is not present in the new amendment Bill.

"The clauses in the draft amendment Bill are far more relevant to the times we live in and the challenges thereof," says Devtosh Chaturvedi, managing director, Feedback Energy Distribution Co (Fedco). His comment needs to be viewed in the context of the draft amendments pushing for greater

participation of private players in the sector. The Bill has introduced the concept of a 'distribution sub-licensee', which would allow a state-run discom to authorise a 'distribution sub-licensee' to distribute electricity in an area, without the latter requiring a separate licence. It has also improvised on the existing concept of a 'distribution franchisee'—whose functions are similar to those of a distribution sub-licensee—and mandated that such an entity would not need separate approval from state regulators.

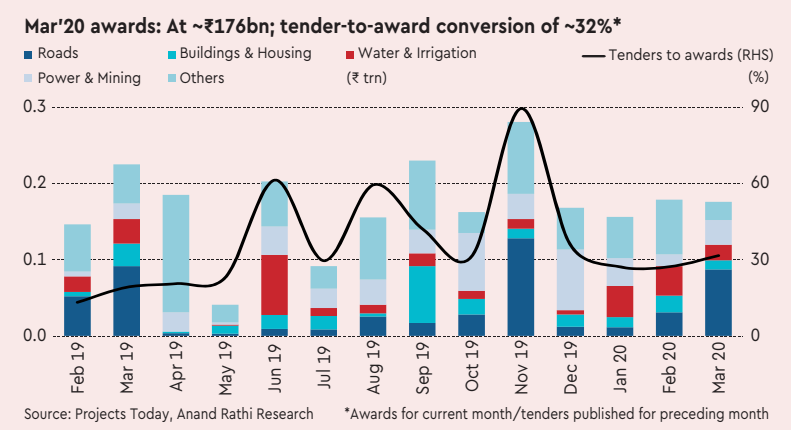
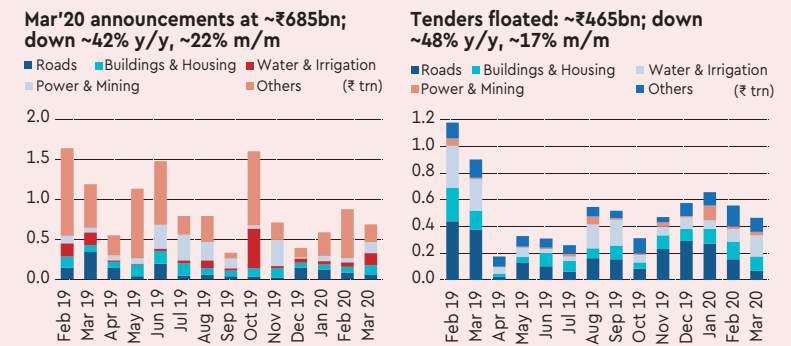
While welcoming the initiative, Ganesh Srinivasan, CEO, Tata Power Delhi Distribution Ltd, tells FE, "we are waiting for more clarity on the revenue and compensation mechanism envisaged for sub-licensees and franchisees. Also, the distinction between the operational aspects of franchisees and sub-licensees is not very clear yet."

Among the other major changes proposed are provisions for removal of regulatory assets (recoverable discom expenses which regulators acknowledge as pass-through costs, but which are not immediately built into tariffs), strengthening of payment security mechanisms and the incorporation of a separate renewable energy policy. To address payment-related disputes, the draft Bill proposes to establish an Electricity Contract Enforcement Authority. TPDDL's Srinivasan holds that "the exact jurisdiction of the new Authority will have to be clearly defined or there is a risk of the already complex regulatory process becoming more tedious."

DATA MONITOR

Project activity took a serious hit in March

Project announcements shrank by ~36% y-y to ~₹10.9 trn in FY20. Investment proposals of ~₹685 bn for 485 projects announced in Mar'20 were down ~42% y-y, apparently the fallout of Covid-19. In all, 1,885 tenders worth ~₹465 bn were floated in Mar'20, down ~48% y-y. At ₹176 bn across 223 projects, awarding in Mar'20 was down ~22% y-y.



Source: Projects Today, Anand Rathi Research *Awards for current month/tenders published for preceding month

Quick View



Infra development vital to growth, says NIP task force report

DESCRIBING INFRASTRUCTURE DEVELOPMENT as an enabler for growth, a finance ministry-constituted task force has observed that creating new and upgrading existing infrastructure projects with ₹111 trn of investment will be key to raising India's competitiveness and making it a \$5-trn economy by 2025. It will especially be critical for the success of the Make in India programme, as manufacturing competitiveness is hinged on infrastructure, said the final report of the task force, submitted to Finance Minister Nirmala Sitharaman on Wednesday. The report further said that supply additions through infrastructure development would boost short-term as well as the potential rate of GDP growth. The task force to draw up the National Infrastructure Pipeline (NIP), headed by Economic Affairs Secretary Atanu Chakraborty, projected total infrastructure investment of ₹111 trn from 2019-20 to 2024-25.

Average spot power price hits low of ₹2.36 a unit

AVERAGE SPOT POWER price has remained as low as ₹2.36 per unit on the Indian Energy Exchange (IEX) during the lockdown period. The IEX has witnessed heightened activity among discoms since the beginning of the lockdown, according to a statement by the Exchange. It stated that with a decline in peak demand of almost 25%, the exchange has witnessed high sell-side liquidity, at almost 2.7 times the demand side, which is helping keep the price in the market under check. The average price in the IEX day-ahead market had been as low as ₹2.36 per unit during the March 24-April 20 period, the statement added.

