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TO TAX OR NOT TO TAX: THE DILEMMA OF ABOLISHING INCOME TAXES IN INDIA**K SREEHARI NAIR****STUDENT****AMRITA VISHWA VIDYAPEETHAM****MYSORE****VIDYA AVADHANI****LECTURER****DEPARTMENT OF COMMERCE & MANAGEMENT****AMRITA VISHWA VIDYAPEETHAM****MYSORE****ABSTRACT**

In this world, nothing can be said to be certain, except death and taxes" quipped Benjamin Franklin, the great American statesman. But it is everyone's wish to avoid both! In the context of the present study, a preliminary study is made to cover the feasibility of abolishing income taxes in India and its implication. The concept of income tax can be traced to the 19th century Britain. It is now a global phenomenon and a major source of income to governments the world over. The advocates of abolition cite the examples of some West Asian countries and some European countries which have successfully abolished Income Taxes and are still able to prosper. But whether this is applicable to our country's economy is a thing to be pondered upon. Economists in favor of the abolishment of Income Tax suggests that , through various other sources such as Coal Block allocation and Telecom Spectrum that kind of money can be raised. The naysayers on the other hand are wary about it as it will destabilize our economy and it is not suitable for our economy as in the case of other West Asian countries. The study, using the published data taken from various sources attempts at examining the implications of foregoing this major source of income that comes from both personal incomes and corporate incomes. Also to be examined are the alternative sources of income, which have continuity and sustainability.

KEYWORDS

Tax, Income Tax, Avoidance of taxes, Evasion of taxes.

INTRODUCTION

 Concept of tax: The term 'tax' is defined from an economist's point of view as a compulsory transfer of purchasing power without any *quid pro quo*. The salient features of a tax may be highlighted:

- It is a compulsory transfer of purchasing power or money from the individual to the government.
- There is no *quid pro quo* suggesting that the tax payer cannot claim a return for his payment.

A tax can be a 'direct tax' or an 'indirect tax'. In case of the former, the *impact* and *incidence* falls on the same person. In other words, the burden of a tax cannot be shifted to any other person/s. But in case of the latter, the *impact* and *incidence* fall on two different person/s. That is, the burden of a tax can be shifted from the person who immediately pays a tax to some one for the final payment. Generally, taxes on income are considered direct taxes, while taxes on goods are considered indirect.

In India, both direct and indirect taxes are levied. Till recently, bulk of the tax collected by both government of India and the State governments were 'indirect' in nature, suggesting that commodity taxes were the main contributors to the exchequer. But currently, 'direct taxes' are assuming greater importance in the tax structure of the country due to its greater contribution to the government. Generally, economists prefer direct taxes due to their 'equity' effect.

My study is basically concerned with the abolition of 'direct taxes'. The two major forms are the personal income taxes and the corporation taxes. While the former is levied on the incomes of individuals, the latter is levied on incomes of companies or corporates. A brief analysis of these two taxes and the effects of their abolition are analysed here.

In India, the Corporate Income tax rate is a tax collected from companies. Its amount is based on the net income companies obtain while exercising their business activity, normally during one business year. The benchmark we use refers to the highest rate for Corporate Income. Revenues from the Corporate Tax Rate are an important source of income for the government of India.

The Corporate Tax Rate in India stands at 34.61 percent. Corporate Tax Rate in India averaged 35.02 percent from 1997 until 2015, reaching an all-time high of 38.95 percent in 2001 and a record low of 32.44 percent in 2011. Corporate Tax Rate in India is reported by the Ministry of Finance, Government of India.

A cut in corporate taxes has been announced by the government along with other initiatives for a more stable and predictable tax regime in a bid to woo foreign investors and spur faster growth.

The moves are aimed at encouraging foreign companies to set up shop in India, and attracting overseas investment for roads, railways, ports, power plants and other dilapidated infrastructure.

"This will lead to a higher level of investment, higher level of growth and more jobs,"

India's tax authorities have been embroiled in lawsuits with a string of international companies including Royal Dutch Shell and IBM.

British mobile giant Vodafone is currently fighting a bitter, \$2.4-billion battle with authorities, while Finnish company Nokia had a plant seized over a tax dispute.

A wealth tax would also be abolished and replaced with a two percent surcharge on the super-rich, a move that is estimated to add Rs. 9,000 crores (\$1.4 billion) to government coffers.

Abolishing income tax and other levies and replacing them with some other suitable form of revenue is feasible and desirable, say experts, although some believe that such a move would militate against social equity.

Describing the concept as "aspirational", FICCI president Sidharth Birla said, "If the steps proposed enhance revenue by broadening and broad basing the tax payer base and help improve transparency of regulatory framework, we will tend to welcome these aspects."

