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Tax avoidance in Bharat: Unveiling taxpayers' perspectives and practices

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Abstract

Tax Avoidance is a legal way of reducing the incidence of tax by making way through the loopholes in the tax system, this has great attention in reference to Bharat. By this study the readers will come to know the perceptions of tax payers regarding tax avoidance practices. This study uses both qualitative and quantitative method for data collection to come to a comprehensive conclusion to understand the perception of tax payers. Primary and secondary data is used for the study. The quantitative data is collected through in-depth interview and questionnaire method from tax payers belonging to various earning groups and different tax regime and also from people with professional backgrounds in the respective field. The outcome of the study provide valuable insights into the loopholes of the tax system and how tax knowledge helps in tax avoidance, the factors that provoke in tax avoidance. The study also throws light on various measures taken by government to curb tax avoidance. Eventually, the research contribute to the wider scope on tax compliance, offering the authorities related to tax, policymaker and the practitioners a deeper insight of how tax payers are avoiding incidence of tax. And this will help in making more effective policies and compliance norms in accordance to the need and perspectives of Bharat's varied tax payer population.

Keywords: Perception, tax payers, tax avoidance, tax knowledge, Bharat

Introduction

Taxation is a vital component of any nation's fiscal policy, serving as a critical source of revenue for governments to fund public services and infrastructural development. However, the practice of tax avoidance has garnered significant attention, especially in the context of Bharat, where diverse economic realities and taxation systems present unique challenges. Tax avoidance, though legally permissible, involves strategically reducing one's tax liability by exploiting gaps and ambiguities in the tax framework. This practice raises questions about the fairness and effectiveness of the tax system, making it a subject of considerable interest.

This study seeks to shed light on the perspectives and practices of taxpayers in Bharat regarding tax avoidance. It aims to explore the various dimensions of tax avoidance, including the perception of taxpayers, the role of tax knowledge, and the strategies employed by individuals from different income groups and under various tax regimes. Additionally, it delves into the measures undertaken by the Bharat Sarkar (Indian Government) to counter tax avoidance.

The motivation behind this research lies in the significance of taxation for Bharat's economic growth and development. Understanding how taxpayers perceive and engage with the tax system is essential not only for policymakers but also for tax practitioners, as it can inform more effective tax policies and compliance norms that align with the diverse needs and perspectives of Bharat's tax-paying population.

To achieve these objectives, this study employs a comprehensive approach, blending qualitative and quantitative methods. It gathers primary data through in-depth interviews and questionnaires from taxpayers spanning different income brackets and tax regimes. Moreover, it draws insights from individuals with professional expertise in taxation.

In the following sections, we will delve into the nuances of tax avoidance in Bharat, examining the loopholes in the tax system, the role of tax knowledge in tax avoidance, the strategies employed by taxpayers, and the actions taken by the government to address this issue.

Through this exploration, we aim to contribute valuable insights to the ongoing discourse on tax compliance and tax avoidance in Bharat, ultimately facilitating the development of more effective tax policies and compliance measures tailored to the needs and perspectives of the nation's diverse taxpayer base.

Literature review

Gupta, Chitrakshi (2022), in her study, "Tax Evasion and Tax Avoidance - Impact on Indian Economy" investigated tax avoidance and tax evasion effect on country's growth, different methods and analyzed the initiatives taken by the Indian government to curb the problem of tax evasion and tax avoidance.

Sharma, Khushi and Sahi (2018), made a comprehensive study on impact of tax avoidance and tax evasion in the growth of the nation. They employed secondary sources for accumulating data to analyze whether the GDP growth, investment and government income were impacted by these practices or not. As per the results, it indicated that the growth and development of the country were considerably and adversely affected by tax avoidance and tax evasion practices.

B. Manju and Naik, Sunil (2021), discussed the causes of tax avoidance and evasion and pointed out the ways by which taxpayers escape from tax payments. Also discussed the steps taken by the Indian government to resolve the tax avoidance problem.

Doshi, Saloni and Patil, Abhay (2020), studied the causes, consequences, government initiatives and actions that government and regulatory bodies should follow to curb the tax avoidance problem. They employed a well-structured questionnaire and distributed it among 100 respondents. From the study, it was found that the majority of respondents believed that aggressive tax rates, inefficiency of tax authorities, complicated tax system, double taxation system etc. are primary elements for tax avoidance. They also reported that the consequences of these practices were declining the country's growth, increasing inflation, pushing illegal activity, negatively affecting the goodwill of the country, educational level etc.

Kasipillai, Jeyapalan and Aripin, Norhani, *et al.* (2019), studied "The influence of education on tax avoidance and tax evasion" The study was conducted among undergraduate students and tried to explore how their knowledge impacted their compliance behavior and they found that there is positive relationship between tax knowledge and compliance.

Zaina, Yuna and Wan, Shanon, *et al.* (2014), discussed "Myth and reality of the imbricating ideas of assessment evasion and avoidance" and tried to explore the difference between tax avoidance and tax evasion.

Singh and Sharma (2007), investigated the perception of tax structure of India among tax professionals. The questionnaire method was used for data collection and distributed among 100 tax consultants. They highlighted different factors that impacted the effectiveness of India's tax structure: broadening tax structure, e-filing of returns, sufficient deductions, provision for dependents, etc.

Safitri, Rema and Widarjo, Wahyu (2023), made a comprehensive review on tax avoidance. A total of ninety papers were accumulated from different reputed journals published from 2017 to 2022. As per analysis, it was found that corporate governance, political relations, corporate

social responsibility, profitability, and earning management are the major areas for corporates through they avoid tax.

