

TRADE POLICY REVIEW

INDIA

Report by the Secretariat

This report, prepared for the second Trade Policy Review of India, has been drawn up by the WTO Secretariat on its own responsibility. The Secretariat has, as required by the Agreement establishing the Trade Policy Review Mechanism (Annex 3 of the Marrakesh Agreement Establishing the World Trade Organization), sought clarification from the Government of India on its trade policies and practices.

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CONTENTS

	<u>Page</u>
SUMMARY OBSERVATIONS	
(1) The Economic Environment	xi
(2) Trade Policy Features - Type and Incidence of Trade Measures	xi
(3) Sectoral Policy Developments	xii
(i) Agricultural products	xii
(ii) Food processing	xii
(iii) Mining and petroleum	xiii
(iv) Manufacturing	xiii
(v) Services	xiii
(4) India in the Multilateral Trading System	xiv
(5) Outlook	xv
I. THE ECONOMIC ENVIRONMENT	1
(1) Recent Economic Performance	1
(i) Macroeconomic developments	1
(ii) Structural reforms	7
(2) Major features of the Indian economy	9
(3) Trade and Foreign Investment Performance	10
(i) Composition of merchandise trade	10
(ii) Geographic pattern of merchandise trade	10
(iii) Trade in services	13
(iv) Foreign direct investment and portfolio investment	13
(v) Intra-industry and "tariff-jumping" foreign direct investment	15
(4) Outlook	16
Annex I.1 Exchange rate arrangements	18
II. TRADE AND INVESTMENT REGIMES	20
(1) Introduction	20
(2) The Legislative Structure	21
(i) Legislative and executive branches of the Government	21
(ii) The Judiciary	22

	<u>Page</u>
(iii) The legislative process	22
(3) Objectives of Trade Policy	24
(i) Participation in the WTO	25
(ii) India's WTO commitments	26
(4) Trade Laws and Regulations	27
(i) Changes to trade legislation	28
(ii) Notifications to the World Trade Organization	28
(5) Execution of Trade Policy	30
(i) The Executive	30
(ii) Autonomous and advisory bodies	31
(6) Trade Relations	32
(i) Multilateral agreements	32
(ii) Regional agreements	32
(iii) Bilateral agreements	33
(iv) Other	33
(v) Dispute settlement	34
(7) Investment Policy	37
(i) Foreign direct investment	37
(ii) Portfolio investment	40
(iii) International investment agreements	40
III. TRADE POLICIES BY MEASURE	41
(1) Overview	41
(2) Measures Directly Affecting Imports	42
(i) Registration and documentation	42
(ii) Customs valuation, clearance and inspection	43
(iii) Tariffs and additional duties	44
(iv) Variable import levies	58
(v) Other levies and charges	58
(vi) Minimum import prices	60
(vii) Import prohibitions, licensing and state trading	60
(viii) Import quotas	68
(ix) Import cartels	68
(x) Countertrade	68
(xi) Standards and other technical regulations	68
(xii) Government procurement	71

	<u>Page</u>
(xiii) Local-content schemes	72
(xiv) Anti-dumping and countervailing measures	73
(xv) Safeguard actions	76
(xvi) Measures implemented in exporting countries	76
(xvii) Balance-of-payments measures	76
(xviii) Import privileges extended to free-trade zones	77
(3) Measures Directly Affecting Exports	77
(i) Registration and documentation	77
(ii) Preshipment inspection and quality control	78
(iii) Export taxes, charges and levies	80
(iv) Minimum export prices	80
(v) Export prohibitions, licensing and state trading	80
(vi) Export quotas	83
(vii) Export cartels	84
(viii) Voluntary restraints, surveillance and similar measures	84
(ix) Measures maintained by importing countries	84
(x) Export subsidies	85
(xi) Duty and tax concessions	85
(xii) Export finance	85
(xiii) Export insurance and guarantees	85
(xiv) Export promotion and marketing assistance	86
(xv) Free-trade zones	86
(4) Measures Affecting Production and Trade	89
(i) Adjustment and regional assistance	89
(ii) Subsidies and tax concessions	92
(iii) Industrial development policies	95
(iv) Assistance for research and development	101
(v) Competition laws and regulations	101
(vi) Trade-related investment measures (TRIMs)	102
(vii) Trade-related intellectual property rights (TRIPS)	103
IV. TRADE POLICIES BY SECTOR	107
(1) Overview	107
(2) Agriculture and fisheries	108
(i) Agriculture	108
(ii) The policy framework	113
(iii) Trade policies by major product	121
(iv) Fisheries	125
(3) Food Products	126

