

# HOW COVID-19 IMPACTED TO FOREIGN DIRECT INVESTMENT IN INDIA

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## ABSTRACT

*More than a year in the past, we summarized sure changes in overseas direct funding (FDI) regimes in reaction to the COVID-19 pandemic in nations aside from India. We concluded that India could consider reviewing its FDI regime to make certain that appropriate assessments had been in area in appreciate of sure sectors. In past due-April 2020, the Indian authorities issued an amendment to the Indian FDI coverage to "[curb] opportunistic takeovers/acquisitions of Indian companies because of the modern-day COVID-19 pandemic" (the 2020 change), pursuant to which: (1) all investments by way of entities incorporated in a country which stocks land border with India or where the useful proprietor of an investment into India is situated in or is a citizen of the sort of united states of america" require prior regulatory approval; and (2) inside the occasion of any transfer of possession of any present or destiny FDI in an entity in India, at once or circuitously, resulting within the useful possession falling inside the restriction/purview of object 1 above, such alternate in beneficial possession additionally calls for previous regulatory approval.*

KEYWORDS: S-Summarized, F-Funding, A-Amendment, O-Opportunistic, A-Alternate.

## INTRODUCTION:

Within the wake of the financial and financial disaster resulting from the COVID-19 pandemic, India has revised its foreign direct investment (FDI) coverage via Press notice three of 2020 (Press observe) imposing stricter norms on overseas investments in Indian organizations from an investor primarily based out of bordering nations. The primary goal of the revised FDI coverage is to shrink any opportunistic takeovers or acquisitions of Indian corporations for the duration of the COVID-19 pandemic. While seven international locations proportion a land border with India, investments from Pakistan and Bangladesh had been already regulated beneath Indian regulation. Of the final five, the target of the 2020 modification regarded to be China, given the Indo-China border skirmishes, exploration of investment opportunities via Chinese buyers in India and scrutiny by means of the Indian securities regulator of Chinese ownership of portfolio traders that normally invest in listed securities. Even though induced by using COVID-19, the 2020 modification was neither restricted to vital or touchy sectors nor special to be relevant for a described duration. One of the key aspects of the 2020 amendment is "beneficial ownership". The

requirement for previous authorities approval may want to arguably be prompted even though a single percentage of an investing entity is beneficially held by an investor from one of the constrained bordering countries. the lack of clarity from the authorities in this trouble has led to uncertainty for extra than a 12 months, no longer only concerning influx of latest investments from China in the begin-up region but also regarding investments of personal fairness funds which may also have investments from chinese language limited partnerships. Confusion has additionally reigned on whether investments from Taiwan are within the scope of the 2020 change.

## FUNDING SCREENING

An OECD Record issued in June 2020 categorized adjustments to funding screening mechanisms at once related to COVID-19 into two classes: (1) reforms that brought property to the scope of screening mechanisms which are vital for the pandemic response (fitness-related enterprise sectors and associated deliver chains) or that specially bolstered controls in those regions; and (2) measures that added or better FDI screening mechanisms across the board to prevent acquisitions in any sector where assets suffered from brief economic strain and price distortions underneath the great economic situations associated with the pandemic. sure countries that have contained the pandemic have now started out easing restrictions. as an example, in March 2020, Australia had delivered a zero-dollar monetary screening threshold in reaction to the coronavirus. With effect from January 1, 2021, those have been removed except in appreciate of sensitive country wide security companies, which maintain to require mandatory clearance.

Given its attention and impact on investment from China, the 2020 modification does no longer seem to fall into both class described within the OECD file. In truth, China wondered the 2020 amendment in addition to India's ban on chinese language apps at global change organisation conferences, which includes in January 2021. Media reviews in February 2021 indicated that the authorities had started processing China-related FDI applications after a nine-month hiatus and had constituted a coordination committee for this reason, comprising officials from the ministries of domestic, outside affairs, commerce and enterprise and Niti Aayog. The reviews related the circulate to the easing of anxiety at the Indo-China border rather than COVID-19. In March 2021, media suggested that the authorities may also ease policies for investments from China, subject to protection clearance. but, no change has been issued but.even as FDI inflows ebbed some place else, India recorded 13% growth in FDI in 2020 regardless of the COVID-19 pandemic, led with the aid of investments inside the digital quarter. China turned into the handiest other country amongst the ones taken into consideration that showed FDI boom.