Objectives of the study

- To understand the loopholes in the tax system of Bharat.
- To examine whether tax knowledge impacts tax avoidance behaviour.
- To study the various ways employed by taxpayers for tax avoidance.
- To understand the role played by the Bharat Sarkar in curbing the problems of tax avoidance.

Research methodology

The research methodology employed for the study is designed to provide a comprehensive understanding of tax avoidance from the perspective of taxpayers in Bharat. To achieve this, a mixed-methods approach, encompassing both qualitative and quantitative research methods, is utilized.

Research Design

The research design for this study is exploratory and descriptive in nature. It seeks to uncover and describe the various aspects of tax avoidance, including taxpayer perceptions, strategies, and the role of tax knowledge. The study also aims to evaluate the effectiveness of government measures in addressing tax avoidance issues.

Data Collection Methods

Interview and questionnaire methods were employed for data collection. An interview was conducted with selected group of taxpayers and professionals in the field of taxation. These interviews have provided rich insights into their experiences, perspectives, and practices related to tax avoidance. The interview is used to ensure consistency while allowing flexibility to explore diverse viewpoints. On the other hand, a structured questionnaire has been distributed among 75 taxpayers representing various income groups, occupations, age groups, and tax regime in Bharat. The questionnaire is designed to gather structured data on tax avoidance practices, perceptions, and factors influencing taxpayer behaviour.

Sampling Technique

A purposive sampling technique has been employed for accumulating data from prospective respondents. They are selected purposively to ensure diversity in terms of income, tax knowledge, and professional backgrounds. A total of 20 professionals were selected for interviews. In addition to that questionnaire is also distributed among 75 taxpayers to examine the influence of tax knowledge on tax avoidance behaviour.

Tools & Techniques for Data Analysis

Descriptive and inferential analysis has been performed for data analysis. Descriptive statistics such as frequencies and percentages are used to summarize the quantitative data obtained from the questionnaires. Inferential statistics such as regression and t-tests have been used for analysing the impact of tax knowledge on tax behaviour of taxpayers.

Limitation of the Study

The study may have limitations like limited sample size, potential respondent bias, and the generalizability of findings beyond the sample.

Ethical Considerations

- **Informed Consent:** Participants in both in-depth interviews and surveys is provided with informed consent forms, explaining the purpose of the study, data usage, and confidentiality assurances.
- **Anonymity:** All participants is assured of anonymity, and their identities is protected throughout the research process.
- **Data Security:** Data collected is securely stored and accessible only to authorized researchers.

Loopholes in Indian tax system

- **Tax evasion:** Tax evasion remains a significant challenge in India, with individuals and businesses underreporting income or engaging in fraudulent activities to reduce tax liability.
- **Black money:** The existence of unaccounted or "black money" in the economy makes it difficult for tax authorities to track and tax all sources of income.
- **Complex tax laws:** The Indian tax system is known for its complexity, with multiple tax laws and rates that can create opportunities for manipulation and avoidance.
- **High tax rates:** High tax rates can incentivize taxpayers to find ways to reduce their taxable income or engage in aggressive tax planning.
- **Tax exemptions and deductions:** The availability of various exemptions and deductions can be exploited by some taxpayers to minimize their tax liability.
- **Transfer pricing issues:** Multinational corporations may manipulate transfer pricing to shift profits to lower-tax jurisdictions, reducing the tax revenue in India.
- **Tax treaties:** Double taxation avoidance agreements (DTAA) and tax treaties can sometimes be used to exploit gaps and mismatches in tax regulations.
- **Tax evasion through cash transactions:** Large cash transactions can facilitate tax evasion as they may not leave a clear audit trail.
- **Legal loopholes:** The interpretation of tax laws and the legal system's pace can create opportunities for protracted litigation, allowing taxpayers to delay or reduce tax payments.

Efforts are continually being made to address these issues through reforms, digitization, and stricter enforcement. The introduction of the Goods and Services Tax (GST) is one such effort to simplify and streamline the tax system in India. Additionally, the government has taken measures to curb black money and promote digital transactions.

Various ways employed by taxpayers for tax avoidance

Tax avoidance involves legally minimizing tax liability. Some strategies employed by taxpayers for tax avoidance include:

- **Tax deductions:** Claiming eligible deductions, like mortgage interest, charitable contributions, and business expenses.
- **Tax credits:** Utilizing tax credits for education, renewable energy, and more to reduce the tax owed.
- **Tax-advantaged accounts:** Contributing to retirement accounts (e.g., 401(k) or IRA) or Health Savings Accounts (HSAs) to reduce taxable income.

- **Capital gains planning:** Timing investments to minimize capital gains tax, e.g., holding assets for the long term or using tax-efficient investment strategies.
- **Income splitting:** Transferring income to family members in lower tax brackets through gifts or trusts.
- **Offshore accounts:** Holding assets in offshore accounts to reduce taxes, although this is subject to strict reporting requirements.
- **Tax deferral:** Delaying income recognition or using like-kind exchanges for property to defer taxes.
- **Involving a lot of cash transactions is one way to avoid a generally:** For example in property deals & land sales and in wholesale markets everywhere cash transactions happens heavily that is one way to avoid taxation because it is not reported anywhere. To curb the government has taken steps to reduce number of cash transactions or imposed limits in Cash transaction.

Heads/sections in income tax act mostly used by taxpayers to avoid tax

- Section 24 of the Income Tax Act in India deals with deductions related to income from house property. It provides deductions for property taxes and home loan interest payments for a self-occupied property.
- Section 80 of the Income Tax Act, on the other hand, deals with deductions related to various investments, expenses, and donations that are eligible for tax benefits. These deductions are meant to incentivize savings, investments, and contributions to charitable organizations.

