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REVISITING INDIA'S SEZS POLICY

Malini L Tantri*

Abstract

This paper investigates the actual realizations of the SEZs policy as against its promises and also explores how far the policy has equipped itself to the changing landscape of international trade. The exercise carried out here indicates that the performances of SEZs are far below the initial promises. Much of this is attributed to flaws in doing business within the SEZs structure. Though the government has taken the needed steps in ensuring a business- friendly atmosphere within the SEZ structure, there again we find a gap between the government's intentions and the facts on the ground.

Keywords: SEZ, India, Doing Business

Background

The EXIM policy statement of 1997-2002 witnessed among others two unique fundamental changes. The first one was the introduction of Special Economic Zones –SEZs, meant to boost merchandise and service exports. And the second one was to initiate Agricultural Export Zones or AEZs, facilitating agro-exports of the country. The approaches followed in both policies were quite different from each other. Unlike the SEZs policy, which was based on the learning experience of SEZs in China, the AEZs idea was of a more indigenous origin.

The SEZs policy was loaded with incentives to lure investors for establishing business enterprises, whereas the AEZs were to be provided with innovative institutional and infrastructural support to improve value addition in agricultural exports. The contrast in results due to this discrimination has been dramatic. The AEZs became ineffective due to lethargy, lack of will and fragile institutional support in the country. They also received very unfair treatment regarding incentives. On the contrary, SEZs were backed by consistent government efforts and have stood the challenges of time. Currently, the SEZs policy has completed two decades of its operation in the country and it needs to be seen if the policy stood the test of time at least in terms of its operations.

Ever since SEZs policy was enacted as a parliament Act, numerous studies have taken place to evaluate the policy and performance from various angles (See for details: Aggarwal, 2014; Jenkins *et al*, 2014; Tantri, 2016a and 2016b; Mukherjee *et al*, 2016). Meanwhile, over the last two decades, the landscape of trade and business[1], has changed significantly the world over. Initially, when SEZs were proposed in China in 1979 and subsequently emulated in India, incentives to lure investor attention were still permissible within the WTO framework. But post 2005, this has come under the scrutiny of the WTO ministerial and many objections have been raised on this. Meanwhile, incentives proved successful in attracting investors' attention but not in improving the performance of economic activity (Tantri, 2015). Moreover, it is expected to severely burden our exchequer (ibid). Between 2006-07 and 2012-13, SEZs in India had availed tax concessions to the tune of Rs 83104.76 crore and several

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[1] both domestic as well the international arena,

instances of extending ineligible exemptions/deductions had resulted in systemic weaknesses in direct and indirect tax administration to the tune of Rs 27,130.98 crore (ibid). Meanwhile, globally as well domestically, the role of infrastructure and institution in doing business as well as trading across borders is gaining the spotlight. Surprisingly in the Indian context, with a focus on institution and infrastructure, agriculture exports were expected to grow and that was stated in the same EXIM policy statement, under the SEZs proposal. This, however, could not be sustained for long.

It is time now to critically revisit the policy in term of its promises vis-a-vis its realizations. We need to locate how far the policy could support the changing landscape of international trade and mood of investors. The arguments are organised in four sections: The evaluation of the policy in terms of promises and the actual realization follows in the second section. The outline of the changing landscape of doing business and international trade and positioning of SEZs is provided in the third section. The last section summarises the argument – specifically focusing on the expected changes in the post Covid -19 situation that enhances trade further.

Un-kept Promises

The policy document of SEZs indicates the key objectives as: Generation of additional economic activity; Promotion of exports of goods and services; Promotion of investment from domestic and foreign sources; Creation of employment and, Development of infrastructure facilities (SEZs Act, 2005). Through these objectives, the policy expectation is focused on the positive impact SEZs will cause on the process of economic growth and development. It is in this context that SEZs in India were heralded as engines of economic growth. With respect to trade performance, data presented in table 1 indicate a very promising picture. In fact, earlier studies on this have overemphasised the success of SEZs in boosting the country's exports. However, the rate at which SEZs' exports grew (contributing almost 29 per cent of the country's exports) in real terms does not match the rate at which India's total trade has increased. The data indicates some mismatch. In fact, increase in exports value and its share in national trade, however, cannot be taken as any indicator to evaluate the current SEZ policy due to two reasons (Tantri, 2016). First, the increase in value of SEZs exports may be due to a substantial increase in world prices for goods and services. That indicates the possibility of very little increase in the value of SEZs' exports in real terms. Secondly, the substantial increase in the value of exports from these enclaves could be due to realignment of investment[2] from domestic area to SEZs, as the latter provides a bunch of fiscal and non-fiscal incentives to both SEZs exporters and developers, which we will discuss in detail in a while. Meanwhile, the import composition of such exports should also be looked into – as it comes out from the data on the net foreign exchange returns. Moreover, these achievements need to be understood and evaluated on the backdrop of what is being promised/projected. As per one estimation, the difference between actual and projected exports value for all India is 75 per cent and that alone indicates a failure of the policy to 75 %. The highest short fall in export performance could be seen in the context of Andhra Pradesh (93.81), Odisha (85.13) and Rajasthan (79.54) (See Table 2). Across