In our view, it could be time for the government to keep in mind whether or not the 2020 amendment is justified any more in its present day form on the idea of the COVID-19 pandemic. If no longer, it may be modified to mirror an funding screening mechanism that balances the necessities of corporate India with the authorities's national security and financial issues. furthermore, key concepts which include "beneficial ownership" require readability on an pressing basis. ultimately, the FDI approval system beneath the modern-day regime (where the sectoral ministry is the relevant authority) has been greater time-ingesting than it was beneath the erstwhile foreign investment advertising Board and subsequently, urgently calls for

to be streamlined to eliminate inefficiencies. The government could do not forget setting up a pre-submitting session mechanism, just like the competition fee of India, to facilitate early dedication of an approval requirement and decrease its administrative burden. it can additionally recall project speedy-song evaluate of FDI packages in maximum sectors barring diagnosed sectors of country wide importance which includes crucial infrastructure, banking, healthcare and telecom.

## **COVID-19: ADJUSTMENTS To INDIA'S FDI REGIME**

Whilst news broke approximately Peoples financial institution of China (PBOC) acquiring over 1% shareholding in one of India's biggest housing finance organisation, the Housing improvement economic organisation (HDFC), it precipitated a storm in the complete financial media and the commercial enterprise network. Alarm bells went off that Indian organizations turns into clean goals for acquisition by using chinese buyers in the wake of sharp fall inside the valuation of indexed Indian organizations because of COVID-19 pandemic. That the shareholding was picked when HDFC's price turned into down 40% from its height in addition fuelled these concerns. while HDFC turned into quick to clarify that PBOC turned into already a shareholder holding 0.eight% of its shareholding as of March, 2019 and had simply accelerated its shareholding to above 1%, a threshold that required notification, the problem persevered to simmer due to its viable future implications.

To curb opportunistic takeovers or acquisitions of Indian businesses at some point of the COVID-19 pandemic, India has revised its overseas direct investment policy. investors from bordering nations will now need previous authorities approval for making such investments in an Indian business enterprise.

## **INDIA INTRODUCES STRICTER FDI REGULATIONS FOR FOREIGN FUNDING FROM CHINA AND DIFFERENT BORDER NATIONS**

Underneath The Amended FDI coverage, a obligatory previous authorities approval will now be required for any overseas investment in or acquisition/switch of an Indian organisation (directly or not directly), where the acquirer or useful owner of such investment is based out of a country which shares land borders with India. it is able to be useful to word that the newly added regulations do now not restrict overseas funding from bordering countries into India however best are trying to find to adjust destiny foreign investments into India or switch of existing Indian investments to beneficial proprietors placed in bordering nations. some of the border countries, China is the simplest land neighbouring united states of India who makes good sized overseas investments into India. The legal amendments and information on operational modalities are yet to be notified by way of the Indian authorities. on this replace, we talk some key takeaways and capability implications from this revised FDI coverage.

## what's the change?

Under the Indian FDI framework, a non-resident entity is permitted to invest in all sectors besides certain prohibited sectors (including tobacco, lottery and atomic strength). The FDI coverage usually permits foreign traders (besides for traders based out of Pakistan and Bangladesh who need to obtain earlier government approval) to make overseas funding in maximum sectors beneath the automatic course (i.e. without government approval) situation to sectoral conditions.