	<u>Page</u>
(4) Mining and Petroleum Products	128
(i) Mining	128
(ii) Petroleum products	129
(5) Manufacturing	130
(i) Recent developments	130
(ii) Textiles and Clothing	132
(iii) Pharmaceutical products	140
(iv) Steel	143
(v) Automobiles and auto components	145
(vi) Electronics and computer software	149
(6) Services	152
(i) Commitments under the General Agreement on Trade and Services (GATS)	152
(ii) Financial services	153
(iii) Transportation	159
(iv) Telecommunications	166
(v) Tourism	169
(vi) Software services	171
REFERENCES	173

CHARTS

	<u>Page</u>
I. THE ECONOMIC ENVIRONMENT	
I.1 Openness and integration, 1985/86-1996/97	4
I.2 Fiscal adjustment and tariff duties, 1990/91-1996/97	5
I.3 Product composition of merchandise trade, 1980/81 and 1995/96	11
I.4 Direction of merchandise trade, 1990/91 and 1995/96	12
III. TRADE POLICIES BY MEASURE	
III.1 Tariff structure by rates, 1997/98	47
III.2 Tariff structure by sector, 1997/98	47
III.3 Tariff escalation by 2-digit ISIC industry, 1997/98	49
III.4 Licensing restrictions by products, 1 April 1997	63
III.5 Coverage of Special Import Licences (SILs) by product, 1 April 1997	66
III.6 Canalized exports to total merchandise exports, 1988/89-1996/97	83
IV. TRADE POLICIES BY SECTOR	
IV.1 Trade in agricultural products, 1991/92 and 1995/96	110
IV.2 Trade in agricultural products, by trading partner, 1991/92 and 1995/96	111
IV.3 Trade in manufactures, by ISIC category, 1991/92 and 1995/96	131
IV.4 Exports of clothing and textiles, by destination, 1991/92 and 1995/96	134
IV.5 Composition of the software industry, 1994/95	172

TABLES

	<u>Page</u>
I. THE ECONOMIC ENVIRONMENT	
I.1 Economic performance of India, 1991-97	2
I.2 Major features of the Indian economy, 1990-97	3
I.3 Foreign investment by source and activity, 1990-97	14
I.4 Intra-industry trade by India 1980/81, 1990/91 and 1995/96	15
I.5 Government's macroeconomic projections 2001/02	17
II. TRADE AND INVESTMENT REGIMES	
II.1 Indian legislation relating to trade	28
II.2 Status of selected notification requirements to the WTO, as at February 1998	29
II.3 Disputes involving India in the GATT and WTO	35
II.4 Sectors eligible for automatic foreign technology and foreign equity approval	39
III. TRADE POLICIES BY MEASURE	
III.1 Tariff structure of India 1990/91 to 1997/98	46
III.2 Tariff by processing stage, 1990-98	48
III.3 Tariff by products, average import-weighted rates, 1990/91-1997/98	49
III.4 Key features of the concessional entry schemes in India	50
III.5 Bound tariff rates and effective rates of duty	54
III.6 Plurilateral preferential trading agreements	55
III.7 Bilateral preferential trading agreements	57
III.8 Rules of origin	57
III.9 Indirect tax structure of the Central Government excluding taxes on international trade, 1993/94 and 1997/98	59
III.10 Import prohibitions, 1993 and 1997	62
III.11 Changes in items subject to import licensing since 31 March 1993	64
III.12 Access to Special Import License (SIL)	65
III.13 Canalizing agencies and products (imports)	67
III.14 Anti-dumping actions, up to 30 June 1997	74
III.15 Export prohibitions, 1993 and 1997	81
III.16 Key benefits extended to free-trade zones, 1 April 1997	88
III.17 Status of sick industry cases referred to the BIFR as of November 30, 1997	90
III.18 Incentives/concessions offered to small-scale industries (SSIs)	91
III.19 Explicit (non-plan) subsidies	93
III.20 Industries subject to compulsory industrial licensing in India, December 1997	96
III.21 Items reserved for the small-scale sector	97
III.22 Budgetary support to public sector enterprises in India, 1996/97 and 1997/98	100
IV. TRADE POLICIES BY SECTOR	
IV.1 Overview of Indian agricultural output, 1991-97	109
IV.2 India's aggregate measure of support, 1995/96	112
IV.3 Procurement/minimum support prices in India, 1992/98	114
IV.4 Direct and indirect support measures for Indian agriculture	118

