Ease of Doing Business in Northern Region: A survey
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Any mention of All India (AI) in the report refers to the CII-KPMG Ease of Doing Business in India survey
Concerned over India’s dismal rankings in the World Bank’s ‘Ease of Doing Business Report,’ CII in association with KPMG in India had undertaken a survey-based report on the prevailing business and regulatory environment in the country.

This survey-based report is a subset of a larger pan India survey conducted earlier this year with a focus on the northern region. The northern region is one of the largest regions in India, comprising of Jammu & Kashmir, Himachal Pradesh, Punjab, Uttarakhand, Haryana, Delhi, Rajasthan, Uttar Pradesh and UT Chandigarh.

The northern region accounts for approximately 26 percent of national GDP and consistently outperforms India’s national average. However, sustaining this performance will require greater investments, continuous support of the government, effective facilitation of the land acquisition process, simplification and automation of processes in starting a business, rationalisation of the tax regime, and efficient and effective enforcement of contracts.

The objective of this report is to underscore areas of business regulation in the northern region that need attention; highlight effective and efficient initiatives that could be emulated across the northern region; and advocate for adoption of more effective practices.

We do hope that the findings of this report would help bring the issues in the northern region to the fore and also serve as a reference point for the imminent need to pursue reforms in business practices and processes.
Key concerns of potential investors in India

- How many clearances and approvals would be required for my project?
  Unnecessarily large number of clearance and approvals would delay the project and expose the process to rent seeking.

- How competitive and stable is the taxation system?
  A fickle taxation system upsets business plans and viability of investments and can potentially drive businesses to closure.

- How easily can I acquire land for my investments?
  Complicated procedures for land acquisition pushes up the cost of the project making the project uncompetitive and therefore unviable.

- Is credit readily available?
  Credit at globally competitive rates ensures business viability.

- Will I get sufficient and quality power at competitive rates?
  Operational efficiency and competitiveness depends on quality, and rate of power.

- How long will it take to start my business?
  Time taken to start my business will impact my cost of capital and hence my competitiveness.

- Is the legal framework robust to enforce contracts and settle disputes?
  In the absence of an environment of contract enforcement and implementation of legal framework, the risk of doing business becomes extremely high.

- Is there dependable supply-chain infrastructure such as roads, cold-chains and transportation?
  The competitive supply chain infrastructure ensures competitiveness and viability of an investment.

Priority improvement areas

These concerns were prioritised and grouped under the four key areas which were further probed on through a detailed questionnaire. There four key areas were:

- Land acquisition
- Starting a business
- Taxation
- Contract enforcement
Methodology and scope of the study

- The CII-KPMG in India survey is a sub set of a larger pan India survey conducted earlier this year.
- The objective of this study is to:
  - capture the feedback of industries based in Northern Region (NR) regarding the challenges they face
  - analyse issues and identify, at a broad level, key action points for the governments of Northern Region states
- This report:
  - assesses investor feedback on four critical areas driving investment, attractiveness and decisions in Northern Region: land acquisition, starting a business, taxation and contract enforcement
  - describes specific initiatives taken up by states and industry bodies
  - provides specific recommendations across the following four areas: land acquisition, starting a business, taxation and contract enforcement
- An extensive questionnaire pertaining to the selected aspects of ‘Doing business in Northern Region’ was administered on professionals from a variety of sectors across geographies. The sample was selected such that responses would be unbiased to enable comparative analysis.
- KPMG in India has collated the findings, analysed the same and identified broad action points to present to the government.
- The respondents in the CII-KPMG in India survey felt that while the investments are coming in on the back of good industrial climate, the government could attract still more FDI by being more proactive in its approach.
The scope of the study is limited

- This report is only intended to identify some of the key challenges faced by industry in the NR. Many of the challenges are complex and long-standing. They require detailed analysis and consensus building to arrive at possible solutions.
- Some of the broad action points may appear intuitive or obvious. We feel, however, that sometimes repeating the obvious is also of help. Too often, we get so caught up in our quest for the ‘perfect solution’ that even incremental improvement comes to a standstill. This brief report should be seen in that light.
- The study findings are meant to trigger further debate than to provide quick solutions.