Within the longer term, the pandemic may additionally lead agencies to shift the geographic allocation in their foreign operation. as an instance, MNEs may evaluation and probably shorten their GVCs to shield themselves from deliver-chain disruptions; instead, they may are seeking geographic diversification to lessen exposure to region-particular shocks and reduce charges so as to deal better with crises. Such shifts may want to have critical implications for nations' economic possibilities as MNEs are chargeable for a large share of world cost-brought, alternate, employment and R&D (OECD, 2018; Cadestin et al., 2018). past direct impacts, FDI also can have probably critical oblique results on the nearby economic system. as an example, it could have 2d-order consequences at the financial system while locally-installed MNEs are entering consumer-provider members of the family or competing with nearby companies, hiring and training neighborhood workers, and facilitating exports. However, there are motives to have some scepticism concerning the position that FDI can play. The pandemic hit at a time when FDI flows were at the second lowest level recorded since 2010 in the aftermath of the global monetary crisis (for extra facts on traits in FDI flows thru the cease of 2019, see the April 2020 version of FDI in Figures). further, corporate debt turned into at document ranges on the time the pandemic hit. OECD studies indicates that the inventory of non-monetary corporate bonds became at an all-time excessive on the quit of 2019, and that this inventory "has lower ordinary credit score great, better payback necessities, longer maturities, and inferior covenant protections" as compared to previous debt cycles . High tiers of debt could restrict the capacity of agencies to continue to exist the COVID-19 disaster, not to mention help their overseas associates or pursue new investments. rising debt tiers and liquidity constraints could also be factors driving organizations to divest a number of their overseas operations.

## **MEDIUM TERM OUTLOOK: THREE POSSIBLE SCENARIOS**

OECD projections display that even beneath the most positive scenario, FDI flows will in all likelihood fall by at least 30 percent in 2020 in comparison to 2019 before returning to pre-crisis degrees by means of the quit of 2021. This notice begins with an exam of the modern scenario for FDI flows. It makes use of data from groups and industrial databases to offer facts on trends in organizations' real and expected profits within the first half of of 2020; in introduced, finished, and pending mergers and acquisitions (M&A); and in introduced greenfield investments. It then considers diverse situations for the effect of the pandemic on FDI flows in the medium time period (second half of 2020 and complete yr 2021). The evaluation examines the influences on reinvested profits and equity capital flows one at a time as the impacts will likely be exclusive over the years and beneath the one-of-a-kind scenarios. ultimately, it

differentiates among the investment selections and the divestment decisions of MNEs as the elements influencing them will vary. It concludes with a discussion of ability long time influences.

## **PRESENT DAY SITUATION: RAPID DROP OF FDI IN FIRST 1/2 OF 2020**

FDI is Predicted to decline sharply resulting from the pandemic and the resulting supply disruptions, call for contractions, and pessimistic outlook of economic actors. This decline is accentuating and accelerating the consistent decline of FDI flows determined in the beyond 5 years . There instant impact on FDI flows will come from a reduction in reinvested earnings. however, equity capital flows will also be impacted as groups put some mergers and acquisitions (M&As) and greenfield investments on keep.

## **A FALL IN REINVESTED INCOME IS PROBABLE...**

Reinvested earnings have become an more and more crucial issue of FDI flows, accounting for greater than half of of FDI inflows in 2019. Elements decide the amount of reinvested earnings: the profits of direct investment organizations and the share that the direct investor chooses to reinvest. In the first and 2nd quarters of 2020, income of huge MNEs are expected to fall, but the effect varies greatly across sectors. for instance, Refinitiv (2020) accumulated the latest profits records and market intelligence for businesses in the S&P 500, which incorporates many of the largest MNEs inside the global. Their analysis found that there will be massive 12 months-over-yr drops in profits within the power, patron discretionary area, industrials, and materials sectors. alternatively, it is expected that there can be yr-over-12 months increases in profits inside the health care, era, and communications sectors. Given the essential position that the number one zone and manufacturing play in FDI, those tendencies are expected to significantly lessen profits of direct investment corporations within the first 1/2 of 2020. FDI in emerging and growing economies will in all likelihood be extra critically impacted due to the better proportion of the number one region and manufacturing of their FDI than in developed economies, where offerings play a extra crucial position. The percentage of earnings buyers pick out to reinvest is also in all likelihood to fall for the duration of the disaster. suggests the share of FDI earnings reinvested in OECD countries from 2005 to 2019. the share of income which can be reinvested has shown an upward trend considering 2013. inside the duration following the economic crisis, the share of profits that have been reinvested fell by about 1/2, from 45% in 2007 to 24% in 2008. that is due to the fact a few corporations distribute a everyday, regular quantity of income, and a few groups distributed a higher share of earnings to help different components of the MNE. therefore, it is expected that the proportion of income that are reinvested will fall within the first 1/2 of 2020.