4 slurry pipeline projects worth ₹8k cr to be executed

THE MINISTRY OF Steel has identified four slurry pipeline projects worth over ₹8,000 crore to be implemented over financial years 2020-2025, the task force to draw up the National Infrastructure Pipeline (NIP) has said in its report. Three projects worth ₹5,441 cr are to be implemented through the public-private partnership (PPP) route, while one project worth ₹2,784 crore is to be executed under the EPC mode.

Startups

● INTERVIEW: BHASKAR MAJUMDAR, Managing Partner, Unicorn India Ventures

Investors have already started changing their strategy

These are tough times for businesses of all sizes, and especially startups for whom it could take six to nine months to get things back on track. Cash flows will be tight and they may also experience delay in the investment cycle, but this is a temporary phase, says Bhaskar Majumdar, managing partner, Unicorn India Ventures (UIV), a Mumbai-based fund house. "Overall, digital businesses will get a fillip," he tells Sudhir Chowdhary as he shares his understanding on the Covid-19 impact on startups and how they can get VC funding in these turbulent times. Excerpts:

How has Covid-19 changed the startup investment climate?

The outbreak has brought about a shift in the way businesses function, consumers behave and economies grow. On the investment climate front, investors have already started changing their strategy. We would be more interested in evaluating business models which are digitising current processes focused on problem areas like supply chain, affordable medical services, fintech, e-gaming/e-sports, government technology. Other investors would also look at business ideas where technology is being used to take an existing business from 'hi-touch to hi-tech', what is



referred to as 'social distancing tech'. Going forward, we will see less face-to-face interaction, few people in public events and a paradigm shift in the way we live our lives and interact.

What business metrics UIV is paying attention now?

We hope to continue our track record of identifying innovative business models with faster scalability. We recently reached first close at \$12 million of our Fund II which was announced last year. The total fund size is ₹400 crore and it saw participation from family offices and investors from first fund.

The metrics is that there should be a clear path to profitability for the companies. We are staying away from businesses that need constant capital to keep the growth engine going in terms of customer acquisition. Our focus has always been on B2B SaaS and on B2B digital platforms.

What kind of companies will VCs now look at to invest in?

The job of VCs is to invest and there is enough dry powder in the ecosystem. However, VCs will take longer to close deals, there will be a slump in valuations and smaller deal sizes will happen, especially in the early

stages. Sectors like healthcare, pharma, cybersecurity, fitness, edutech, etc., will see significant growth amidst the crisis as enterprises will look for platforms which can digitise interaction. The digitalisation thread will run right across sectors and collaborative platforms which enable distributed working will be in vogue.

What support strategies has UIV implemented so far?

We have had detailed discussions with our portfolio to understand their issues and the support they expect from us. Additionally, we have asked them to conserve cash, cut down all non-essential expenses, delay new product roll-outs, focus on increasing the runway and aggressively collect outstanding payments owed to them.

The government should look at measures like relaxing GST inflows and outflows for startups. The UK government has given 2,50,000 pounds to all SMEs and are encouraging banks to extend loans without promoter guarantee. Something like this can also be done in India.

What measures should startups adopt to weather this storm?

First and foremost, limit your burn and preserve the cash that you have raised to see you through these times. Startups may consider slashing management salaries or even a uniform salary cut across the board, or working on a four-day workweek that will save 20% salary costs. This may limit layoffs, at least in the short term.

Startups should take a relook at existing business roles, as remote working is the only option during the lockdown. For example, role of head of talent can be shifted to head of remote experience. Startups need to adapt their core business models to the current situation.

Quick View



Core sector output fell by 6.5% y-o-y in March, FY20 growth at 0.6%

THE OUTPUT OF the eight core infrastructure industries shrank by 6.5% y-o-y in March due to a fall in the production of crude oil, natural gas, refinery products, fertiliser, steel, cement and electricity amid the coronavirus lockdown. The eight core sectors had expanded by 5.8% in March 2019. Production of crude oil, natural gas, refinery products, fertiliser, steel, cement and electricity contracted by 5.5%, 15.2%, 0.5%, 11.9%, 13%, 24.7% and 7.2%, respectively, in the month under review, official data showed last week. The growth rate for coal production declined to 4.1% in March from 9.1% in March 2019. The April-March 2019-20 period saw the core industries recording 0.6% growth, as against 4.4% in 2018-19. The core sector output comprises 40.27% of the Index of Industrial Production (IIP).

Discoms to get ₹90,000 cr of credit in lieu of reforms

A FRESH LOAN of ₹90,000 crore is being extended by sector-specific lenders PFC-REC to the state-run power distribution companies, but with definite riders meant to ensure the facility improves the functioning of the cash-strapped entities, FE reported last Friday. According to sources, the fresh funding would be done in two tranches of ₹45,000 crore each. The release of the first component of the loan will be contingent on a state government undertaking to clear the dues of its discom in three years, and putting in place a credible mechanism to release subsidies — meant for the consumers but routed through the discoms — in advance.

Domestic air traffic down 11.8% y-o-y in March: IATA

INDIAN DOMESTIC AIR passenger traffic fell by 11.8% y-o-y in March, indicating the impact of COVID-19 on the country's aviation sector, stated global airlines body IATA on Wednesday. India has been under a lockdown since March 25, with all commercial passenger flights being suspended. The IATA, which represents around 300 airlines, said despite the fall in traffic, India, besides Russia, represented a resilient outcome in the month compared to other countries. Global passenger traffic dived 52.9% compared to the same period a year ago, it said.