While these sections offer legal ways to reduce your tax liability, it is crucial to use them in compliance with the law. Tax avoidance should always be within the bounds of the law, and it should not involve illegal or unethical practices. For guidance on using these sections to minimize your tax liability legally, it's advisable to consult with a qualified tax professional or chartered accountant.

Right ways to deal with tax avoidance

Dealing with tax avoidance typically involves a combination of legal and regulatory measures. Here are some approaches:

- **Strengthen Tax Laws:** Enact and enforce robust tax laws that close existing loopholes and minimize opportunities for tax avoidance.
- **International Cooperation:** Collaborate with other countries to combat cross-border tax avoidance through initiatives like the OECD's BEPS (Base Erosion and Profit Shifting).
- **Transparency:** Promote transparency through measures such as public country-by-country reporting, which requires corporations to disclose profits and taxes paid in each country of operation.
- **Fair Taxation:** Ensure that the tax system is progressive and fair, with higher-income individuals and corporations paying their fair share.
- **Education and Compliance:** Increase awareness and education on tax responsibilities to encourage voluntary compliance.
- **Whistle blower Programs:** Encourage individuals to report tax evasion and offer protections for whistle blowers.

- **Regular Audits:** Conduct regular audits to detect and deter tax avoidance.
- **Anti-Avoidance Rules:** Implement specific anti-avoidance rules and regulations to target common tax avoidance schemes.
- **Digital Economy Taxation:** Adapt tax rules to address the challenges posed by the digital economy, where profit shifting is prevalent.
- **Review Tax Incentives:** Evaluate and reform tax incentives and deductions to prevent their misuse for avoidance.

Ultimately, addressing tax avoidance requires a multifaceted approach involving governments, stakeholder organizations, and the business community to create a more equitable and accountable tax system.

Role of Bharat Sarkar in curbing the problem of tax avoidance

The Bharat Sarkar, or Government of India, plays an important role in combating tax avoidance. Tax avoidance is the legal way of minimising tax burden using lawful means, whereas tax evasion is unlawful and involves the intentional misrepresentation of income or assets in order to decrease tax responsibilities. Here are some of the main responsibilities that the Bharat Sarkar has performed in combating tax evasion:

1. **Legislation and Policy Development:** The government is responsible for creating tax laws and policies that try to reduce chances for tax avoidance. It evaluates and changes tax legislation on a regular basis in order to narrow loopholes and prevent tax avoidance tactics.
2. **Tax Enforcement and Compliance:** Tax compliance is ensured by government entities such as the Income Tax Department. They carry out audits and investigations to detect instances of tax evasion and avoidance. Those found guilty of tax evasion and avoidance face severe penalties and judicial prosecution.
1. **DTAAs (Double Taxation Avoidance Agreements):** The Indian government negotiates DTAAs with other nations in order to minimise double taxation and to limit potential for tax avoidance. These agreements aid in evaluating various countries' taxation rights and give methods for tax officials to communicate information.
2. **Regulations on Transfer Pricing:** To prevent transfer pricing manipulation, the government enacted transfer pricing legislation requiring multinational corporations to set fair market value prices for transactions between connected businesses. This stops profits from being transferred to lower-tax nations (offshore tax heavens).
3. **International efforts:** India participates in a number of international efforts, including the OECD's Base Erosion and Profit Shifting (BEPS) programme. These projects seek to set worldwide norms and recommendations to prevent multinational firms from evading and avoiding taxes.
4. **Taxpayer Education and Awareness:** The government also helps people to understand their tax duties and the penalties of tax evasion and avoidance. Taxpayer education programmes attempt to increase public awareness and understanding of the significance of ethical tax compliance.

5. **Whistle blower Protection:** Whistle blower protection rules are in place to encourage people to reveal tax evasion or avoidance schemes without fear of reprisal. This assists authorities in identifying incidents of tax evasion.
6. **Use of Technology:** To improve tax administration and detect cases of tax avoidance more effectively, the government leverages technology such as data analytics and e-filing systems.
7. **International Cooperation:** India works with other nations and international organisations to exchange tax evasion and avoidance information and intelligence, particularly in situations involving offshore accounts and assets.

To summarise, the Bharat Sarkar plays a diversified role in combating tax evasion and avoidance, including legislative reforms, enforcement actions, international collaboration, and taxpayer education in order to promote a fair and transparent tax environment.

Curbing tax avoidance is a complex challenge that requires a multifaceted approach. In my opinion here are some steps the government should consider to address tax avoidance:

- **Strengthen Tax Laws and Regulations:** Regularly update and strengthen tax laws and regulations to close existing loopholes and address emerging tax avoidance strategies.
- **International Cooperation:** Collaborate with other countries to prevent tax evasion and avoidance, especially in the case of multinational corporations. Implement international tax standards and agreements, such as the Common Reporting Standard (CRS) and the Base Erosion and Profit Shifting (BEPS) initiative developed by the OECD.
- **Transfer Pricing Rules:** Enhance transfer pricing rules to ensure that multinational corporations do not manipulate their intra-group transactions to shift profits to low-tax jurisdictions.
- **Anti-Avoidance Provisions:** Implement and enforce anti-avoidance provisions within the tax code that specifically target aggressive tax avoidance schemes.
- **Digital Economy Taxation:** Develop and implement tax policies that address the challenges posed by the digital economy, such as taxing digital services and ensuring that multinational tech companies pay their fair share of taxes.
- **Whistle blower Protection:** Establish mechanisms to protect and reward whistle blowers who report tax avoidance schemes, encouraging individuals to come forward with information.
- **Robust Enforcement:** Strengthen tax enforcement efforts to identify and penalize tax evaders and those engaging in aggressive tax avoidance.
- **Promote Transparency:** Promote transparency by requiring companies to disclose more information about their tax practices, including country-by-country reporting of profits, taxes paid, and economic activity.
- **Education and Outreach:** Educate the public and businesses about the importance of tax compliance and the consequences of tax avoidance. Encourage taxpayers to meet their obligations voluntarily.
- **Make Penalties and punishments to curb tax avoidance in India.**

- **Simplify Taxation:** Simplify the tax system to reduce complexity, which can sometimes create opportunities for tax avoidance. A simpler tax system can make it easier for taxpayers to understand and comply with their tax obligations.
- **Adequate Resources:** Ensure tax authorities have the necessary resources, technology, and skilled personnel to effectively combat tax avoidance.
- **Monitoring and Evaluation:** Continuously monitor the effectiveness of tax avoidance countermeasures and adjust tax policies and enforcement strategies as needed.