The today's facts on greenfield FDI from the economic instances' fDi Markets database affords further evidence that buyers are getting greater reluctant to discover new funding opportunities in the face of the pandemic. that is shown via the decline in new task announcements inside the first months of 2020, as compared to previous years (parent 6). This decline is sharper in non-OECD economies, wherein the price of greenfield FDI pledges dropped through over 36% relative to 2019 and 15-30% relative to 2018.

announced investments in non-OECD economies were lowest in January 2020 earlier than recuperating slightly in February.

The modern-day disruptions could also have knock-on outcomes on equity capital flows within the destiny as new investments, both through M&As or greenfield investments, are in all likelihood no longer being explored right now. participants within the OECD webinar with IPAs on nine April 2020 cited that they nevertheless see some tasks going ahead as they may be a manufactured from lengthy-time period preparations and planning. But, individuals additionally signalled a drop in new expressions of hobby from companies, notwithstanding an increase in sectors which includes virtual and healthcare. IPAs have also had to reduce their proactive marketing sports that can have an effect on the era of leads inside the destiny. Any decline in reinvested earnings and equity capital flows can be partially offset with the aid of intracompany loans and injections of fairness capital that mother and father make to their suffering overseas affiliates that might bring about accelerated FDI. Analyses of beyond crises show that foreign buyers furnished such guide to their affiliates (Alfaro and Chen, 2012, and Desai et al, 2008). indeed, this is one gain of overseas ownership: the financial linkages between investors and their overseas affiliates play an vital function within the affiliates' resilience to economic crises. Divestments could also have an impact on FDI flows. In widespread, divestments are a frequent and herbal function of worldwide deliver chains, allowing companies to evolve their operations to unexpectedly changing business realities. A observe via the OECD observed that one in every 5 foreign-owned corporations is divested every 5 years (Borga et al, 2020). before the outbreak, a global survey located that eighty four% of surveyed firms planned to divest some operations in 2020-21 (Ernst & young, 2019). understanding the dynamics of divestments is applicable now not least because divestments can have an effect on overall performance of affected firms and nicely-being of impacted people and their groups. as an instance, formerly overseas-owned firms that had been bought off to a domestic owner via their global determine, experienced, on common, approximately 25% drop in sales and value-brought as well as 15% in employment. eight Liquidations could obviously have even extra critical affects on employment and manufacturing in effected groups.

Monetary Health and debt degrees of MNEs are important drivers of international divestment. If companies are in sufficiently suitable monetary health, they may be able to hold off divestments – mainly the ones of strategic nature – till the financial system improves to reap a better bid for the affiliates they're promoting. Other companies may also face severe liquidity constraints and growing debt stages that would force them to divest operations, especially as the pandemic hit whilst company debt had reached file ranges (Celik et al, 2020). therefore, the developments in MNE profits mentioned in advance are likely to effect divestment prospects.

looking returned at acquisitions and divestments following the 2008 international monetary disaster can deliver a demonstration of what would possibly show up at this time. foreign divestments increased in OECD and G20 international locations (discern eight) in 2008, exceeding overseas acquisitions in phrases of number and fee. those divestments have been observed by a wave of foreign acquisitions a yr later as some companies that remained within the marketplace have been in a position to shop for belongings at appealing prices. within the first half of 2020, divestments are unlikely to boom as a massive variety of

companies aren't yet likely to be forced to promote because of financial difficulties. There may additionally even be a decrease in divestments as corporations maintain off from promoting to keep away from accepting decrease costs.