● FUND RAISE

Keeping the customers secure and protected

Indusface raises \$5 million growth equity capital from Tata Capital Growth Fund II

FE BUREAU

IN THIS RAPIDLY changing scenario, as more and more businesses accelerate digitalisation of their operations via web applications, cloud-based managed application security solutions like ours are projected to be in huge demand," says Ashish Tandon, founder & CEO of Indusface.

Recently, this fast-growing application security SaaS startup, that helps businesses protect their web and mobile applications, secured \$5 million in funding from Tata Capital Growth Fund II to accelerate global customer acquisition and product innovation plans. "We are delighted to partner with a trusted brand like the Tata Capital Growth Fund and look forward to leveraging their global

outreach and expertise in executing our growth plans rapidly," he said.

Tata Capital Growth Fund (TCGF) II invests in companies that can be segmented under three themes—urbanisation, discrete manufacturing and strategic services. These fast growing companies benefit from the synergies and networks that the Tata Group and the team will provide. TCGF family of funds have created a niche in terms of identifying companies that are well-

Our solutions secure thousands of customer applications globally by detecting security risks and protecting them from being hacked.

—ASHISH TANDON, FOUNDER & CEO, INDUSFACE



positioned to redefine or create large new markets, with notable investments such as Star Health & Allied Insurance, Sai Life Sciences and Home First Finance Company, to name a few. Post the transaction, Pramod Ahuja, partner, Tata Capital Growth Fund, will join the Indusface board of directors.

Akhil Awasthi, managing partner, Tata Capital Growth Fund, said, "We believe that the cyber security market will continue to see significant growth as securing digital assets becomes a priority with the increased salience of digital business processes."

Indusface solutions secure thousands of customer applications globally by detecting security risks and protecting them from being hacked. At the heart of the Indusface solution is a cloud based security platform built using its proprietary Web Application Security Scanner and a Dynamic Web Application Firewall, integrated with an intelligent global threat information engine and managed by security experts.

