



CUTS Centre for Competition, Investment & Economic Regulation

Publication Digest • 2013

*CUTS Centre for Competition, Investment & Economic Regulation
(CUTS CCIER) produces this document for informing the relevant
stakeholders its major publications in 2013*



RESEARCH REPORTS

Rethinking Business Responsibility in India: A Review of Pharmaceutical & Private Healthcare Sectors

Vikash Batham, Senior Programme Officer, CUTS; **Rijit Sengupta**, Regional Director (CUTS Africa); and **Vasanthi Srinivasan**, ICCR Chair of Corporate Responsibility and Governance, HHL Leipzig Graduate School of Management, Germany & Chairperson, Centre for Corporate Governance and Citizenship, Indian Institute of Management, Bangalore

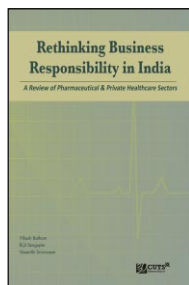
This Report contains an overview of the theoretical foundations of the interface between business responsibility and corporate conduct from an international context linking it with the Indian perspective.

It analyses the policy and institutional framework in the two sectors in India and identifies implications for responsible business and contains a description of the research problem and methodology used for undertaking the study.

A detailed analysis of the data collected from the four states is provided. It highlights key emerging conclusions of the study and the sixth presents some thoughts on the way forward.

2013 c 202 pp 978-81-8257-191-4

www.cuts-ccier.org/BRCC/pdf/Rethinking_Business_Responsibility_in_India.pdf



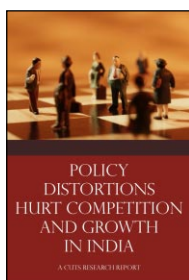
Policy Distortions Hurt Competition and Growth in India - A CUTS Research Report

The CUTS research report brings to light numerous instances of competition distortions induced by government policies in India with a view to devise a framework that would assess the policies on the touchstone of their impact on competition and take steps to minimise their anti-competitive outcomes.

It provides suggestions on how to improve upon distortive policies by introducing reforms in various sectors. It also suggests interventions at various levels for harmonisation of government policies and regulations leading to economic benefits for the society at large.

2013 c 68 pp 978-81-8257-192-1

www.cuts-ccier.org/pdf/Policy_distortions_hurt_competition_and_growth_in_India-A_CUTS_Research_report.pdf



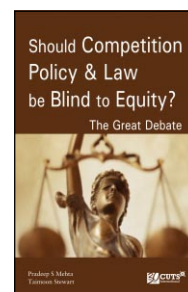
Should Competition Policy and Law be Blind to Equity? The Great Debate

Pradeep S Mehta, Secretary General, CUTS International and **Taimoon Stewart**, Associate Senior Fellow, University of West Indies, Trinidad & Tobago

This volume is an attempt to present collection of views of competition practitioners and others from across the globe on linkages between growth and equity. The methodically reasoned opinions came in the form of debate on the issue of growth and equity and role of competition authorities, which happened over an e-discussion group 'CompetitionOnlineForum' hosted by CUTS International. This publication firmly analyses the importance of competition law and its role in achieving equity. However, there are different opinions on the subject of the extent to which competition law and its enforcement should seek to incorporate equity.

2013 c 254 pp 978-81-8257-201-0

www.cuts-ccier.org/Book/Competition_Law_and_Equity.html



Unfair Trade Practices and Institutional Challenges in India: An Analysis

The term Unfair Trade Practice (UTP) broadly refers to any fraudulent, deceptive or dishonest trade practice or business misrepresentation of the products or services that are being sold which is prohibited by a statute or has been recognised as actionable under law by a judgement of the court. This Report tries to analyse and understand the concept of UTPs in India by comparing the concept in other countries also. The paper highlights various institutional challenges and finally suggests efficient approaches to tackle the same.