	<u>Page</u>
IV.5 Policies in main agricultural sectors	122
IV.6 Overview of Indian fisheries production, 1991-97	125
IV.7 Evolution of Indian food products, 1991-97	127
IV.8 The evolution of the textiles and clothing industry, 1991-96	132
IV.9 India's textile and garment quota policies	137
IV.10 Access to the Indian market under bilateral agreements	139
IV.11 Production, export and import of pharmaceuticals	140
IV.12 Changes made by Drugs Policy, 1994	142
IV.13 Evolution of the iron and steel industry	144
IV.14 Evolution of the Indian automobiles sector, 1994-97	146
IV.15 Joint ventures in the Indian automobile industry, 1991-97	148
IV.16 Production of the electronics sector, 1993-97	150
IV.17 Public sector bank performance indicators, 1992-97	155
IV.18 Key features of the maritime sector	160
IV.19 The telecommunications sector 1985-97	166
IV.20 Development of the tourist industry, 1986-97	169

APPENDIX TABLES

	<u>Page</u>
I. THE ECONOMIC ENVIRONMENT	
AI.1 Industrial production index, 1990-97	181
AI.2 Evolution of the service sector, 1980-96	182
AI.3 Exports by group of products, 1980-96	183
AI.4 Imports by groups of products, 1980-96	184
AI.5 Merchandise exports by destination, 1980-96	185
AI.6 Merchandise imports by origin, 1980-96	186
AI.7 India's intra-industry trade with the world by the GATT Tariff Study Categories, 1980/81, 1990/91 and 1995/96	187
AI.8 India's intra-industry trade with the European Union by the GATT Tariff Study Categories, 1980/81, 1990/91 and 1995/96	188
AI.9 India's intra-industry trade with the United States by the GATT Tariff Study Categories, 1980/81, 1990/91 and 1995/96	189
II. TRADE AND INVESTMENT REGIMES	
AII.1 Consumer goods sectors in which dividend balancing is required	190
III. TRADE POLICIES BY MEASURE	
AIII.1 Effective tariff and bindings, by HS chapter	191
AIII.2 End-use concessional tariff	195
AIII.3 Imports licensed (restricted) in India, 1 April 1997	200
AIII.4 Items subject to export licensing in India, 1993 and 1997	205
AIII.5 Canalized exports and agencies, 1993 and 1997	207
AIII.6 Volume of canalized exports from India, 1988-97	209
AIII.7 Non-tariff barriers by India's major trading partners, as of January 1998	210
AIII.8 Anti-dumping actions against Indian exports as of January 1998	211
AIII.9 Countervailing actions against Indian exports as of January 1998	212
AIII.10 Export promotion and marketing assistance by the Government	213
AIII.11 Sectoral composition of bank credit by major sectors, 1994-97	214
AIII.12 Interest rate subsidies, 1995-98	215
IV. TRADE POLICIES BY SECTOR	
AIV.1 India's m.f.n. tariff by ISIC category, 1993 and 1997	216
AIV.2 Effective rates of protection in selected sectors	220
AIV.3 Summary of India's specific commitments in services	221
AIV.4 Summary of Article II (m.f.n.) exemptions listed by India	223
AIV.5 Basic telecommunications licensees	224

SUMMARY OBSERVATIONS

1. The Indian Government initiated a major programme of economic reform and liberalization in 1991, reversing a policy direction followed for decades. Since then, successive Governments have progressively reduced tariff protection and relaxed and simplified India's restrictive import licensing regime. Internal reforms have included reduced control over locational and industrial licensing controls, in addition to some loosening of controls on administered prices in some sectors. In this process, however, the policy focus was principally on liberalization of capital goods and inputs for industry, to encourage domestic and export-oriented growth: by and large, imports of consumer goods remained regulated.