[2] One such apprehension prevails within the government departments. For instance, the Central Board for Direct Tax (CBDT) states that there is a considerable evidence to show that there has been a realignment of investment from domestic area to SEZs.

sectors, the highest shortfall is recorded in the context of Multi-product SEZs (23.94) followed by the Pharmaceutical sector (22.17). (Table 3).

Table 1: Trends in SEZs Exports during 2000-2015-16

Year	2000-01	2005-06	2009-10	2015-16
SEZs Exports (Crores)	10,053.25	22,840	2,20,711	4, 67, 337
Share in country's exports (%)	5.2	5.0	26.1	27.2

Source: Government of India, 2011

Table 2: Difference between projected and actual exports – Across Major Indian states

State	No. of developers/units	Exports (in crore rupees)			Shortfall (%)
		Projected	Actual	Difference	
Andhra Pradesh	18	1,84,592.72	11,415.50	1,73,177.22	93.81
Maharashtra	18	55,135.78	13,865.56	41,270.22	74.85
Tamilnadu	5	1,22,670.89	64,526.40	58,144.49	47.39
Kerala	12	2,468.76	576.73	1,892.03	76.64
Odisha	2	4,161	618.64	3,542.36	85.13
Rajasthan	2	11,000	2,251.09	8,748.91	79.54
Uttar Pradesh	12	6,984.15	3,202.33	3,781.82	54.15
Chandigarh	9	5,648.34	3,041.11	2,607.19	46.16
Madhya Pradesh	6	2,885.83	1,082.34	1,803.49	62.49
Total	**84**	**3,95,547.43**	**1,00,579.70**	**2,94,967.73**	**74.57**

Source: CAG (2014)

Note: Developers are the one who acquire the land and develop infrastructure facilities within SEZs.

Table 3: Difference between projected and actual exports – Across Major sectors

Sector	IT/ITES	PHARMA	Multi-product	GEMS/ JEWELS	BIOTECH	TEXTILES & APPAREL	OTHERS
Shortfall in exports	26.07%	0.33%	66.90	0.08%	0.64%	0.78%	5.20%

Source: CAG (2014)

In order to obtain approval from BoA – developers indicate expected investment within SEZs and as a fallout of it expected employment generation and exports. For the latest available year, the total (accumulated) investment in India is Rs 5,37,657.67 crore. If one were to see the difference between actual and promised figure on an average, there is a 59 per cent shortfall at the country level. The highest shortfall was noticed in the states that have received the maximum SEZs approval (Andhra Pradesh, Uttar Pradesh, Karnataka, Maharashtra and Gujarat) (Table 4). Failure is concentrated in the states which were quite enthusiastic about the policy but could not keep their promises. Is it not an indicator of the failed promises by the enthusiastic states which garnered the major share of incentives under the scheme from Govt of India? Further, as outlined above, the largest stake under SEZs are IT/ITES. Incidentally, these units perform better in comparison with other sectors in terms of what is projected v/s what is actually realised in terms of exports and investment. However, as per one estimation, between 2008-09 and 2013-14, there was a large-scale shift of STPI units from non-SEZs areas to SEZ areas (45 per cent). At the country level, there is a 58 per cent shortfall in the investment from what was projected (see table 4). On the investment front too, we note a failed promise by the SEZs and possibly the entire blame of this must go to the private investors who gained entry into SEZs but hesitated to invest the promised sums. This is a critical failed promise. If so, on an average, one has to discount 50 per cent in exports, investment and employment generated within IT/ITES.

Table 4: Difference between projected and actual investment within SEZs – Across Major Indian States

State	No. of developers/units	Investment (in crores)			Shortfall (%)
		Projected	Actual	Difference	
Andhra Pradesh	28	45897.41	11511.59	34385.82	74.92
Maharashtra	11	15433.86	4264.59	11169.27	72.36
Tamilnadu	4	1913.18	1369.50	543.68	28.41
Kerala	2	352.72	120.96	231.76	65.70
Karnataka	5	2700.34	1157.51	1542.83	57.13
Odisha	2	192.20	61.93	130.27	67.78
Gujarat	14	118962	58661.80	60300.20	50.68
Rajasthan	1	25.90	19.69	6.21	23.98
West Bengal	2	2773.88	874.57	1899.31	68.46
Uttar Pradesh	9	6146.03	1997.11	4148.92	67.51
Chandigarh	1	265.00	137.00	128.00	48.30
Total	**79**	**194662.52**	**80176.25**	**114486.27**	**58.81**

Source: CAG (2014)

Note: Developers are the ones who acquire the land and develop infrastructure facilities within SEZs.