## **MEDIUM TIME PERIOD OUTLOOK: 3 FEASIBLE SCENARIOS**

This Be aware considers FDI flows under three viable scenarios for the effectiveness of the public fitness and financial policy measures being taken via nations: positive, center, and pessimistic, based on OECD (2020) and McKinsey (2020).

## **VIABLE EVENTUALITIES**

Below the optimistic situation, the public health measures that have been taken manage the spread of the virus in the next 2 to 3 months; treatments are identified that lessen deaths and severe ailments from the virus; and testing is multiplied to assist save you future outbreaks. The financial coverage interventions are very effective and keep away from serious structural damage to the financial system, inclusive of the ones sectors of the financial system that are maximum impacted by means of the general public fitness measures taken (e.g., small and medium organizations, and the tour, tourism, and power sectors). under this situation, financial growth resumes within the 2nd half of the yr and is back to pre-crisis ranges by means of the quit of 2021. Underneath the middle scenario, the general public health measures are first of all a hit in containing the modern outbreak inside the next 2 to 3 months, however there are destiny outbreaks so stringent public fitness measures may be imposed in unique international locations/regions until a vaccine is evolved and broadly administered within the center of 2021. financial coverage interventions are in part powerful however not absolutely, and, so, the monetary restoration is uneven and susceptible. Under the pessimistic scenario, the contemporary public fitness measures are not able to absolutely include the virus necessitating that stringent measures remain in region in many countries for an prolonged duration. The monetary policy interventions are not able to offset financial damage and economies settle into a lingering recession; bankruptcies and defaults are extra common than under the opposite scenarios. Investment Regulations can also have an impact on the influences on FDI flows. The actions taken by governments across the globe can impact funding flows either at once or by means of increasing or decreasing uncertainty for buyers. while there is no evidence that international locations are taking measures to limit capital outflows, if nations make it extra difficult for investors to repatriate their profits, it would growth reinvested profits in the near time period but may want to hurt the recognition of the vacation spot for funding. in addition, as outlined in the dedicated OECD word on investment coverage responses to COVID-19, some international locations have taken measures to save you capacity acquisitions of touchy belongings. The design and implementation of those FDI overview mechanisms can increase uncertainty and charges and put off transactions.

A Few governments are helping organizations via fairness capital injections and via taking transient ownership of those organizations. due to the fact FDI information seize transactions among foreign

citizens and domestic citizens, such transactions could most effectively be captured within the statistics if a government provided such assist to a foreign commercial enterprise company, which could be not likely. However, nation aid of this nature to home direct investors ought to permit these direct investors to help their overseas affiliates, thereby not directly impacting FDI flows. further, as part of the recovery process, these nation-owned belongings will be bought lower back to private investors following the crisis, developing opportunities for overseas direct buyers. Such transactions increase a number issues for governments that turn out to be transient proprietors of organizations (see the OECD notice on equity injections and unexpected nation possession of firms throughout the COVID-19 disaster).

## **FDI FLOWS VIA THE GIVE UP OF 2021**

Within the medium time period (second half of of 2020 and 2021), the influences on flows will vary substantially among international locations and sectors relying on the achievement of the public fitness and monetary coverage measures. determine 1 indicates the projections of FDI flows underneath the distinctive situations.

Beneath the optimistic situation, income are predicted to begin to rise within the 2d 1/2 of 2020 and go back to pre-crisis stages by the give up of 2021 because the economic system recovers; the percentage that direct traders choose to reinvest will also return to historic tiers. nearly all the formerly announced M&A deals which might be pending and of the announced greenfield initiatives might be finished. at the same time as there might be a drop inside the medium time period because of the lack of recent investments being negotiated on the modern time, new investments will return to ordinary in past due 2021. Divestments could stay at historic stages. As a result, FDI flows are predicted to fall among 30% to 40% in 2020 before rising with the aid of a similar amount in 2021 to go back to pre-crisis degrees. As noted earlier, it is essential to remember that FDI flows were on a downward fashion due to the fact 2015, and FDI flows in 2018 and 2019 were decrease than for any years for the reason that 2010.