www.cuts-ccier.org/pdf/Unfair_Trade_Practices_and_Institutional_Challenges_in_India-An_Analysis.pdf



DISCUSSION PAPERS

Regulatory Framework and Challenges in Indian Pharmaceutical Sector

This Discussion Paper provides a brief status of the pharmaceutical industry in India and its key features. It gives a description of the major regulatory bodies monitoring the Indian pharmaceutical sector and undertakes a review of the prevailing mechanisms for drug regulation and some predominant policy measures and acts. It also provides a comprehensive account of the status and key challenges.

www.cuts-ccier.org/pdf/Regulatory_Framework_and_Challenges_in_Indian_Pharmaceutical_Sector.pdf



Judiciary – a crumbling pillar of Indian democracy? Speeding up delivery of justice in India

The famous quote of George Washington which is over two centuries old is still valid: 'the administration of justice is the firmest pillar of government.' The current judicial scenario in India does not live up to this adage in a number of its manifestations.

This Discussion Paper looks at one of them – that of the staggering arrears in disposal of cases in various courts – estimated at 3.2 crore. After stating the problem, the paper discusses its various causes, steps/reforms taken to address the malaise and finally suggests a way forward for stimulating further discussions.

www.cuts-ccier.org/pdf/Judiciary_a_crumbling_pillar_of_Indian_democracy-Speeding_up_delivery_of_justice_in_India.pdf



BRIEFS

Effect of Direct Benefit Transfer Scheme on Competition in the Market

This Briefing Paper throws light upon specific developmental objectives that could be achieved through proper implementation of the scheme. The paper focuses upon how direct transfer of cash would help establishing developed and competitive market, especially in rural India.

It also deals with factors that could lead to a more conducive environment for infusing competition in the market. Finally, it discusses the international experiences related to direct transfer of cash to the poor and what lessons India could learn.

www.cuts-ccier.org/pdf/Effect_of_Direct_Transfer_of_Cash_on_Competition_in_Market.pdf



Ensuring Sustainability of Off-Grid Projects

This Policy Brief discusses the need to introduce off-grid power systems as a viable option to overcome challenges in access to power. This is in response to a felt need to enable access to consistent quality and quantity of power that in turn, can be expected to reinforce other developmental initiatives, further correlated to costs in the immediate and long-term.

The paper cites some cases that reveal challenges in establishing such off-grid systems, substantiated with tried and recommended solutions. These insights are presented through the policy lens essential for appropriate mainstreaming of off-grid systems.

www.cuts-ccier.org/pdf/Ensuring_Sustainability_of_Off-Grid_Projects.pdf



Regulation of Microfinance Institutions in India

Considering the importance of microfinance institutions in fulfilling the goals of financial inclusion, it is essential to understand the body of laws, rules and regulations which govern this financial tool. An overlap between the areas dealt with by various authorities governing microfinance entities on critical issues like interest rate determination create uncertainty on the basic conditions of thriving in this sector for participant institutions. This Briefing Paper deals with some of the problems in regulation of microfinance institutions and presents solutions which should be taken into consideration.

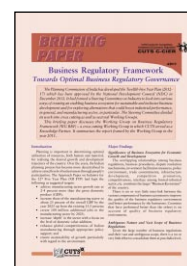
www.cuts-ccier.org/pdf/Regulation_of_Microfinance_Institutions_in_India.pdf



Business Regulatory Framework: Towards Optimal Business Regulatory Governance

The Planning Commission of India has developed the Twelfth Five Year Plan (2012-17) which has been approved by the National Development Council in December 2012. It had formed a Steering Committee which divided its work into cross cutting as well as sectoral Working Groups. This Briefing Paper discusses The Working Group on Business Regulatory Framework (WG BRF) – A cross cutting Working Group in which CUTS served as a Knowledge Partner. It summarises the report framed by the Working Group in the year 2011.

www.cuts-ccier.org/pdf/Business_Regulatory_Framework-Towards_Optimal_Business_Regulatory_Governance.pdf