It's important to strike a balance between preventing tax avoidance and promoting economic growth and investment. Tax policies should be designed to create a fair and equitable system that encourages compliance while also supporting economic activity. Tax avoidance should be discouraged, but tax planning within the bounds of the law should be allowed.

Findings of the study

- Out of total respondents 70.7% are male while 29.3% are female. Chart no.-4
- Out of the total respondents, majority of their age fall in the bracket 21-30 (32%) followed by 31-40 (28%), 41-50 (18.7%), and bracket 51-60 and 61 and above have the same percentage of respondents falling in it (10.7%). Chart no.-1
- The highest level of educational background of the respondents are from master's degree (45.3%) then Ph.D (32%) followed by Bachelor's degree (21.3%). Chart no.-2
- In occupation teachers top the list with 46.7% followed by professional 37.3%, businessmen 10.7% and finally research scholars 5.3%. Chart no.-5
- When we see the annual income range, the highest number of respondents fall in the Rs. 5,00,001 to Rs. 7,50,000 (29.3%), followed by Rs. 10,00,001 to Rs. 12,50,000 (25.3%), Rs. 7,50,001 to Rs. 10,00,000 (17.3%), while Rs. 12,50,001 to Rs. 15,00,000 have 16% respondents and above Rs. 15,00,000 have 12% of the total respondents. Chart no.-3
- 80% of the total respondents follows old tax regime and rest 20% follows new tax regime. Chart no.-6
- Out of the total respondents 90.7% filed tax last year while 9.3% didn't filed the tax last year. Chart no.-7
- 57.3% of the respondents have not attended any tax-related workshops, seminars or courses while 42.7% have attended the same.
- 82.7% of the total respondents seek information about tax planning and tax-saving strategies while 17.3% respondents don't seek information of the same.
- Out of total respondents 76% choose self-research as source for obtaining tax knowledge followed by family and friends (72%), Tax professionals (61.3%), while 26.7% respondents opted for government publications and 2.6% respondents obtain the tax knowledge from other sources. Chart no.-10
- 45.3% of the respondent seek information or update on tax laws and regulations monthly while 29.3% seeks information rarely basis, 20% seek information weekly and 5.3% are daily. Chart no.-9
- 90.7% of the respondents take advantage of available tax deductions when filing taxes while 9.3% don't take advantage of the same.
- 73.3% of the respondents are aware of the recent changes in tax laws or regulations that impact financial situation, while 5.3% are not aware and 21.3% are aware about the same but up to a certain extent. Chart no.-8
- For this a rating scale has been set where 1 is not at all knowledgeable while 5 is very knowledgeable. And here majority of the total respondents fall on the 3rd mark (Satisfactory Knowledgeable), 28% mark themselves on 4th (More Knowledgeable) followed by 5.3% respondent on 2nd and 5th mark (less knowledgeable and very knowledgeable respectively), while 2.7% are not at all knowledgeable.
- 92% of the respondents understand the difference between tax avoidance and tax evasion while 8% don't understand the same. Chart no.-11
- The highest numbers of respondents have voted for shifting income to family members or related entities (65.3%) as tax avoidance practice followed by claiming excessive deduction (57.3%), 56% respondents are engaging in aggressive tax planning practice and finally 12% and 5.3% have voted for underreporting income and using offshore tax heavens as tax avoidance practices respectively. Chart no.-13
- 53.3% of the total respondents believe that it is ethical in engaging in tax avoidance practices while 22.7% of the respondents don't see this as ethical way to reduce the tax burden and 24% of the respondents are stuck somewhere in between ethical or unethical. Chart no.-12
- 77.3% of the respondents think that having a higher level of tax knowledge can influence a person's ethical stance on tax avoidance while 17.3% are neutral on the say and 5.3% don't think that having a higher level of tax knowledge can influence a person's ethical stance on tax avoidance.
- Reducing tax liability has the majority of the vote for tax avoidance strategy with 86.7% followed by maximizing wealth with 69.3%, legal obligation has 29.3% of the respondent's opinion while 22.7% is for ethical concern and 1.3% for to fulfil social obligations. Chart no.-14.