Any mention of All India (AI) in the report refers to the CII-KPMG Ease of Doing Business in India survey.
Complex processes, high costs, and frequent visits to multiple departments emerged among the prominent issues in the land acquisition process in Northern Region.

**Figure 3.: Issues faced in land acquisition**

- **Key issues/highlights**
  - The process of land acquisition has emerged as the one mired with lengthy processes and visits to multiple departments. Average time taken to acquire the land is 16 months for respondents in Northern India as compared with 14 months for respondents operating in all India; it could often take longer.
  - 79 percent of the respondents feel that there is a lack of effective land acquisition process. Out of which, 64 per cent believe the new land acquisition law will improve the process.
  - Mutation and conversion of land were considered among the most complex and time consuming processes.
  - Lack of government support in handling objections of local people is another issue.
  - Land conversion is marred with complex processes resulting in excessive delays.

**Source:** CII-KPMG survey, 2014; CII-KPMG in India Report on Ease of Doing Business

**Notes:** AI: All India; NI: North India
Transparent land pricing and compensation mechanism besides clearly demarcated land pools could help solve the issues related to land acquisition.

Select initiatives

**Gujarat: Leading the states in land processes**
- Online land inventory is maintained and updated which facilitates the information on about 65 parameters on land (such as availability of power, distance from port and airports)
- Land record management system e-Dhara was conceptualized to provide prompt issuance of computerized record of rights (RoR) across the counter and online updation of land records
- Gujarat Industrial Development Corporation (GIDC) is empowered to negotiate with land providers with minimum direct government intervention
- Pre-defined turnaround time for various steps in the land allotment process
- The state follows a PPP model for land development wherein GIDC assists industry associations in acquiring land and Government, GIDC and private promoters contribute to develop critical infrastructure facilities
- As a result, number of days taken to provide land possession has come down to less than 45 days from the date application and land allotment increased by 4 times with the launch of online portal in 2010
- Adequate training to users involved at various levels and continuous feedback enhance the efficiency of the e-Dhara process

**Rajasthan**
- Rajasthan has put in place an online system for allocation of land in state managed industrial estates with a facility to check the status of the application online
- Rajasthan has also provided a facility for online building plan approval along with the facility to track the application status

**Karnataka**
- Karnataka has initiated the computerised land transactions and online registration for accelerating the generation of encumbrance certificates. The state government has also undertaken e-stamping to facilitate quick and paperless payment of duties

**Haryana: Rehabilitation and Resettlement of land owners**
- The Haryana Government assists all joint venture projects in the acquisition of land for the development of Special Economic Zones to the extent of 10 percent Non-Capital Region (NCR) and 25 percent non-NCR areas of Haryana
- The state government also assists in acquiring left out land pockets so as to help ensure contiguity of SEZs
- Developers are required to pay INR42,000 per acre per annum with an annual increase of INR1,500 per acre for a period of 33 years for the land acquired for setting up of a SEZ, technology city or park
- As a result of proactive initiatives undertaken by the Haryana Government, several players have expressed interest in developing industrial model townships, industrial parks and technology cities through public private partnership (PPP) model as well as completely on their own
## Recommendations