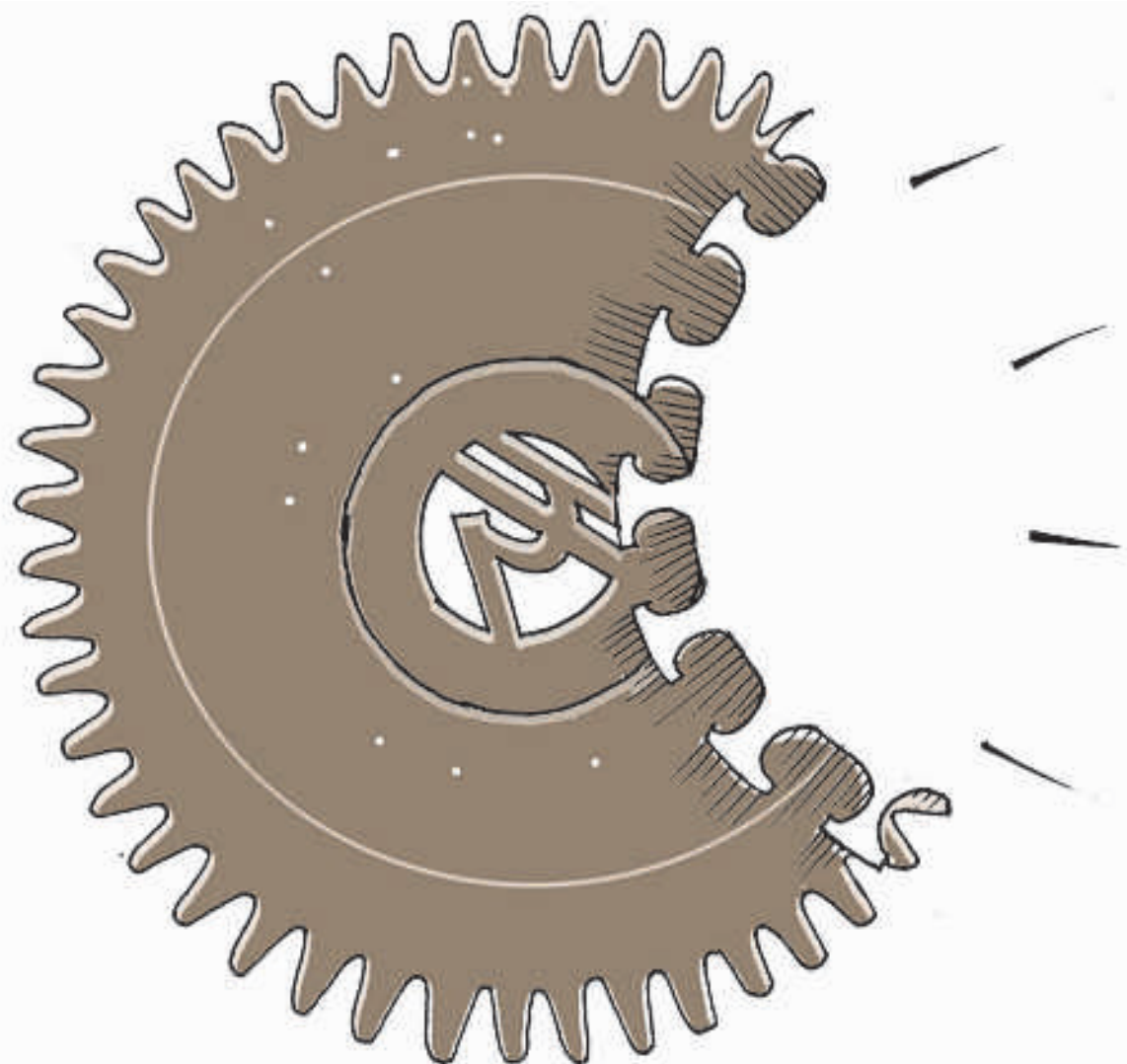


ILLUSTRATION: ROHNIT PHORE

**MUKESH BUTANI
& TARUN JAIN**

Authors are partners at BMR Legal.
Views are personal



● COVID-19

Building a resilient India

The crisis is an opportunity to redefine tax policy and law. A calibrated approach to balance welfare economics with a vision to pioneer economic activity and national growth is needed

HISTORY IS A vast early warning system, says one popular quote. Two major laws, income-tax and customs were legislated during the national emergency in 1962. They have stood the test of time, revealing that the best policy measure evolves when human minds are sharpest and there is coordinated action, seeking light in chaos. The current crisis, as it settles, will draw a renewed attention of policymakers on tax revenue mobilisation and its impact will drive areas of government expenditure and fiscal stimulus to businesses. Perhaps it is an opportune moment to think of key tax reforms that could yield an impactful outcome. Here are a few suggestions.

A radical, yet compelling, move is to rewrite the tax law paradigm. Consider two separate legislations. The first, either in the current or the new tax code, will enlist the broad principles on which the detailed tax law is based, which is the legislated tax policy. The second will be tax law that must be interpreted considering the former. The current approach of the statute is that it is the reference point for both the law and the legislative intent,

owing to which interpretation-linked disputes arise and require the courts to fine-comb the law. A principle-led approach to appreciate the contours of the tax law will curtail disputes; the taxpayer would be dissuaded from assigning an incongruent meaning to the law and equally the tax administration would be estopped from contending that its underlying intent was different.

But why this radical reform is the need of the hour? The answer simply lies in experience. The law today, due to many reasons, including incoherent drafting and target-driven approach of the administration, discourages most business enterprises and instead promotes taxpayers to resort to tax mitigation and at times evasive approaches, which enhances litigation. The policy today is a complex mesh of varied and often competing objectives. For instance, specifically directed tax incentives, say SEZs and manufacturing-linked corporate tax rates. Tax exemption provisions witness most disputes and varying tax rates give opportunities for business to reorganise their affairs. At the same time, the tax law is replete with ominous anti-avoidance provisions, such as GAAR, and the past

decade has witnessed plethora of specific anti-avoidance (also called SAAR) provisions, whose only purpose is to deter business from resorting to tax-mitigation measures. An inherent tension between such competing stances manifests itself in tax litigation, which overwhelms all the three branches of the state—executive, legislative and judicial—consuming massive time and resource costs of taxpayers, besides resulting in an ineffective system. Is such a situation avoidable? Perhaps, a qualified yes, or even a tacit no, as in a large measure it is contingent upon the lawmakers, who play the role of both the script director and a major actor.

The long-term fiscal policy of 1985, a first major attempt in the pre-economic reforms era, replete with enviable propositions, is forgotten in the liberalisation zeal. Rationalisation of tax rates mooted three decades ago is still relevant. With innovative suggestions such as a national tax court, a comprehensive tax-policy rewrite is the need for the hour; one resulting into a coherent tax law which de-hyphenates businesses from opportunistic tax-motivated manoeuvres.

On the corporate tax front, let there be only three tax rates: 15% for MSMEs, 18% for manufacturing business and 20% for all others, with no room for any form of tax holiday. The suggestion may sound strange in an environment where the government's tax revenues are already under stress and with the health crisis it will merely get accentuated. An underlying objective here is simplicity, which in our view will obviate most disputes and low tax-incidence will reinvigorate business sentiment. As a measure to overcome immediate needs, a surcharge/cess not exceeding 10% can be considered, with a provision for carry back of losses, such that businesses reeling under losses are able to recoup. Such provisions should be one-off in nature, say, applicable for 2-3 years. For individual taxpayers, other than businesses, a maximum marginal rate of 25% with no tax below annual income of Rs 8 lakh shall address the hardship factor and instil the capacity-to-pay principle, besides moderate tax rates. Needless to mention, there should be no scope for other forms of surcharge/cess for individual taxpayers.

The revenue foregone from liberal rates for businesses and individuals should be addressed by omitting all exemptions. With political will, it is time to bring agricultural income within the scope of tax. As a start, rich farmers with

income above ₹1 crore be taxed. Since this will require a constitutional amendment with the support of states, let the entire proceeds of such collections devolve upon states, as quid pro quo. This will also reduce devolution commitment of the Union. The sense of inequitable treatment will be addressed that emanates from this sector getting the largesse of farm-loan incentives without tax obligations. Indeed, there is no economic rationale for keeping away such large earners outside the tax basket.

These changes will de-clutter the administration's time and space from regular annual amendments unless they are essential. More importantly, the administration's focus shall significantly move away from enforcement and appellate functioning, leaving space to focus on technology, policy and taxpayer service. Faceless/e-assessment coupled with taxpayers' charter are a good start, but to make them effective, these must be backed with a change in mindset and investment in technology and rigorous training.