Beside investment, employment is considered as one of the important expectations out of this policy. This is one of the transmission channels through which trade liberalization is expected to impact positively the redistributive channels of economic development. This, however, requires a very meticulous approach in understanding the demand for labour and matches it with the supply of manpower to check adequacy. The cumulative employment has increased substantially over the years. It was 3,36,235 persons in the year 2007-08 and for the latest available year (Dec, 2019) it is 22, 33,780. It does indicate a substantial growth in employment for the reference period. When we look at the employment generation per unit of investment and subsidies availed, the picture is quite worrisome. Whereas if we look at the trend figure for year-on-year growth rate, sometimes it has exceeded beyond 20-25 per cent. If so, the advocates of SEZs fail to explain why the same is not reflected in the employment figures of India's manufacturing sector. At the same time, the difference between actual and projected employment in SEZs indicates a shortfall of 92.73 per cent in employment (projected). Again an indication of a failed promise. The highest shortfall is found in Gujarat, Andhra Pradesh and Maharashtra (Table 5). These are the states which were in the lead to obtain the maximum SEZs approval from BoA. Unfortunately, the shortfall was most significant in the IT sector SEZs followed by the Multi-product sector (Table 5).

Table 5: Difference between projected and actual employment within SEZs – Across Major Indian States

State	No. of developers/units	Employment (no. of people)			Shortfall (%)
		Projected	Actual	Difference	
Andhra Pradesh	33	16,78945	1,13,780	15,65,165	93.22
Maharashtra	19	5,06,242	34,999	4,71,243	93.08
Tamilnadu	5	50,647	10,470	40,177	79.32
Kerala	4	8,551	1,545	7,006	81.93
Karnataka	10	2,08,875	44,483	1,64,392	78.70
Odisha	2	5,200	1,688	3,512	67.54
Gujarat	12	12,47,077	42,650	12,04,427	96.58
Rajasthan	2	40,000	8,000	32,000	80.00
West Bengal	8	1,58,550	22,742	1,35,808	85.65
Uttar Pradesh	11	4,617	1,082	3,535	76.56
Chandigarh	5	7,578	2,580	4,998	65.95
Madhya Pradesh	6	1,395	766	629	45.09
Total	**117**	**39,17,677**	**2,84,785**	**36,32,892**	**92.73**

Source: CAG (2014)

Note: Developers are the ones who acquire the land and develop infrastructure facilities within SEZs.

Table 6: Difference between projected and actual employment generation – Across major sectors

Sector	IT/ITES	PHARMA	MULTI-PRODUCT	GEMS/ JEWELS	BIOTECH	TEXTILES & APPAREL	OTHERS
Shortfall in exports	34.18	0.90	23.49	1.52	1.82	7.27	30.81

Source: CAG (2014)

The performance of SEZs is questionable when analysed from the lense of its realisation in the backdrop of the promises made. Across sectors, only the Multi-product and Pharma sectors are far beyond the expectations. This among others is due to fewer exporting units operating in each SEZ. For instance, in the case of Suzlon SEZ located in Karnataka for engineering products, it is spread across 641 acres, but has only three exporting units. Similarly, KIADB Textiles, Hassan, in Karnataka is spread across 641 acres but it also has about seven exporting units. This is true with many SEZs across India, wherein it was difficult to attract sufficient exporting units to match the geographical size of each such huge enclave. Apparently, there has not been any attempt by the government to understand the factors and explain the phenomena of failure to introduce course corrections. The complacency on the part of the ministry and policy makers is difficult to rationalize. The state seems to have taken the un-kept promises as routine failures, overlooking the fact that huge sums and lands have gone to the private business houses on un-kept promises.

The Changing landscape of International Trade, Doing Business and SEZs

During the last few years, there has been an emphasis on improving competitiveness of exports by increasing the speed of transaction and reducing the costs. Major issues affecting international trade include barriers in the form of complex customs and administrative procedures, documentation requirements, lack of harmonization of standards, poor hard and soft infrastructure causing unnecessary delay in transactions and huge cost to the traders and loss to the governments. These direct and indirect costs come to almost 7%-10% of the total global trade volume (ADB-ESCAP, 2009). Hence a reduction in these costs is a prerequisite in order to boost exports and achieve trade–led growth. Measures taken to strengthen these aspects of international trade are labelled under 'trade facilitation measures'. In simple terms, trade facilitation refers to government measures that improve the efficiency and transparency of procedures required to clear goods across national borders. (Durkin, 2017). It means simplifying technical and legal procedures for products to be traded internationally, and includes electronic exchange of data regarding shipment, harmonising the number of trade documents required for export, as well as possibly appealing the decisions made by border agencies (OECD). It can also include domestic regulations and standards that traders must follow before trading in their products, port infrastructure, the logistics involved in conveying and storing goods from origin to destination as well the procedures that have to be followed in the importing country (Go, 2018).