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| Computerised and Geographically Integrated Property Registration System | • Computerise property registration process  
• Integrate land records to enable 'anywhere registration' | • Identification of suitable IT partner for project implementation  
• Training of officials to handle new systems |
| Creation of land banks | • Carry out land reforms  
• Computerisation of land records | • Task force mandated to identify unproductive lands |
| Integration of registration and title transfer systems | • Build a single database of comprehensive land records that includes all data on the state  
• Integrate the property registration and mutation processes through integration of departmental records electronically | • Tight, online, security systems to control mutation access  
• Alignment of all involved departments and individuals to achieve integrated processes |
| Streamlined land acquisition policy | • Clearly define role of state in facilitating land for industry  
• Set up a robust dispute resolution framework | • Large scale computerisation of land records  
• Enforcement of price determination mechanism |
| Time bound and clear land allotment procedures | • Codify publicly available framework for allotting land with defined timelines  
• Enforce timelines and a redressal mechanism | • Obtaining industry inputs while framing process |
| Simplify Processes/Implement Single Window for construction related permits | • Set up task force to determine scope and involved departments  
• Set mandate through department of industries create single window and integrate departments online | • Alignment of all involved departments  
• Stringent performance metrics by enabled penalties  
• Industry feedback to refine processes |
| E-Stamping | • Introduce of online stamping facilities across Sub-Registrar Offices (SROs) in the state.  
• Conduct phased implementation plan for pilots followed by statewide roll out | • Identification of suitable IT partner for project implementation  
• Adequate training of staff and tight security measures to minimise incidence of fraud |
| Online validation & submission of building permits | • Set up task force to develop concept and prepare implementation blue print  
• Identify external 3rd party IT partner to design solution specifics Pilot Project in some areas and expand | • Unambiguous definition of byelaws is required to automate scrutiny process  
• IT partner toe-enable process and transition to an online system |
| Clear compensation and rehabilitation programmes | • Formulate a clear pricing mechanism to the land owners | • State government thrust on removing ambiguity in existing processes |
At a pan India level, obtaining approvals like environment clearance, land procurement, construction-related permits and NOCs is a major obstacle in starting a business.

Processes related to environment clearance, construction permits and power connections emerged as among the most complicated ones in Northern Region.


Notes: AI: All India; NI: North India
Key issues/highlights

- Top five obstacles in starting a business in Northern Region: approvals related to environment clearance, land procurement, construction permits, quality certificates and power connection
- Processes related to environment clearance emerged as the most complicated one which requires immediate attention of authorities
- 65 percent of the respondents consider approvals required for starting a new business to be unrealistic
- 94 percent of respondents consider the time taken for approvals to be unreasonable

Simplification and automation of processes would help attract major investments in the northern region.

Select initiatives

**MAITRI: One stop portal for G2B services offered across the business cycle by the Department of Industries, Maharashtra**

- Maharashtra Industry, Trade and Investment Facilitation Cell (MAITRI) functions as a clearing house for all investment-related information besides coordinating among various government departments across the business cycle to provide G2B services
- MAITRI provides a common interface for business users and government officials to issue 31 clearances and approvals required for setting up of industries in Maharashtra.
- The system maps the district level processing and approving authorities for all departments besides identifying a nodal officer for each department at the state level
- All forms, supporting documents and workflow based alerts are available online with a provision for auto escalations for any delays as per the timelines mentioned in citizen charters

**Single Window Clearance in Rajasthan**

- Single window clearance system is an e-Governance initiative undertaken by the Rajasthan government for encompassing effective, transparent and accountable investment process
- The process aims to provide an interface for various departments, such as Bureau of Investment Promotion, Industry, District Industry Centres and other government departments
- The state government has also introduced Single Window Act in order to strengthen the single window system and to give it a statutory status. Turn around timelines have been specified for clearances and approvals from the concerned departments and the nodal agencies
- Rajasthan has made it mandatory for investors to apply through single window for investments above INR10 million.
- Under this system, investors can file an online application directly to the concerned agency

**Delhi**

- In 2008, Delhi government introduced E-stamping which helped curb revenue and time loss by preventing the circulation of fake stamp papers besides realising the savings on cost of printing and handling of stamp papers

**Punjab**

- Punjab Government established Punjab Bureau of Investment Promotion in 2013 as one-stop centre for investors to provide them clearances, incentives and information on investment opportunities in a time-bound manner
# Recommendations