2. These reforms contributed to a dramatic increase in growth in the 1990s, accompanied by larger flows of inward foreign investment and increased international trade. The balance of payments situation also improved greatly. To build on this success, India has recognized the need to continue the economic reform process, with an increased emphasis now on improving infrastructure, which appears to be a major constraint on the growth of industrial activity and exports; further liberalizing trade through reductions in tariffs and non-tariff measures; reforming the subsidy structure, which is estimated to cost around 14 per cent of GDP; and restructuring public sector enterprises, which continue to be a fiscal drain. These reforms, if fully implemented, should lower the anti-export bias that is still inherent in both the trade and industrial support structures. This would also permit India to lower export incentives, thus moving towards a more outward, rather than export, oriented policy framework, further integrating India into the multilateral system and providing a firm basis for future sustained growth.

(1) The Economic Environment

3. Since its previous Review in 1993, India has continued liberalizing its economy, albeit at a somewhat slower pace. Economic reforms

initiated in 1991 have produced strongly positive results, most notably annual real growth rates averaging 7 per cent between 1993/94 and 1996/97, led by strong industrial recovery. Over the same period, merchandise exports grew at an annual rate of some 20 per cent in current US dollar terms. In 1996/97, however, some economic slowdown occurred and export growth fell to 8 per cent, partly as a result of infrastructural bottlenecks and indicative of the need for continued structural reform.

4. In the area of trade reform, a tariff reduction programme has continued and is to progress further. Average rates have consequently declined. The number of goods subject to import licensing restrictions has been gradually reduced albeit with an emphasis on industrial and capital, rather than consumer goods until recently. The foreign investment regime has also been simplified with a number of sectors being opened up to foreign direct investment.

5. Further structural reform needs the support of continued macroeconomic stability. An important issue is the reduction of the public sector deficit, estimated at 8.5 per cent of GDP in 1996/97. The Central Government deficit fell to 5 per cent in 1996/97, but adjustments to reduce State deficits have not been as forthcoming and shoring up parts of the public sector, prior to planned reform and disinvestment, has been expensive. With the cost of supporting important sectors such as agriculture and related transfer programmes, it is unclear how far the public sector deficit may crowd out investment. Overall, subsidies remain a drain on Government revenue and lead to a misallocation of resources.

(2) Trade Policy Features - Type and Incidence of Trade Measures

6. Since 1993, tariff reform has brought the simple average of all rates down to 35 per cent in 1997/98, from 71 per cent in 1993/94; the process of tariff reform and reduction is

ongoing. However, the structure of the tariff remains complex, with a large number of bands; in several industries, notably paper and paper products, printing and publishing, wood and wood products and food, beverages and tobacco, tariff escalation remains high.

7. Reforms to the system of restrictive import licensing have moved ahead steadily, but further steps remain to be taken and are encouraged. In general, products are first moved to a Special Import Licence (SIL) list, with producers being exposed to limited foreign competition, before the product is moved to the list of freely importable goods. The list of freely importable goods currently covers some 68 per cent of tariff lines: remaining restrictions cover mainly consumer goods, and India has proposed a six year phase-out programme for these restrictions. India is currently in dispute settlement proceedings with the United States regarding its remaining restrictions. Approximately 10 per cent of all tariff lines are presently subject to the SIL list, increasing SIL coverage by around one-third from 1995/96. India also continues to use state trading monopolies to retain some control over exports and imports of certain products (canalization). Since the previous Review, the product coverage of imports through such canalization has increased slightly; however, private operators can also trade in some of these canalized products and the share of such products in total imports has declined to 19 per cent, compared to 27 per cent at the turn of the decade.

8. The reforms in tariff and non-tariff barriers have not been accompanied by similar reforms to export subsidies and incentives. India continues to maintain a large number of incentive programmes for exports, incentives which, according to the authorities, are intended to compensate for import restrictions. These include income tax exemptions, subsidized credit, export insurance and guarantees, export promotion and marketing assistance schemes and access to some imports that are normally subject to restrictive licensing. The overall scope of

such incentives has been enhanced, turning India's overall policy stance more explicitly export-oriented and increasing the possibility of resource misallocation.