It's time for India to embrace the principles of cooperative compliance by virtue of which the taxpayer is treated as a customer and partner in nation-building. The concept of such compliance has worked successfully in most parts of Continental Europe and in parts of Asia, which were historically known for provocative and aggressive tax administration. Besides, the customer-guiding philosophy that India will hopefully embrace as part of the taxpayers' charter, its success, besides a paradigm shift, will be measured with stability in tax policy, infrequent shifting-of-goalposts in the law, and timely dispute resolution mechanisms. Let a commissioner-level rank person be allocated to each large business enterprise, say, country's top 200 taxpayers. Likewise, additional, deputy and assistant commissioners be allocated to a group of other taxpayers under cooperative compliance function. Similarly, let there be stratification of taxpayers like large corporates, MSMEs, individuals and others. The degree of taxpayer services for businesses should be similar to the focus given for individuals, assessment and refund mechanism, which have been largely streamlined in the recent years.

These officers should be reskilled from the mindset of 'assessing' to 'assist', who will work with taxpayers in collaborative fashion to proactively fulfil compliance requirement, address contentious positions and thus avoid glaring tax controversies. In this paradigm, limited resources should be allocated for assessment or audit, which must be aligned to the faceless/e-assessment route scheme. Even limited resources should be allocated for enforcement function, dealing with search and investigation cases. Finally, an independent appellate functioning of the department (commissioner, Appeals) should be supplemented with a mechanism to settle disputes via a collegium of senior officials in the department of revenue and not via filed officials, due to inherent conflicts. Such collegium should be empowered to compromise/settle a dispute under the overall supervision of CBDT and not subjected to any vigilance oversight to ensure smooth decision-making. This will ensure that select cases of disagreement will trigger a dispute, unlike discretionary positions of assessments. All of this will entail material change in (re)allocation of work and skills, particularly at the level of commissioner and above, without which change will be meaningless.

Changed times offer an opportunity to usher in overdue administrative reforms, which is even more time-critical as businesses recover from the shock and view them as an avenue for incentivising economic growth. Equally, it should not dither the government from pursuing its goal to garner tax revenues for addressing rising demands from social commitments by balancing needs of the business. A calibrated approach to balance welfare economics with a vision to pioneer economic activity and national growth is needed. Such balance is tricky, but cannot be shied away by any nation and policymakers ought to display a crisis-driven change that will build a stronger and resilient India.

Without due process

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Government orders on waiver of rents impinge on contractual rights

RECENTLY, THERE HAVE been a spate of news reports on measures issued through executive orders directing waiver of rents, reduction or freezing of school fees, continuation of employment, restriction on termination of employees, and restriction on reduction in salary in the wake of the Covid-19 pandemic. The government has also issued executive instructions declaring the pandemic a *force majeure* event. All these restrict an individual's contractual right or suspend contractual obligations, or even in some instances, encourage invocation of *force majeure* to terminate a private contract, all with a purportedly laudable objective to alleviate economic suffering brought about by the suspension of economic activity.

Such interventions and directions are extremely worrying from an industry point of view. India, a growing economic superpower, cannot afford to sanctify measures permitting contractual rights to be avoided except in accordance with law. Doing so would severely dent business confidence and dampen industry expectations. Let us not forget industry was already reeling under a slowdown and many sectors were in economic distress even prior to the pandemic. There are already several entities that are on the verge of bankruptcy and such measures by the government may push them towards greater distress. Any measures by the government which justifies avoidance of contractual rights would be anathema to economic growth. Article 19(1)(g) of the Constitution guarantees a citizen the right to practise any profession or to carry on any occupation, trade or business. However, this is subject to reasonable restrictions embodied in Article 19(6) which allows the State to make any law imposing, in the interest of the general public, reasonable restrictions on the exercise of the right.

Clause (6) of Article 19 is intended to strike a balance between individual freedom and social control. The concept of reasonableness runs through the totality of Article 19 and requires that restrictions on the freedoms must at the least be reasonable. Measures adopted to tinker with contractual rights, which are perceived to be in favour of the masses at this time of a pandemic, though laudable, may not stand muster in Court. The Supreme Court in *IIT College of Engineering v. State of H.P.* (2003) had said that howsoever laudable the objective, it must have the sanction of the law. It had done so setting aside directions of the

High Court to appoint an administrator to a private educational institution to safeguard the interest of students.

In the *Cellular Operators Association of India & Ors. v. Telecom Regulatory Authority of India & Ors.* (2016) the Court found the exercise of power by the State was manifestly arbitrary and fell foul of Article 19(1)(6); it failed to meet the test of reasonableness. The government had directed telcos to credit an amount to consumers on each call drop. The Court held that even though the intent of the impugned regulation was laudable, it would still fail the test under Article 19. The SC, in this context, found the government intervention in private contract to be unreasonable, as it failed to fulfil the constitutional scheme. Interestingly, it had been argued that such a measure was made keeping in mind the small consumer and goes a long way to compensate such person.

In *Vidya Devi v. State of Himachal Pradesh and Ors.* the SC explained the importance of the exercise of State's power within the four corners of due process of law and reasonable restriction in context of the human right to property as set out in Article 300-A. While quashing state action wherein private property had been appropriated by the state without compensation, it observed that the state, being a welfare state governed by the rule of law, cannot arrogate to itself a status beyond what is provided by the Constitution. It was held that the State could not deprive a person of his property except under procedure established by law. In fact the Supreme Court in the case of *Dellhi Airtel Services Pvt. Ltd. v. State of UP & Ors.* (2011) has inter alia held that "property itself is the seedbed which must be conserved if other constitutional values are to flourish."