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| Implementation and enforcement of a single window clearance mechanism | • Empower a nodal agency to coordinate between all departments  
• Combine all application forms to require to start a business into one combined application form (CAF)  
• Assign time lines for the enforcement across the state  
• Enable online SMS based tracking mechanism with robust monitoring system to counter delays  
• Establish mechanism to avoid multiple follow-ups | • Empowered nodal agency  
• Industry feedback to refine processes  
• IT infrastructure to take processes online |
| Implement legislation to ensure timely service delivery | • Although some northern region states (such as Delhi, Rajasthan, and Uttar Pradesh) have introduced legislation on the Right to Public Service, there is a further scope for improvement | • Create tracking mechanisms  
• Provide a common application form  
• Cover all departments across the state |
| Transformational skill development | • Privatise ITIs (Industrial training institutes)  
• Continuously obtain industry feedback on training programmes to obtain curriculum | • Continuous industry and academia feedback  
• Clearly fixed responsibilities on individuals to drive success of skill development program |
| Policy thrust for managing power deficits | • Prepare business plan and budget for long term capacity addition  
• Develop blueprint for inviting private participation | • Strong thrust on long term capacity addition by State government  
• Simplified regulatory environment for private players |
| Full potential cluster | • For existing clusters, set up task force to determine full potential strategy. For new clusters – identify and acquire seed firm investment during early stages  
• Offer customised incentives to targeted industries. Track disbursal of incentives to clusters through a tracking mechanism | • Membership and involvement of industry, academia and government in clusters  
• Monitoring mechanism to ensure disbursement of incentives towards relevant facilities  
• Track progress of clusters against plan |
| Simplification of labour laws and procedures | • Developing guidelines/ standard operating procedures on the process for conducting inspections.  
• Examining the record/documentation required to be maintained under the various labour laws and assessing their need.  
• Identify areas of simplification in the context of the current business environment | • Strong focus on labour law reforms and alignment of stakeholders. |
| Implementation of a Labour Management System | • Introduce procedural reforms like 3rd party certification and rationalising of inspections  
• Set up team to make labour processes online | • Identification of suitable technology partner |
| Best in class information availability | • Set up information dissemination agency to create comprehensive updated database on all processes available online  
• Prepare blueprint for taking all information related to all processes to one online portal and set milestones for tracking | • Effective use of technology to disburse Information Technology and knowledge partners to aid in information collation and dissemination |
Companies face issues while dealing with tax authorities, settling tax disputes, availing tax incentives and obtaining timely service tax and VAT refund.

There is a strong need to overhaul the tax registration, filing and payment mechanism in the states in the Northern region.

**Figure 5.: Issues faced in direct tax**

**Figure 6.: Issues faced in indirect tax**


Notes: AI: All India; NI: North India
Key issues/highlights

- 63 percent respondents don’t consider the existing tax regime as conducive to fostering growth
- Almost all the respondents agreed that the proposed Direct Taxes Code (DTC) would be a positive step towards simplifying the existing tax regime and catalysing growth
- 62 percent respondents are of the view that the revenue authorities exploit law when raising demands and hence, pose hurdles in smooth functioning of the business operations
- 86 percent respondents perceive the processes for availing subsidies, incentives and refund from state governments as complex

Implementation of major tax reforms, such as GST and DTC, could ease the taxation processes.

Select initiatives

Karnataka: Pioneering the transformation of commercial tax regime

- Businesses can apply online for registration with the state tax authorities along with the scanned copies of supporting documents
- System helps in verification of various external data pertaining to the applicant (such as PAN, Aadhar, etc.) besides providing a facility to online track the status of the application
- Registered applicants can pay their taxes online using gateways or NEFT/RTGS facility with an option to generate and print e-receipt/e-Challan for successful transaction
- The system promotes self declaration rather than departmental policing and hence, increases departmental efficiency and results in quicker clearance of goods

Andhra Pradesh: Registration, filing and payment of state VAT

- An e-registration software VATIS helps dealers apply for value added tax (VAT) registration online without any fee or security deposit
- The project has been designed to enhance the transparency and ease of transacting
- The registration certificates are issued within 24 hours in case of non-risk dealers
- The facility of filing the return through internet and e-seva centers has been extended to dealers. Also, the dealers can view the details of returns and the payments filed by them using the ‘dealer ledger’ application
- The entire system is secured and offers high degree of safety and security to clients pertaining to their transactions