The radical proposal, which is being talked about by the BJP, relates to abolition of all direct and indirect taxes for individuals as well as corporates in favour of a nominal banking transaction tax. The proposal, would involve hard arithmetic as the revenue losses would have to be recovered from other sources while stressing that India needs a stable, equitable and a friendly tax regime.

While pointing out implementation of the tax proposal is within the realm of possibility, some experts also opined that it has the potential to deal with menace of black money.

"...it may reduce corruption and collusion with the government agencies. It may remove the tax burden from individual as well as corporate taxpayers. The taxpayers will also not indulge into practices like falsification of accounts, money laundering and other illegal ways of tax evasion," said Girish Vanvari, co-head of tax, KPMG in India.

However, that a comprehensive and holistic analysis is required before going for such a drastic reform.

Another leading global tax consultant PwC India, however, expressed apprehensions saying that abolition of income tax would be against the progressive system of revenue collection.

"It is unlikely that we can completely dispense with the collection of personal income tax and at the same time maintain the progressive tax system to meet the revenue requirements," said Rahul Garg, Leader Direct Tax, PwC India.

Sudhir Kapadia of EY, a global tax consultancy firm, said it is feasible to abolish the personal income tax, but the question is whether it is desirable.

"There is indeed a case for tax reform that brings in simplification and rationalization in the tax system by eliminating unwanted distortions and multiplicity of taxes.

Industry body Assocham, however opposed the proposal saying that replacing income tax with expenditure or banking transaction tax will be anti-poor.

The big impact tax in terms of the *aam aadmi's* psyche is personal (non-corporate) income tax, and there is no reason why the government should not seek its total abolition both to energize the middle class and to make the economy turn around.

Income tax is largely a tax on the middle class salary earner and no other class, though we should include professional, non-salaried people too in it. The poor don't pay any income tax, and the rich get a big chunk of their incomes from dividends and capital gains - very little from salaries.

In sum: out of India's taxpaying base of around 35-40 million, only 1 percent accounts for the bulk of the tax collections. Put another way, 99 percent of India's taxpayers are being forced to file returns and pay paltry amounts of taxes for no good reason. It is harassment and hassle without purpose.

Even among the 4, 00,000 who do pay more taxes, it's largely because they can't evade it. The taxes are probably deducted from salaries or other incomes and collected at source.

The case for abolishing income tax, or at least modifying it substantially, is simple: it is unfair because only one important class is an easy pick; it creates a huge need for paperwork both at the corporate end and at the taxpayers' end; the deductions given on taxes (80C, etc) drive savings to areas that are tax-efficient rather than for meeting the real needs of taxpayers.

Income tax also makes criminals out of many of us. It forces both employers and employees to cheat. As for other non-corporate taxpayers - professionals (doctors, lawyers, etc), firms (non-corporate), associations of persons (AoPs), or bodies of individuals (Bols), these categories are possibly more capable of evading tax and vulnerable to corruption.

Non-corporate income tax is also an indirect hindrance to job creation. If companies know that there is no income tax, they can recruit new employees at lower salaries without reducing an individual's tax-home pay. This will bring down wage bills and encourage companies to hire more. If coupled with easier labour or contract labour laws, employment generation will explode.

WAYS TO RECOUP TAX LOSSES

One, when income tax is abolished, there will be no deductions too. The costs of tax administration and tax compliance will come down. The government will need less tax revenues. Moreover, the current catchall head of "Taxes on Income" includes earnings from securities transaction tax, which need not be abolished.

Two, non-corporate income tax is earned from two basic sources - individuals (who earn it as salary, interest, dividends, property income, capital gains, etc) and firms (assessees who earn business incomes). If, in the first instance, income tax is abolished only for those not earning a business income, then the tax loss will be much less. However, it is best to exempt business income too - for this is the real sector that creates huge jobs through self-employment and setting up productive unincorporated businesses. In 2011-12, non-corporate firms, AoPs and Bols together yielded less than Rs 20,000 crore in taxes. Not exactly a huge cache for the finance minister to tap. On the other hand, the corruption potential in this group of nearly 5, 68,194 assesses (in 2011-12) is enormous. Spare them the tax heart-burn, and this sector could employ more and create more jobs.

Three, as companies will end up reducing labour costs over time, one can also start withdrawing their tax breaks. On direct taxes alone, the net taxes forgone were Rs 68,000 crore 2012-13, according to the finance ministry. Eliminating the major ones would save at least another Rs 40,000 crore in one or two years.

Four, when incomes rise due to zero income taxes, demand will sprout. This means taxes from excise and customs will balloon as the economy picks up steam. Since the tax abolition will benefit the taxpaying classes directly, the demand will flow directly to the manufacturing and services sectors - two sectors with lower inflation than food.