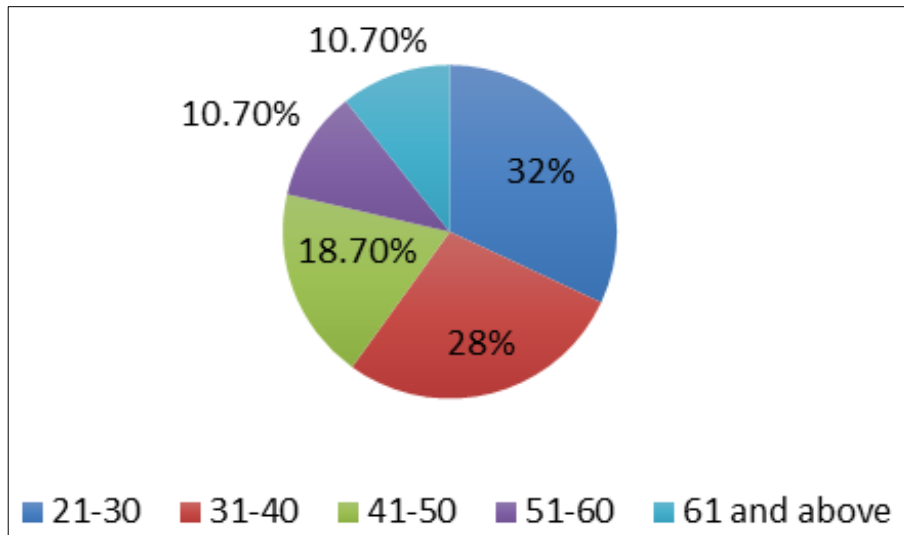


Chart 1: Age of respondents

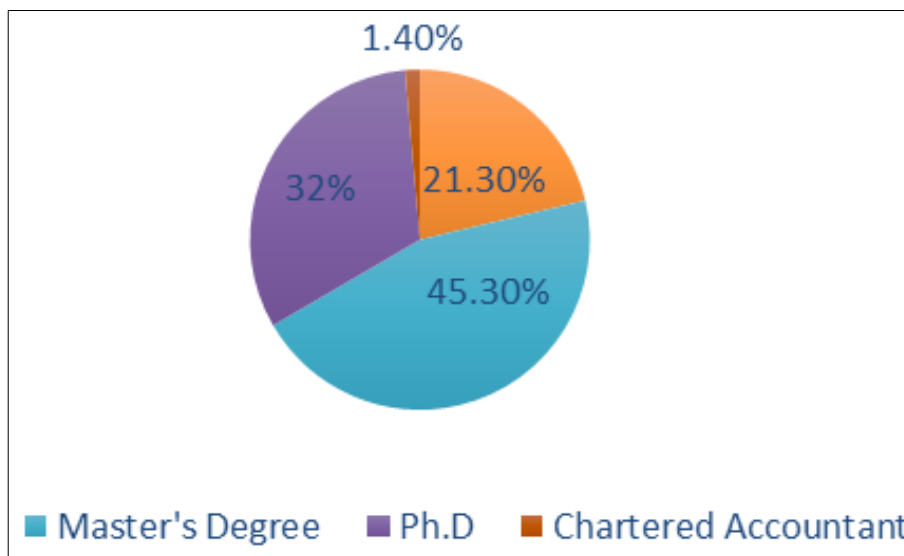


Chart 2: Educational background

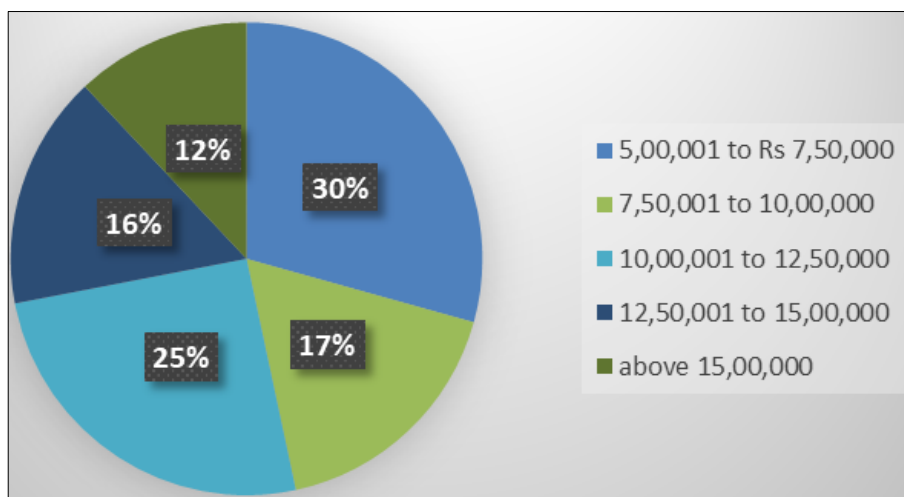


Chart 3: Annual income

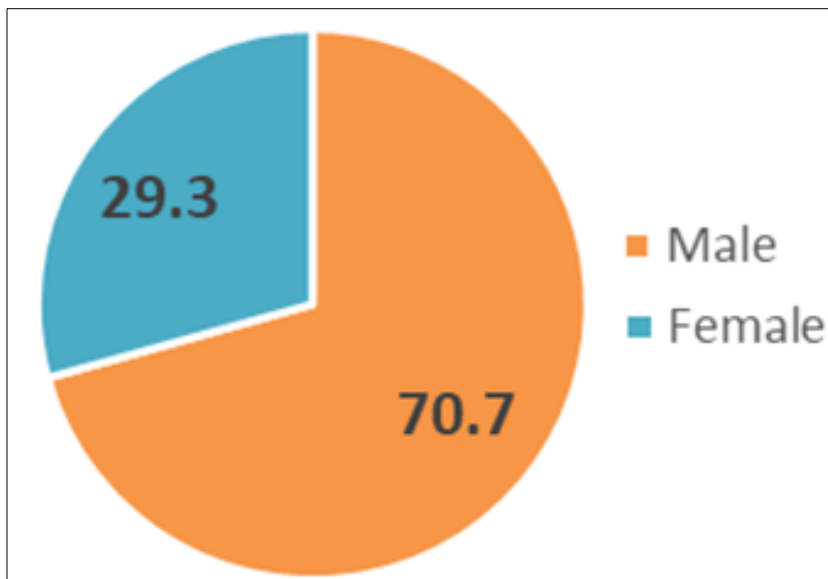


Chart 4: Gender

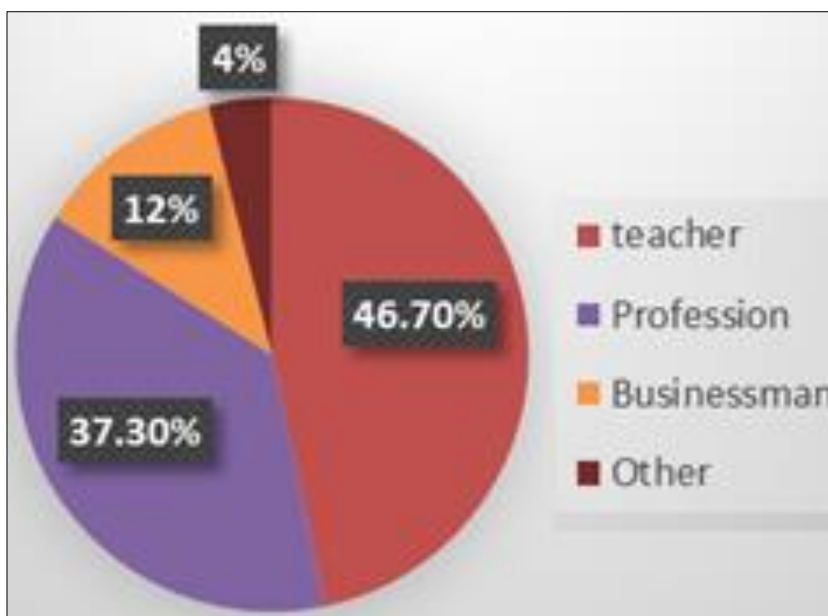


Chart 5: Occupation of respondents