Rajasthan

- Rajasthan government simplified categorisation of rates, made online payments and returns compulsory and fast-tracked the refund of taxes
- Rajasthan government simplified the filing of quarterly returns as number of attachments were reduced from 9 to 3

Uttarakhand

- Uttarakhand government has made the VAT registration and payment online
## Recommendations

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| Consolidation of taxes      | • Modernisation of individual and corporate tax rates to enhance domestic demand and investment  
• Delinking policy-making and legislative drafting, consider re-drafting by an expert committee based on the final policy decision  
• Sub-Registrar Offices (SROs)  
• Adoption of consistency in approach, uniform interpretation and application of the law and judicial pronouncements |                                                                               |
| Streamline state level taxation | • Set up committee to review tax regime enable online filing and payment of all taxes  
• Make processing of returns and refunds time-bound  
• Automate the tax registration, tax filing and tax payment process | • E-enablement of multiple taxes  
• Feedback from industry enforcement of online systems to ensure minimisation of fraud |
| Implement Goods and Services Tax (GST) | • GST needs to be implemented in order to meet the goals of consolidation and simplification while generating more revenues | • Need for structural, operational and administrative reforms in the taxation regime. The burden of tax compliance should reduced besides enabling e-filing of all taxes |

Clarify the non-applicability of transfer pricing regulations on equity capital contributions and such other transactions not resulting in taxable income.
The process of filing and servicing court proceedings is often complicated and time-consuming; there is also a need to review antiquated laws and regulations.

Contract enforcement, primarily controlled by a common country-wide legal and institutional infrastructure, remains as much an area of concern in Northern Region as it is in the rest of the country.

Notes: AI: All India; NI: North India
Key issues/highlights

- Majority of respondents cited issues over the time and costs involved in the enforcement of contracts
- Complicated and time-consuming process of filing and servicing court proceedings
- Significant time taken from filing a case to the final judgment poses major obstacles
- Enforcement of judgments is not as smooth as the existing procedures assure
- Cumbersome and time-consuming process of reconstruction, mergers and amalgamations of companies
- Exorbitantly high costs for engaging and retaining lawyers besides enforcement costs
- Enforcement of a judgment/decree passed by a court of a reciprocating as well as non-reciprocating countries

Select initiatives

Korea: Improving court efficiency

- The electronic case filing system in Korea was made operational in 2010. The system enabled electronic submission, registration, service notification and access to court documents
- Korea was required to modernise its information technology infrastructure and amend laws and regulations to adopt a paperless regime
- E-court solutions encompasses features to help judges, facilitate the filing of cases for litigants and inform the public about outcomes of the cases
- Implementation of e-court system resulted in substantial savings in terms of reduction in paper use, time spent in court, cheaper service of process, low transportation cost, easy archiving of payments and payment of fees

Recommendations

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| Implement reforms for speedy resolutions of contract related disputes | • Requirement for reforms at all levels for the enforcement of contracts to be effective  
• Increase the number of courts and tribunals  
• Update antiquated laws recognised in sync with the trends of higher technology updation, greater trade based on IPR and greater global trade |
| Use technology to expedite the contract enforcement | • Implement e-court systems to significantly reduce usage of paper, reduce time spent in court, provide low-cost service, transportation, and easy archiving of documents and facilitate easy payment of fees  
• Attending court matters / arbitrations, etc. through video-conferencing (VC), phone needs to be encouraged over compulsory physical attendance  
• Effective implementation of electronic case filing system  
• To avoid repudiation, an online National repository of contracts entered into by parties could be created |
The survey conducted across respondents from different sectors in the Northern Region has highlighted a number of measures to improve the business climate in the region on four areas – land acquisition, starting a business, taxation and contract enforcement. Many respondents have highlighted initiatives started in some states that have led to a positive change. Many of these changes could be leveraged across the Northern region and at the national level.