Five, a part of the loss on income taxes can be made up by higher value-added taxes, especially the new goods and services tax (GST). Between them, excise, customs and service taxes are budgeted to yield over Rs 5.6 lakh crore in 2013-14. A one or two percent hike will yield another 50,000-100,000 crore in indirect taxes.

Six, the government simply has to cut subsidies to the middle class. Right now, subsidies on diesel, LPG and kerosene add up to over Rs 1,50,000 crore. If only one-third of this is paid out to the poor for LPG and kerosene, the entire tax blow on eliminating income taxes would be taken care of. Subsidies will be easier to cut if income tax is abolished altogether.

There is talk of replacing income tax with an expenditure tax, where money flowing out of bank accounts will be taxed. This will need to be thought through, but this would be another way to fix the tax hole over time.

However, there is no doubt that eliminating income tax will rejuvenate the economy and reduce tax hassles at the level of the taxpayer.

Unlike promises of free water or cheap electricity, which can only increase corruption, the abolition of income tax is a reform that will actually make taxpayers more honest. It will eliminate a huge area of corruption and falsehood while also serving as an economic stimulus to a stagflating economy.

It might sound surprising, but there are countries where you do not need to pay income tax (UAE, Qatar, Oman, Kuwait, Cayman Islands, Bahrain, Bermuda, The Bahamas, Saudi Arabia, Brunei Darussalam), as per KPMG's 2012 survey of 114 countries. People in these countries, however, do need to contribute towards social security. Some of these countries are well-known tax havens, while most others have managed to use natural resources to fund government expenses. Can India afford to do away with income taxes?

The consumption tax, sometimes referred to as a 'spending tax' or 'expenditure tax', is quite like the income tax, with one key difference being that the tax base is expenditure, not income. Levied directly, tax payers may still file annual returns accompanied with exemptions and deductions, if at all. Irving Fisher, writing in 1942, and earlier advocates of the expenditure tax based their case primarily on the argument that the income tax involved "double taxation" of savings and distorted the choice of individuals in favour of consumption. Thus, not only is the income tax unjust but it encourages consumption and leisure at the expense of thrift and enterprise.

Nicholas Kaldor, in his book 'Expenditure Tax' (1955), broadened the case for the expenditure tax by arguing that expenditure was a better measure of ability to pay than income. Kaldor viewed the individual's taxable capacity as his "spending power" which includes all the various forms of economic wealth (stocks of wealth as well as recurrent and irregular flows of money) which must be reduced to a common denominator of so much per annum for tax purposes. Also, allowance should be made for differences in individual needs which make some persons more or less able to pay than others with the same spending power.

Kaldor argued that the best way to arrive at a person's spending power vis-a-vis his needs is to look at his day-to-day living expenses. He viewed income as an inferior measure of taxable capacity because it does not encompass spending power in other forms and takes no account of differences among individuals as to the need to save.

CONCLUSION

One major argument put forward against the expenditure tax is that by taking away savings from the tax-base, one tends to favour the rich, as they are in a better position to save larger portions of their incomes. This would render the proposition 'inequitable'. It may also lead to greater concentration of wealth in the hands of few. Kaldor addressed this criticism by arguing that the rates of an expenditure tax can be made steeply progressive in order to tax the rich heavily. One would be still better off, as a large part of the spending by the rich is out of capital, which is generally untouched by the income tax.

Another criticism of the consumption base is that it would favour the miser over the spendthrift, even where both had the same spending power or ability to pay. Kaldor's response to this objection goes to the basic rationale of the expenditure tax: People should be taxed on what they take out of the common pool, not on what they put into it. He argued that only by spending, and not by earning and saving, does the individual impose a burden on the rest of the community. In other words, personal consumption drains the resources available to the community for investment and public uses while work and saving add to these resources.

But then how would the government make up for the loss in tax-revenue, if it were to scrap income taxes. As per 2013-14 Union Budget, personal income tax has been budgeted at Rs. 2, 47,639 crores for the current fiscal year. This, as also in the past years, accounts for about 23 per cent of the total revenue receipts of the govt. The total gross tax revenue of the govt. (including the state's share) stands at about Rs. 12.4 lakh crore (budgeted) in the current fiscal. A two per cent Banking Transaction Tax on current banking transaction can potentially generate about Rs. 15 lakh crore - more than compensating for the loss.

The biggest criticism of the BTT is that a large fraction of consumption expenditure in India is still cash (83 per cent by my estimates in 2011 and informally verified by experts in Finance Ministry) and hence we would be leaving a large section of the population out of the tax-net. This is a fair criticism. But, then we surely would be moving up on the 'indifference curve' and getting closer to the Pareto Optimal choice. In plain-speak, the new proposed tax system would be more equitable than the existing one, without compromising on the revenue side.

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