(3) Sectoral Policy Developments

(i) Agricultural products

9. The agricultural sector has thus far remained relatively untouched by the reform programme. Nevertheless, agriculture has benefited from the price realignments resulting from manufacturing sector trade reforms. Some progress has also been made in the removal of state controls on the inter-state movement of certain grains and of administered prices; however, controls on the export and import of certain products through licensing policies remain.

10. During the Uruguay Round, India bound its agricultural tariffs at ceiling rates ranging from 0 to 300 per cent. In reality, applied rates for 1997/98 are considerably lower, averaging 26 per cent for the sector, with a peak of 45 per cent. This is however likely to change as India tariffies its present licensing restrictions; in this context, India is currently renegotiating its tariff bindings on some zero-or low-duty products. Progress in changing the structure of agricultural incentives and subsidies is likely to remain constrained by the Government's policy of providing support prices to farmers and ensuring low cost supplies to the population through the public distribution system.

(ii) Food processing

11. Although tariff reforms have resulted in average duties in the food sector being halved since 1993 (currently around 29 per cent for food products and 134 per cent for beverages), industrial and import licensing restrictions continue to be maintained for a number of industries. In addition, a number of products are reserved for production by the small scale

sector. Production by the food manufacturing sector has grown rapidly, especially following increased foreign investment where up to 51 and 100 per cent of participation is allowed automatically for foreigners and non-resident Indians, except for products reserved for the small scale sector.

(iii) Mining and petroleum

12. Major policy changes since 1993 include automatic permission for foreign equity participation of up to 50 per cent in the mining of 13 minerals; foreign equity above this share must be approved by the Foreign Investment Promotion Board (FIPB). In an attempt to increase exploration, liberalization has also taken place in licenses granted for exploration. Trade reforms include a reduction in tariff rates to averages of around 10 per cent (from 46 per cent in 1993/94) for non-ferrous and iron ores and to 13 per cent (from 65 per cent in 1993/94) for coal.

13. India depends on imports of petroleum. Prices, until recently, continued to be administered although some effort has been made since 1993 to raise these prices periodically to reduce the fiscal burden of the "oil-pool". Despite this, the growing subsidy for petroleum products prompted the Government in 1997 to declare a phase out of most administered prices in the sector. The Government has recently also placed an emphasis on increased oil exploration domestically to reduce import dependence, through the New Exploration Licensing Policy which offers companies investment incentives such as tax holidays to invest in India.

(iv) Manufacturing

14. Reforms have been most widespread in the manufacturing sector, including reductions in average tariff rates, import licensing restrictions, compulsory industrial licensing, and a liberalization of foreign investment policies. The sector has responded positively to the

reforms, although some slowdown in growth has occurred in 1996/97 due, in part, to infrastructure constraints.

15. Since India's previous Review, the average tariff on imports of manufactures (ISIC3) has been lowered from 73 to around 36 per cent in 1997/98. Despite this, tariff escalation in some areas remains high, since the largest reductions in tariff rates have taken place for capital goods and intermediate inputs. Tariff escalation is important in sectors such as paper and paper products and to some extent in textiles and clothing, where India has traditionally maintained, and still has, high levels of protection. In certain sectors, such as automobiles, tariff reform has had little impact on imports of fully assembled items, because the liberalization of foreign direct investment without accompanying reform of import licensing restrictions has promoted local investment in manufacturing. Approximately 1,977 tariff lines, at the HS eight-digit level, in the manufacturing and mining sectors, continue to be subject to import licensing restrictions. As noted, the authorities have proposed a phase out of these restrictions over a six year period.

16. Foreign investment has also been considerably simplified, with an enlarged list of industries, including the automobile sector, where foreign equity participation of up to 51 or 74 per cent can take place automatically. Compulsory industrial licensing is now limited to nine industries, compared to 18 during India's previous Review; some reduction in the list of items reserved for production by the small-scale sector has also occurred.

(v) Services

17. Services contribute more than 40 per cent to India's GDP. Their overall growth has been underpinned by rapid expansion of activities in the area of finance, and, to a lesser extent, commerce and tourism.