To conclude, following are major themes of suggested changes as identified by respondents

**Policy and regulation**
- Enhance transparency in rules and processes relating to land acquisition, business approvals and taxation
- Simplify and clarify the rules and processes pertaining to taxation and business approvals
- Carry out structural reforms in the taxation system to reduce the number of levies, while simplifying them
- Implement more flexible labour policy
- Create independent grievance redressal mechanisms
- Establish skill development centers in partnership with industry to develop relevant curriculum and courses to enhance employability
- Promote industrial clusters for ease in land acquisition and business startups

**Administration and policy execution**
- Increase online processes for registrations and clearances
- Introduce and implement single window clearance systems with time bound decision making for business approvals
- Introduce coordinated clearance systems
- Increase number of courts and tribunals as well as develop alternative dispute resolution mechanisms to enhance the ease of contract enforcement
About KPMG in India
KPMG in India, a professional services firm, is the Indian member firm of KPMG International and was established in September 1993. Our professionals leverage the global network of firms, providing detailed knowledge of local laws, regulations, markets and competition. KPMG in India provide services to over 4,500 international and national clients, in India. KPMG has offices across India in Delhi, Chandigarh, Ahmedabad, Mumbai, Pune, Chennai, Bangalore, Kochi, Hyderabad and Kolkata. The Indian firm has access to more than 7,000 Indian and expatriate professionals, many of whom are internationally trained. We strive to provide rapid, performance-based, industry-focused and technology-enabled services, which reflect a shared knowledge of global and local industries and our experience of the Indian business environment.

KPMG is a global network of professional firms providing Audit, Tax and Advisory services. We operate in 155 countries and have 155,000 people working in member firms around the world.

The KPMG Audit practice endeavors to provide robust and risk based audit services that address member firms’ clients’ strategic priorities and business processes.

KPMG’s Tax services are designed to reflect the unique needs and objectives of each client, whether firms are dealing with the tax aspects of a cross-border acquisition or developing and helping to implement a global transfer pricing strategy. In practical terms that means, KPMG firms work with their clients to assist them in achieving effective tax compliance and managing tax risks, while helping to control costs.

KPMG Advisory professionals provide advice and assistance to help enable companies, intermediaries and public sector bodies to mitigate risk, improve performance, and create value. KPMG firms provide a wide range of Risk Consulting, Management Consulting and Transactions & Restructuring services that can help clients respond to immediate needs as well as put in place the strategies for the longer term.
The Confederation of Indian Industry (CII) works to create and sustain an environment conducive to the development of India, partnering industry, Government, and civil society, through advisory and consultative processes.

CII is a non-government, not-for-profit, industry-led and industry-managed organization, playing a proactive role in India’s development process. Founded in 1895, India’s premier business association has over 7200 members, from the private as well as public sectors, including SMEs and MNCs, and an indirect membership of over 100,000 enterprises from around 242 national and regional sectoral industry bodies.

CII charts change by working closely with Government on policy issues, interfacing with thought leaders, and enhancing efficiency, competitiveness and business opportunities for industry through a range of specialized services and strategic global linkages. It also provides a platform for consensus-building and networking on key issues.

Extending its agenda beyond business, CII assists industry to identify and execute corporate citizenship programmes. Partnerships with civil society organizations carry forward corporate initiatives for integrated and inclusive development across diverse domains including affirmative action, healthcare, education, livelihood, diversity management, skill development, empowerment of women, and water, to name a few.

The CII theme of ‘Accelerating Growth, Creating Employment’ for 2014-15 aims to strengthen a growth process that meets the aspirations of today’s India. During the year, CII will specially focus on economic growth, education, skill development, manufacturing, investments, ease of doing business, export competitiveness, legal and regulatory architecture, labour law reforms and entrepreneurship as growth enablers.

With 64 offices, including 9 Centres of Excellence, in India, and 7 overseas offices in Australia, China, Egypt, France, Singapore, UK, and USA, as well as institutional partnerships with 312 counterpart organizations in 106 countries, CII serves as a reference point for Indian industry and the international business community.