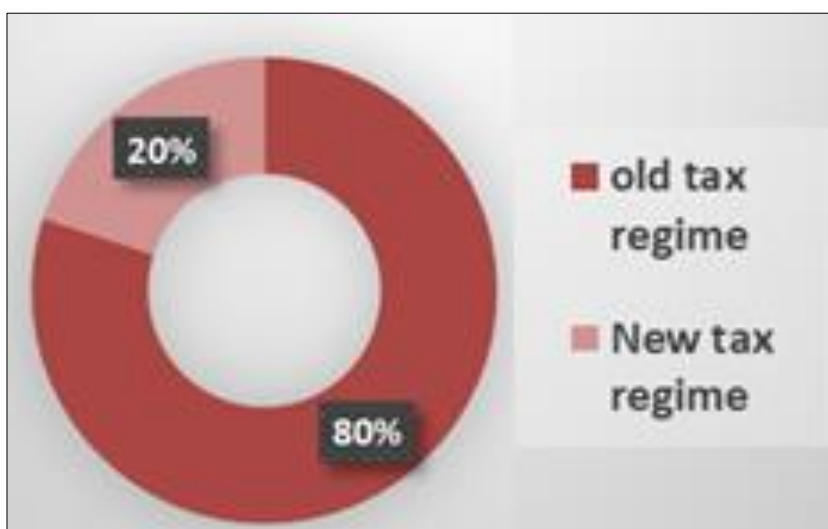


Chart 6: Which tax regime do you follow for tax payment

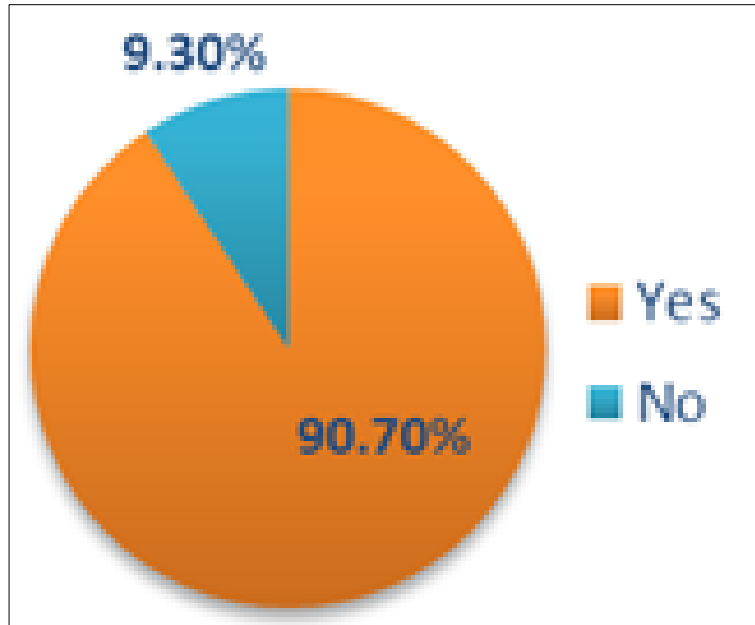


Chart 7: Have you filed taxes in the past year

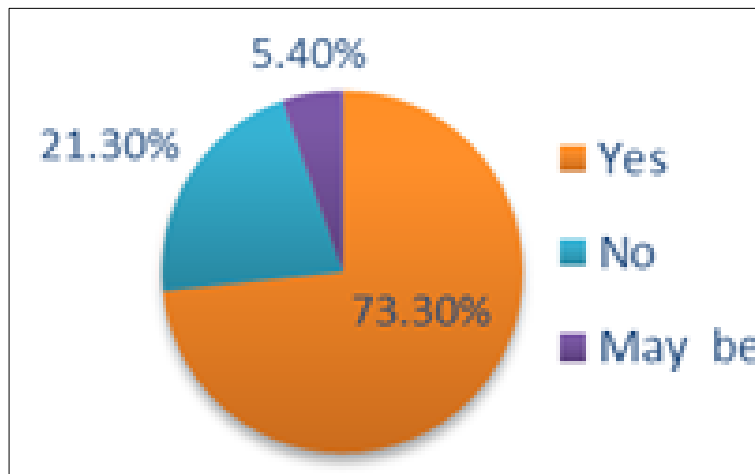


Chart 8: Are you aware recent changes in tax laws or regulations that many impact your financial situation