18. Significant headway has been made in liberalizing telecommunications. While the government-controlled corporation VSNL operates as the exclusive provider of international long-distance services and the monopoly Department of Telecommunications for the domestic long-distance services, private investors in joint ventures are allowed to provide intra-voice telephone services in various States and metro areas. Many value added services - including voice mail, radio paging and cellular mobile telephone - are now open to 49 per cent foreign equity participation. In the area of financial services, the banking sector remains fairly closed to foreign participation, while the insurance sector is still monopolized by the Government. Under the Financial Services Agreement, the Government has offered to remove reciprocity requirements in the banking sector and also raised the annual limit on new banking licenses from eight to 12. Other services areas - such as shipping, roads, ports and air - are beginning to open up, but foreign participation remains relatively low and significant administrative barriers remain.

(4) India in the Multilateral Trading System

19. India was, from the start, an active member of the GATT and a founding member of the WTO. As a result of the Uruguay Round, India bound 67 per cent of its tariff lines; lines remaining unbound include those on certain industrial items and many consumer products. Under the General Agreement on Trade in Services (GATS), India has made commitments in 33 activities (compared with an average of 23 for developing countries) out of a total of 161. In addition, India also took part in the Information Technology Agreement - covering computers, telecommunication equipment, semiconductors, semiconductor manufacturing equipment, software, and scientific instruments. India's anti-dumping and countervailing legislations have been amended in line with relevant WTO Agreements. With respect to intellectual property rights, India's Copyright Law was amended in 1994

in accordance with its obligations under the TRIPS Agreement. India plans to make use of the transition period available to developing member countries of the WTO to implement other changes to its intellectual property rights; however, in a dispute with the United States over "pipeline" patent protection and exclusive marketing rights, the WTO's Dispute Settlement Body has found that India is obliged to implement the necessary measures. India is currently in two WTO disputes: one as a defendant with the United States, as noted above, and the other as a complainant with Hungary, relating to restrictions on textiles and clothing.

20. In terms of WTO tariff commitments, India has bound 67 per cent of its tariffs in manufacturing and 100 per cent in agriculture in consequence of its Uruguay Round commitments; however, most of these bindings are at ceiling levels, ranging up to 300 per cent in agriculture. The bound simple average tariff to be implemented by the year 2005 is 54 per cent, compared with the present applied rate of 35 per cent, itself set to decline further. In the services area, the initial commitments made under GATS are such that the existing policy framework is either more liberal, or equivalent to the bound measures. In both areas, thus, India, like most other developing countries, has put a ceiling on its protective structure, rather than binding it at effective levels, while pursuing unilateral liberalization.

21. India maintains several plurilateral agreements with countries in the region: the Bangkok Agreement, the South Asian Preferential Trading Agreement (SAPTA), and the Global System of Trade Preferences (GSTP). Further concessions to some of these countries are also provided within the framework of bilateral trade agreements. However, the impact of these agreements on India's trade seems to have been minimal. India's merchandise imports resulting from the eighth Bangkok Agreement and SAPTA

member countries accounted for only 3 per cent of total merchandise imports and about 7 per cent of its merchandise exports in 1995/96.

(5) Outlook

22. India's increased openness and integration with the world economy have been important factors in explaining the healthy economic growth recorded in the 1990s. The recent economic slowdown demonstrates the need for continued and even accelerated reform. Transparency in decision-making, especially with regard to foreign investment, should also be increased if India is to reach its foreign investment targets. Continued opening of the trade regime and liberalization of the foreign investment regime are likely to be translated into even higher growth rates than have been experienced so far.

23. Other factors constraining economic growth may include the fiscal deficit, which may, for example, contribute to high interest rates. There is also concern with regard to the large share of subsidies in government expenditures: while many of these are aimed at assisting the very poor, it is not clear that this target is being reached. Second, the poor quality and coverage of certain infrastructure facilities - notably power and transportation services - which are all essential for the development of both domestic and export markets, needs to be addressed. Third, reform efforts in industrial restructuring, need to be accelerated, especially to enable the closure of unviable units in order to release resources for use in more productive areas. Internal deregulation could therefore complement India's ongoing trade liberalization process in promoting a more efficient and productive economic structure.