The government must think of an alternative which balances economic compulsions rather than rely on populist measures which can set a dangerous precedent. Else, as the late Margaret Thatcher opined "the problem with socialism is that you eventually run out of other people's money".

HEALTH PLAN

Securitising health

Governments need to incorporate battling strategies for diseases like Covid-19 in their national security plans

**MARTAND
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Views are personal

THE ONE LESSON that governments across the world should take from the ongoing Covid-19 pandemic is to focus more on healthcare. Most of the countries, especially in the third world, have not been prioritising healthcare enough. Therefore, healthcare budgets constitute a very low percentage of a nation's overall GDP.

It wouldn't be wrong to say that until now, health is a 'low key' affair across nations. Although health security constitutes one of the fundamental aspects of human life, it has still not got a popular appeal on which elections are won or lost, unlike matters like national security and defence on which elections are won and lost. For instance, India, which is the biggest democracy in the world with over 1.3 billion people, the question of public health has never been debated in public or been used an election pitch in any of the national elections.

This shows how much importance is given to healthcare—it constitutes 2% of India's GDP. Comparatively, the defence budget this year is five times more than the health budget. The reason why healthcare has not got a popular appeal is that till now, the nations didn't come across a situation

where community health was so much dependent on individual health. Now, with over 100,000 deaths and nearly two million infected, the pandemic has pushed healthcare systems to the very limits.

This is because of two things: One, the scale of pandemic and the mortality rate, and, secondly, the non-preparedness of health systems to deal with such a situation. Now, if the healthcare systems were better prepared and intact, there is no doubt that the scale of the pandemic could have been curtailed. If enough

tests were done, those who were infected could have been isolated much earlier.

All this is in the past. However, the future can still be saved. For that, governments should start looking at healthcare as a 'high priority' area, much like national security and defence. This means increasing the allocation to healthcare and making public healthcare systems stronger. Governments should also start considering healthcare as a 'security issue' rather than just a 'health issue'.



What it means is that governments across the world should understand that health and human security are directly related to each other. An unhealthy individual or society would always make the community insecure about the present and the future. This would in turn impinge upon the national security of all such nations because an insecure society can't have an intact national security. This is also the reason expenditures on healthcare in developed economies are much higher.

Today, when the US, China, UK, France, etc, which spend much more on healthcare than other nations are facing a crisis, one can very well understand how bad the situation could have been if the outbreak was in the third world, where a majority of global poor live with very little or no access to public health care. The situation would have been much worse.

In a post-Covid world, health care should become a political issue across nations on which elections are fought because only then political accountabil-

ity can be set for those in power to make the healthcare systems strong. Also, infectious diseases should be seen as a national security threat, and such threats should be discussed in detail.

Because diseases, like Covid-19, pose an immediate threat to the very survival of masses, therefore, health care should be strategised on a war footing with the help of doctors, medical staff, police force, NGOs, media and the larger civil society. Currently, many governments have pandemic action plans as part of their national security plan to deal with the ongoing crisis, but they are not permanent. The requirement now is to put permanent institutional structures in place to keep a check on such diseases. Top medical staff and officials are needed to be given a seat in the national security councils or institutions alike across nations.

Governments should be looking at 'securitising' the health sector permanently. This would require governments to come out with new laws, and enforcing strict measures like wearing masks, using sanitisers, avoiding overcrowding at public places permanently. Post Covid-19, nations can't afford to go back to the 'old normal'. Societies need to adapt quickly to function smoothly.

BrandWagon

MONDAY, MAY 4, 2020

DEVIKA SINGH

In the wake of the Covid-19 pandemic, there has been an increased consumer interest in Ayurvedic products that are believed to help boost immunity. According to a report by Nielsen, in March 2020, the demand for honey was up by 35%, for chyawanprash by 81%, and turmeric by 38% in modern trade stores.

The renewed interest in these products has partly been fuelled by the recommendations by the Ministry of Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) to fight coronavirus. These specifically mention the usage of spices like turmeric and coriander for cooking, and advises people to consume chyawanprash.

A report by native advertising platform Taboola reveals that page view traffic to articles on 'how to boost immunity' has seen a spike in recent months. The Taboola Network recorded 5.6 million page views for stories related to boosting immunity, the health benefits of turmeric and recipes for immunity-boosting foods.

"There is one message that is being repeated everywhere, which is that there isn't a cure yet for Covid-19, and it is better to boost your immunity to fight it. This has stayed with the consumer, and hence there is a widespread demand for these products," says Ankur Bisen, senior vice president, retail and consumer, Technopak Advisors.

Keeping up with demand

FMCG companies that manufacture Ayurvedic products, the likes of Dabur India and The Himalaya Drug Company, are seeing an uptick in demand from across the country.

"We are now working towards ensuring

FMCG

Immunity products in demand

Items such as honey, chyawanprash and Ayurvedic capsules are witnessing an upsurge in sales

uninterrupted supplies of Dabur Chyawanprash across markets and channels during the lockdown," says Mukesh Mishra, marketing head - healthcare, Dabur India. The company says it is ensuring delivery of these products to consumers who are reaching out on social media.

The Himalaya Drug Company has increased its production capacity by employing more production lines and adding new facilities to meet the surge in demand.

"We are distributing stocks proportionally between trade houses and e-commerce platforms. We are also rationalising the stock, so that more people can avail the products," says Philippe Haydon, CEO, The



Himalaya Drug Company.