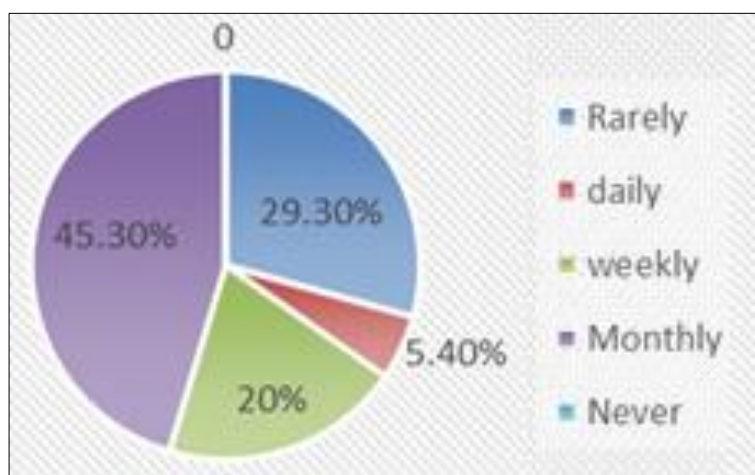


Chart 9: How frequently do you seek information or update on tax laws and regulations

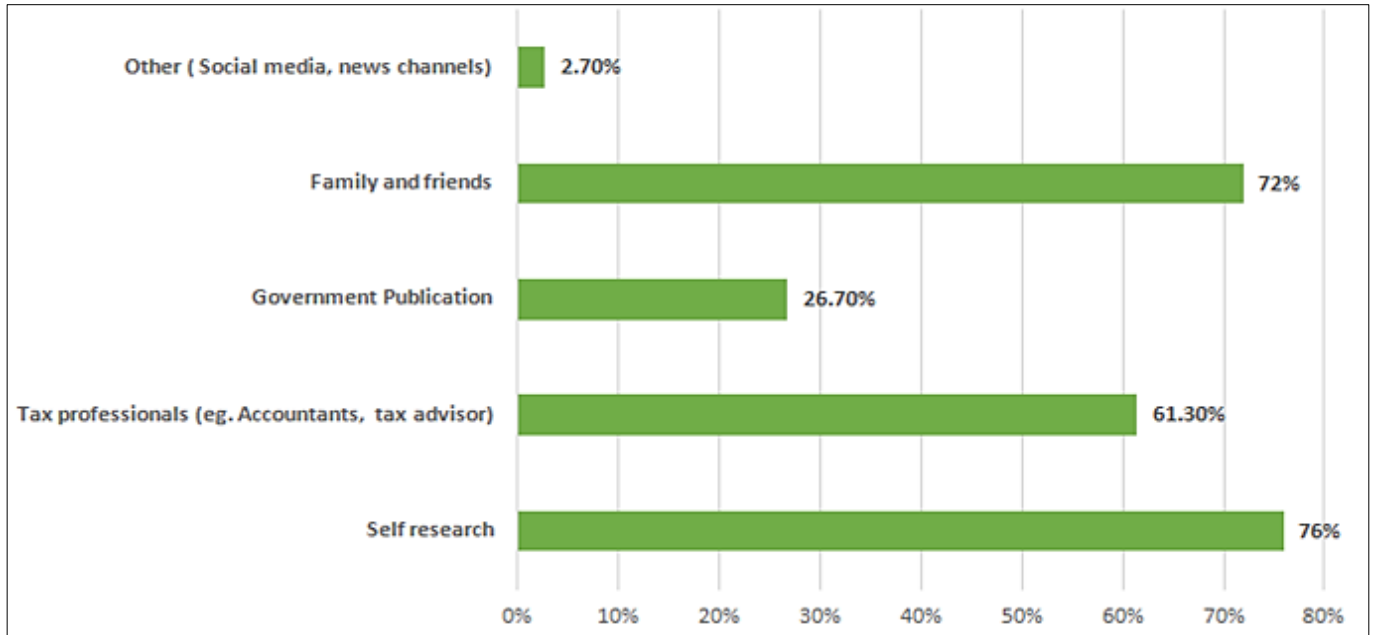


Chart 10: Where do you primarily obtain your tax knowledge

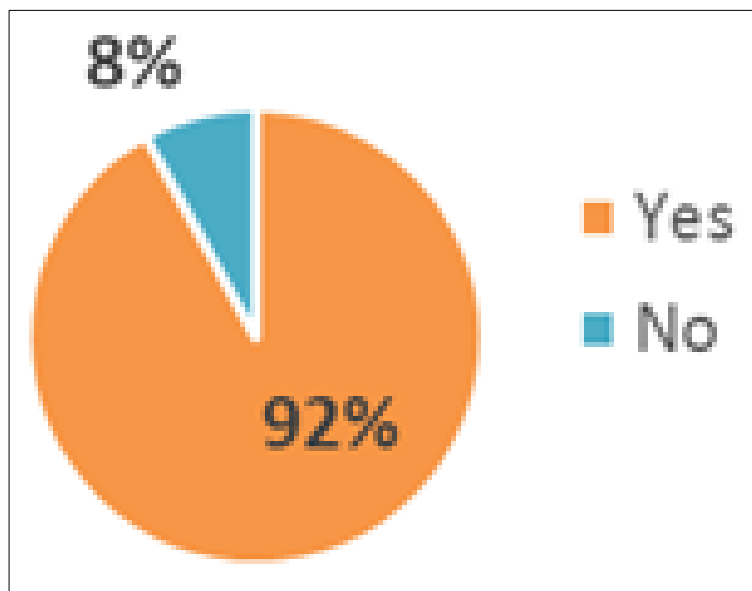


Chart 11: Do you understand the difference between tax avoidance and tax evasion

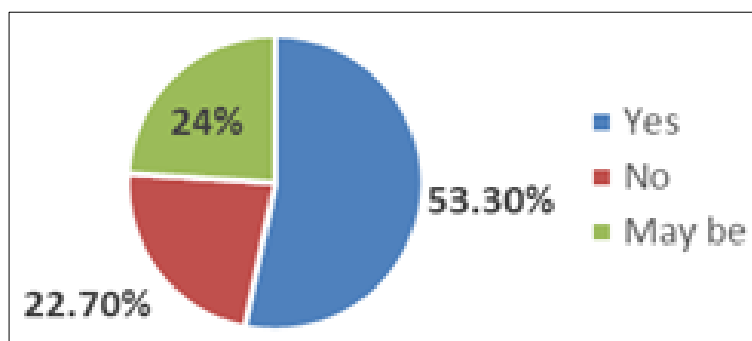


Chart 12: Do you believe that engaging in tax avoidance practices is ethically acceptable

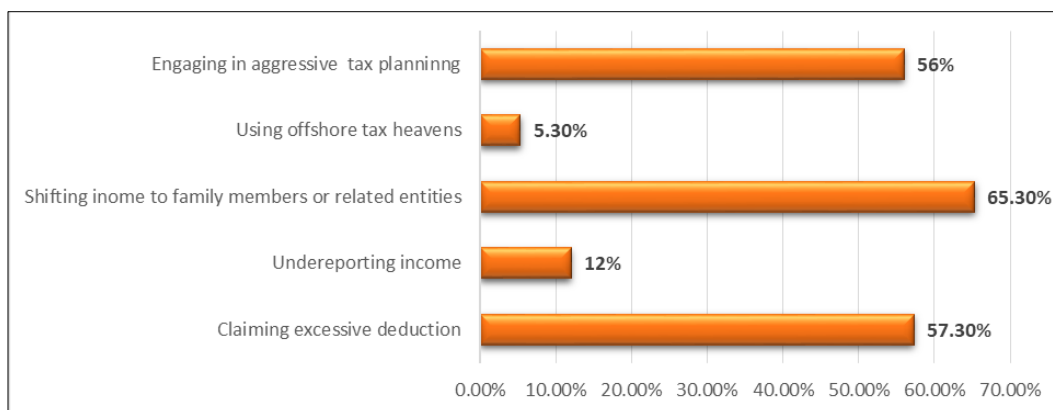


Chart 13: Have you ever engaged in any of the following tax avoidance practices

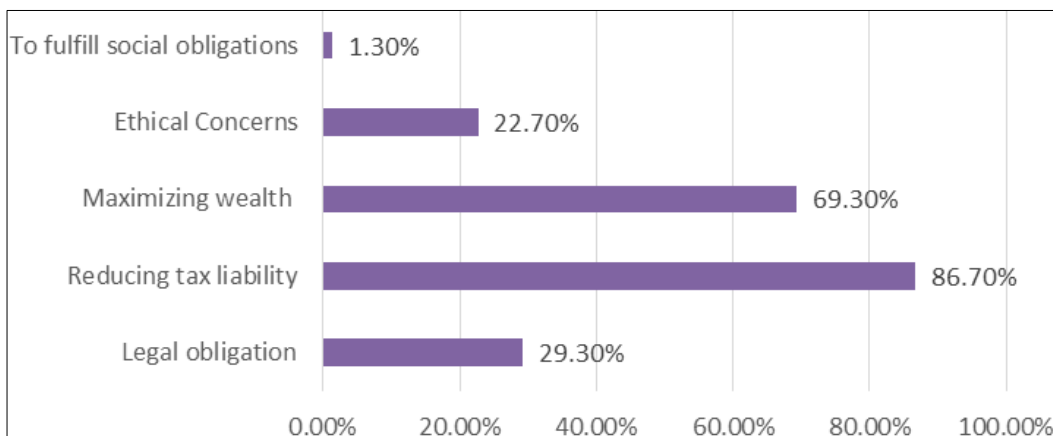


Chart 14: What motivates you to engage in tax avoidance strategies?

Conclusion

Finally, this study provides a view on tax avoidance in India, offering insight on taxpayer perspectives and practises within the country's broad economic environment and tax regimes. Taxation is an important source of money for the government, as it funds public services and infrastructure development. However, the legal practise of tax avoidance, which takes advantage of the loopholes in the tax regime, raises serious concerns about fairness and efficacy. Our research has found that taxpayers' understanding of the tax system is important in tax avoidance, and different income groups use different tactics to reduce their tax due. It is also clear that the Bharat Sarkar has made steps to combat tax avoidance and evasion. This study gives unique insights into the tax system's loopholes and how taxpayer awareness contributes to tax avoidance practises. Furthermore, it adds to the greater conversation about tax compliance by providing recommendations to policymakers, tax authorities, and practitioners.

Lastly, this research is a step towards more effective tax laws and compliance standards that take into account the different demands and viewpoints of Bharat's taxpayer community. Understanding and tackling tax avoidance is critical in an ever-changing economic context for maintaining equitable revenue collection and long-term economic prosperity. But effort can be taken to reduce the tax avoidance. Remember a single drop of water can make a hole into the stone just because of its consistency.

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