Under the Center situation, the monetary recuperation will be uneven. at the same time as income in a few sectors will recover, others will continue to be under pre-crisis degrees; the proportion of profits reinvested will get better relatively but not to ancient levels in all sectors. The pending M&A offers and announced greenfield tasks that also make strategic feel could be completed, however there may be more offers which might be abandoned. equity capital flows might be subdued now not only from the dearth of recent projects being negotiated all through this time however from a continuing stoop in new deals. yet, there may be a few foreign acquisitions as financially more potent firms purchase belongings at appealing expenses. Divestments by using companies that are struggling financially might also placed downward pressure on fairness capital flows. those divestments would encompass no longer best sales of present affiliates however also a few liquidations. common, FDI flows would fall 35% to 45% in 2020 before improving relatively in 2021 however could remain approximately one-third underneath pre-crisis levels.

Beneath the pessimistic situation, profits stay depressed in maximum sectors and so does the share of profits reinvested. equity capital flows might be significantly reduced as a number of the pending M&A offers and announced greenfield projects could be referred to as off as they now not make strategic sense



or the investor faces economic pressure, and less greenfield investments might be completed. New M&As and greenfield investments could be depressed. Divestments by using suffering companies could be greater common, which includes more liquidations. average, FDI flows might drop via extra than 40% in 2020 and would be flat until the stop of 2021 while the advent of a vaccine should permit the healing to start.

## **LONG TIME EFFECT ON INVESTMENT IN GLOBAL COST CHAINS**

COVID-19 might also affect buyers and economies differently depending on u . s . a ./local context and FDI motivations. for instance, with the projected increase within the healthcare and ICT sectors, expertise-searching for FDI may additionally show buoyant in the longer run. meanwhile, the difficulties confronted through corporations operating inside the strength sector following the fall apart in demand, can also result in poor influences for economies relying on useful resource-looking for FDI. future tendencies in efficiency-searching for FDI are nonetheless unsure. Disruptions because of the coronavirus pandemic may additionally lead a few MNEs to rethink the geographic and sectoral spread of their activities and shorten their deliver chains and the gap among providers and clients. other MNEs can also wish to diversify their provider networks to growth resilience to region-particular shocks. This diversification may additionally contain divestments from a few places but expansions in others. These concerns will upload to different elements that have been already leading corporations to rethink their deliver chains. as an example, a few organizations had been already concerned about possible vulnerabilities of GVCs in light of worldwide exchange tensions and Brexit (e.g. Cohen and Lee, 2020). The pandemic may also boom different pressures. for example, companies were already rethinking their supply chains in reaction to needs by way of clients and organizations for more sustainable and inclusive production methods; the pandemic may additionally increase these needs (see COVID-19 and responsible commercial enterprise conduct for more records). some other aspect present earlier than the disaster is the deployment of digital technologies, that may expand following the studies for the duration of the pandemic. To insulate themselves from future shocks, companies may additionally make more intense use of e-solutions to dematerialise and automate techniques, and to reduce reliance on unmovable property and long-time period contracts.nine this can suggest less FDI inside the lengthy-run but could also offer the possibility of marketplace consolidation inside the e-commerce and digital space that creates FDI possibilities.

Advances in automation and other advanced technology may additionally probably facilitate re-shoring. despite the fact that to be had evidence shows that this kind of pastime has been exceedingly restricted to this point (de Backer et al., 2016). lengthy-time period OECD projections additionally show that the rise of “new” rising markets and a developing customer call for may want to result in in addition lengthening of GVCs by 2030.10 while wages upward push in a few growing international locations, operations are more likely to be moved to different developing, rather than advanced, economies (de Backer and Flaig, 2017). which means that, at the same time as some re-shoring possibilities may additionally get up submit-COVID-19, offshoring is in all likelihood to remain attractive to MNEs.

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