Ayurvedic capsules manufactured by these companies are also seeing many takers. Haydon says. Guduchi tablets, from the company's Pure Herbs range, that augments immunity, have witnessed a three-fold increase in demand.

Dabur India, too, has reported a similar trend for its Stresscom (Ashvagandha)

capsules and Giloy ki Ghanvati (Giloy tablets). The company is promoting its healthcare products on TV and digital media.

Honey is emerging as another hot-selling product. E-grocery firm Grofers claims to have witnessed a 38% increase in the sale of honey from April 14-20, as compared to the pre-Covid period

of February 14-20.

Here to stay?

Is this rise in demand merely owing to the situation or could this have a long-term impact on the consumption of such products?

Kaustav Ganguli, MD, Alvarez & Marsal, says, "Reports suggest that there could be multiple phases of this outbreak and, going ahead, we might see more peaks. In such a scenario, consumer habits around how they manage their health will undergo a change. Therefore, the trend towards consumption of immunity-boosting products might stay for the long run."

Pinakiranjan Mishra, partner and leader, consumer products and retail, EY, believes that for the demand to continue beyond the current circumstances, brands will have to constantly remind consumers about the need for these products. "They will have to keep communicating to consumers why it helps to have strong immunity and how their products help," he adds.

Industry watchers predict new brands entering this segment, and the existing ones launching new products. "Going ahead the companies operating in this segment will try to launch new flavours and variants," says Bisen of Technopak Advisors.

Keeping up with the rising demand will not be easy, Ganguli says, given the limited capacity in which the manufacturers are functioning. "They have been able to supply the products so far because retailers and distributors had stocks lying around. But, going ahead, supply could suffer as there is manpower shortage, as well as issues with the supply of raw materials and transportation," he adds.

ONLINE LEARNING

Record attendance

Edtech platforms are seeing a surge in new users and time spent



VENKATA SUSMITA BISWAS

WITH EDUCATIONAL INSTITUTIONS shut since mid-March, schools and students are resorting to a variety of digital education tools to ensure learning continues. As per a report by BARC India and Nielsen, there has been a 30% increase in the time spent on education apps on smartphones since the lockdown. For instance, time spent on the Byju's app has increased from 70 minutes (pre-lockdown) to 91 minutes during the lockdown. STEPapp, a gamified learning app, has added three lakh users since March 15, 2020.

The edtech sector - worth ₹15,000 crore as per a Google-KPMG report - has been battling challenges with low B2C market penetration. The current surge in usage, hence, is proving to be pivotal.

Building a habit

Responding to the high demand for online education solutions, edtech firms like Byju's, Toppr, Unacademy and Vedantu have launched free live classes for students. Toppr's free live classes are for students between classes 5 and 12. Unacademy's free live classes are available across exam categories like UPSC, bank exams and railway exams. Vedantu has offered free access to live packages, in which students can get doubts clarified live on the app.

Divya Gokulnath, co-founder and director, Byju's, says, "We have launched free live classes to help students who have been missing a schedule. The live classes will be conducted three to four times every week. The plan was to launch this feature later in the year; we decided to introduce it early because of the lockdown." Edtech apps are hoping to build a habit and bring fresh users into the fold during this period. "While some may see live classes as a short-term relief, these offers will definitely help edtech platforms reach out to a larger set of audiences, who may not have seen this as being relevant to them in the past," says Gopa Kumar, COO, Isobar India.

Edtech platforms are also working with schools to develop ways in which teachers can come on board and use tools to impart learning. STEPapp, for instance, is getting private and government schools to adopt its app. "The service is being offered free of cost to some government school children for three months," informs Praveen Tyagi, its CEO and founder.

Educating new users

Normally, most edtech platforms offer annual academic subscriptions to students. On Byju's, a class 10 mathematics and science package costs around ₹30,000. An annual subscription for the academic year 2020-21 on Toppr starts at ₹20,000, while Vedantu's annual subscription for all subjects for a class 10 student costs ₹48,599. Given the high cost, the penetration of edtech platforms is limited, say experts.

Toppr has decided to bring down the cost of subscriptions to get more users to the platform. "We changed our product strategy and have created packages of shorter duration to help people tide over the current crisis. We now have three-month and six-month packages starting at ₹3,000," says Zishaan Hayath, CEO and co-founder, Toppr.

Both Toppr and Byju's have registered an increase in paid users during the lockdown - Toppr has seen a four-fold increase, while Byju's has seen its paid subscriptions double.

Edtech firms have also taken to digital media to acquire users and inform people about the free live classes on offer. There has been a 128% growth in digital ad spends by edtech apps during the lockdown, as per the BARC-Nielsen report. Interestingly, it is not just the big players spending on advertising. Kumar says newer edtech platforms, too, are investing in getting more users aboard. Doubtnut and Instasolv are among the smaller players who have launched campaigns on TikTok to drive brand awareness.

In The News

Shemaroo Entertainment launches Hindi GEC

SHEMAROO ENTERTAINMENT HAS launched its flagship Hindi general entertainment channel, Shemaroo TV, with the tagline *Badalte Aaj Ke Liye*. It is a free-to-air channel available on all major DTH and cable networks. Its programming mix will have originals as well as popular shows such as *Devon Ke Dev...Mahadev* and *The Great Indian Laughter Challenge*.

Dish TV partners with MX Player

DISH TV INDIA HAS partnered with MX Player to offer video-on-demand content to its customers. Dish TV & d2h users will have access to MX Player's content through their Android set-top boxes.