The WTO recognised the importance of trade facilitation measures, and as a result introduced the Trade Facilitation Agreement (TFA) that came into force in 2017. The TFA contains provisions to ensure quick movement, release and clearance of all goods including those in transit, as well as measures for effective cooperation between customs authorities. The WTO estimates that the full implementation of the TFA could boost the export growth of developing countries by 3.5 per cent annually, as well as reduce trade costs that in some cases are equivalent to a tariff of 219 per cent on international trade. In this context, measures to achieve a more efficient trade in goods across international borders and subsequently reduction in the transaction cost of trade, gain much weightage over mere incentives which perhaps facilitate just an increase in the profit margin of investors (Tantri, 21016b). In the Indian context, a quick appraisal of the SEZs policy indicates that on paper, the policy is quite promising as it has initiated the first steps like reducing transaction costs of trade through assuring investors (developers and exporting units) a single-window facility, which technically work as one step for establishing business, availability of custom office 24x7, decentralization of administrative powers and permission to set up offshore banking units within SEZs premises to facilitate the trade finances, but in practice these seem to be hollow statements. In fact, a study carried out by Tantri (2016b) making a case study of a few old and new generation SEZs indicated that the promises to ensure hassle-free business stayed on paper, while in fact many of their provisions are yet to be implemented in their real spirit and flagged seven key challenges in the system: One, there exists duplication of procedure, technical and documentation related issues. Two, the current practice of assigning the responsibilities of all operational SEZs to seven old generation SEZs are proving counterproductive as it is increasing tremendously the time taken to resolve issues and thereby increasing transaction costs of trade beside increasing the workload of old generation SEZs. Three, due to a turf war between Ministry of Commerce and Industry (MoCI) and Ministry of Finances (MoF) the exporting units find it very difficult to claim many incentives proposed by the government. Four, between old and new generation SEZs, the new generation SEZs face higher transaction costs of trade both in terms of days and the time taken to exports. Five, there is a lack of commitment across states to introduce state- specific Acts. In the absence of it, frequent notifications issued by the respective state government make many provisions of the SEZs Act very clumsy and confusing. As a result of this, it adds significantly toward transaction costs of doing trade. Six, exporting units within new generation SEZs also experience key infrastructure bottlenecks as many developers' responsibilities are not adhered to. This is largely due to a smaller turnout of exporting units within each SEZs, which again is due to lack of key infrastructure within SEZs. Thereby it is creating a vicious circle of inefficiency feeding incremental erosion of efficiency. Finally, the problem faced by developers and exporting units (institutions, infrastructure and incentives) varied across SEZs and within SEZs across sectors. Beside this, in the last two decades, the SEZs policy has been amended as many as 53 times to accommodate the changing mood and requirements of investors; however much of these changes had little to add to the doing business scenario within SEZs. These factors explain why the realization are far below the actual expectation from these enclaves. This also indicates why the government should stop muddling with absolute figures in support of SEZs' performance, and rather concentrate more on actual realisation as against promises and put in an effort to understand the differences between the two.

Summary

India introduced SEZs after the visit of the then Minister of Commerce to China with big promises held forth. SEZs have now completed two decades of their operations. It is the right time now to take a look at the performance of this intervention and its impact on the trade development of the country. On the face of it, the performance of SEZs seems satisfactory as they contributes nearly 30 per cent of India's total exports. However, scrutinised through the lense of actual realisation as against its promises leads us to a worrisome scenario. There also exist regional biases in the spread and expansion of these SEZs. Beside this, there is an allegation that much of the investment in IT/ITes are the result of realignment from the domestic area. Though over the years the government has tried to amend the policies and compliances, it failed to accommodate the key challenges in doing business within SEZs, specifically new generation SEZs. In the post Covid-19 world, the government is aiming to capture Chinese trade spots in the global economy, and the existing SEZs may provide suitable material and for that the government needs to attend more to the institutions and infrastructure side of it than focusing on incentives. Perhaps this may prove an opportunity to introduce a new set of institutional reforms in the country, which should focus on sector-specific requirements than on a one- size- fits-all approach. There is also a need to work on systematic coordination and cooperation (horizontal and vertical) across different ministries and agencies/actors in the promotion of SEZs.

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