Nivea ties up with Zomato, Swiggy

SKINCARE BRAND NIVEA has partnered with Zomato and Swiggy to enable deliveries of essential hygiene products to the consumers' doorstep in 60-90 minutes. This service, which started in Mumbai, is already available in more than 30 cities across India.

Around the World

Americans have 'run out of things to watch'

MINDSHARE'S LATEST COVID-19 tracking study has revealed that nearly half (46%) of American consumers have already run out of media content to watch, read or listen to. This is up from 33% a few weeks ago, and 30% at the end of March. The study also found that they are actively limiting the time they spend on media platforms to avoid reading, watching or hearing news about the pandemic.

Facebook backs publishers

AFTER GOOGLE, FACEBOOK has announced a \$2 million investment to support publishers in the Asia Pacific region, and help them "build sustainable digital businesses". Publishers will also get help in mentoring and training journalists who are covering the pandemic.

Motobahn

AUTO EXPO 2020

The year's biggest global auto show?

With four major global shows this year having been cancelled and two postponed, the Auto Expo 2020 could turn out to be the year's biggest global auto show

VIKRAM CHAUDHARY

IN A TWIST of fate, the Auto Expo: The Motor Show 2020 might turn out to be the world's biggest auto show of this year.

Auto shows, as we have known them for decades, are dying. Over the last couple of years, some global auto shows have gotten more attention for their impressive list of no-shows than for new vehicle unveils and launches.

For example, the International Motor Show Germany—started in Berlin in 1897 and held in Frankfurt from 1951 to 2019 (that's why it's informally called Frankfurt auto show)—will now be held in Munich 2021 onwards. One of the reasons for venue change was that, over the last few years, major companies either opted out of the show or greatly downsized their presence. Another reason was that Messe Frankfurt—the organiser—was unable to contain the environmental protestors blocking the entrances, leading to fewer and fewer visitors over the years (from 1 million in 2007 to 800,000 in 2017).

Then the North American International Auto Show (Detroit) got shifted from January 2020 to June 2020 in the hope of attracting more visitors and by adding outdoor events. Detroit also has been overshadowed by the flashy Consumer Electronics Show (CES) in Las Vegas that happens a week before (it's the latest hot spot for automakers to showcase their innovations). But the 2020 edition has gotten cancelled due to Covid-19; it'll now be held in June 2021.

The most glamorous of these all—the Geneva International Motor Show—got cancelled this year after Swiss officials banned gatherings of more than 1,000 people. According to a Bloomberg report, Geneva is where iconic cars such as the Ferrari 250 California Spyder, Porsche 904, Lamborghini Diabolo and Jaguar E-Type were first seen.

The Auto Expo 2020

Despite major names skipping the event—Honda, Toyota, Ford, Nissan, Hero MotoCorp, HMSI, Audi and BMW, among others—the Auto Expo 2020, held from February 5-12 in Greater Noida, near Delhi, attracted 608,526 visitors, witnessed over 352 product displays from 108 exhibitors. This included eight global premiers, and over 70 product launches and unveils



File photos of production and concept cars at the Auto Expo 2020

ings. In addition, 35 electric vehicles were launched and 15 concept vehicles were showcased.

The show also saw new entrants such as Great Wall Motor, Olectra and Haima Automobile.

While during a normal economy year the Auto Expo isn't usually considered amongst the world's top shows—which include the Big Five (Detroit, Geneva, Frankfurt, Paris and Tokyo)—this year it might go down as the year's biggest auto show, simply because most other shows are likely to be cancelled or postponed.

The 2020 calendar

According to the Organisation Internationale des Constructeurs d'Automobiles (OICA), the global automotive trade association, four major global shows this year have been cancelled and two postponed. The major forthcoming ones are:

■ **Detroit, North American International Auto Show:** June 9-20, 2020

(Cancelled). The 2019 edition attracted 774,000 visitors.

■ **Jakarta, Gaikindo Indonesia International Auto Show:** August 6-17, 2020 (Will be held, as of now). The 2019 edition attracted 470,000 visitors.

■ **Moscow International Auto Show:** August 26-September 6, 2020 (Cancelled).

■ **Hanover, IAA Commercial Vehicles:** September 23-30, 2020 (Will be held, as of now). It's the commercial vehicle counterpart of Frankfurt auto show.

■ **Beijing Motor Show, Auto China.** It was due to open on April 21, 2020, but got postponed due to Covid-19. The new dates are September 26-October 5, 2020 (Will be held, as of now). In terms of visitors (over 800,000) it's bigger than the Auto Expo, but it remains to be seen how many people it will attract this year.

■ **Paris, Mondial de l'Automobile:** September 29-October 11, 2020 (Cancelled). With 1,253,513 visitors in 2016

and 1,068,194 in 2018, Paris is the most visited automobile event in the world, but it won't be held this year.

■ **São Paulo, International Transport Industry Trade Show (Postponed).** (The first show that got cancelled this year was the Geneva Motor Show.)

The future

A Bloomberg report 'Coronavirus could end auto shows, once and for all' argues that "in a social media-obsessed environment, the pillars sustaining the need for an auto show had already started to wobble (before the Covid-19 impact)." But the show must go on. For example, when Geneva got cancelled, many automakers that had planned Geneva debuts shifted to social media and other digital platforms. In a post-Covid-19 world where social distancing norms are expected to stay for a while, don't expect huge, chock-a-block shows, at least for some time—auto shows won't die, but will have to change.