Responsible Business in India – yesterday, today & tomorrow

The adoption of the Companies Bill 2012 by the Parliament would give considerable fillip towards operationalising the CSR agenda in India. This Briefing Paper argues that if properly supported through enabling policies and proper guidance, business can contribute considerably to socio-economic progress in India, linking those who remained far removed with the Indian growth story.

www.cuts-ccier.org/pdf/Responsible_Business_in_India-yesterday_today_and_tomorrow.pdf



Essential Facilities Doctrine

This Briefing Paper states that notwithstanding relative successes and failures of such interventions, as the Indian economy grows and matures it is inevitable that for wider and more complete encouragement of competition, the essential facilities doctrine (EFD) will need to flow in from the Competition Commission and competition law which is adequately structured to uphold the doctrine.

www.cuts-ccier.org/pdf/Essential_Facilities_Doctrine.pdf



International Trade and Competition – Siamese Twins: Need for a Multilateral Framework on Competition?

This Briefing Paper studies arguments for and against multilateral competition framework with a focus on agriculture and commodity markets sector and discovers that chief losers from absence of a multilateral competition framework are consumers around the world. It further attempts to suggest a workable way forward by taking into account concerns of differing parties and stresses the need to re-start negotiations on competition issues at international forums, before it is too late.



www.cuts-ccier.org/pdf/International_Trade_and_Competition-Siamese_Twins-Need_for_a_Multilateral_Framework_on_Competition.pdf

Harmonising Regulatory Conflicts

Competition agencies and sector regulators have a common objective of promoting healthier economic governance through pro-competitive regulation. The sector regulators look into the issues *ex-ante*, whereas the competition authority deals with *ex-post* issues. Despite a common goal, these bodies have different legislative mandates and perspectives for competition issues, and ambiguities. Thus, securing a clear delineation of roles and responsibilities is a growing challenge for most countries dealing with overlap conflicts. This Briefing Paper has been drawn up from a research study done by CUTS to help the busy reader.



www.cuts-ccier.org/pdf/Harmonising_Regulatory_Conflicts.pdf

NEWSLETTERS

ReguLetter

This is a quarterly flagship newsletter published by CUTS CCIER. The objective is to create awareness among the stakeholders, particularly the civil society organisations, who in turn lobby at national, regional and international level, on the issues related to competition and consumer welfare. It focuses on news, views and policies related to corporate restructuring, regulations of utilities and finances, corporate governance etc. of different countries, with focus on developing nations. Special dedicated sections showcase issues and cases thwarting competition in countries across the globe providing readers an insight into the competition scenario therein.



www.cuts-ccier.org/reguletter.htm

PolicyWatch

This is a quarterly newsletter published by CUTS CCIER. The objective is to report on policy and regulatory developments in India with the objective of informing people. This newsletter is primarily meant for Indian readers, dealing with various economic policy issues. It covers developments on policy responses, implementation and distortions. Special dedicated sections such as Good Practices, Viewpoint, and Discussion Topic raise several interesting and relevant issues drawing attention towards their implications and impact.

www.cuts-ccier.org/pw-index.htm



CUTS CCIER Activity Report

CUTS Centre for Competition, Investment & Economic Regulation (CUTS CCIER) produces a quarterly report summarising major activities undertaken during the period. This document referred to as 'CCIER Activity Report' provides a quick overview of the various operations of the Centre and corresponding outputs/outcomes.

www.cuts-ccier.org/CCIER_Activities.htm



CCI WATCH

The role of the Competition Commission of India is very crucial for effective competition amongst the market players. CCI's imposition of heavy penalties and probe into sectors such as real estate, entertainment, cement, petroleum, steel, travel industry, healthcare, education, etc. have kept the Commission in the limelight since past three years. It is hard to find a day when CCI is not being talked about in the newspaper. Therefore, the aim of the CCI Watch is to review and highlight the performance of CCI through the lens of media.

www.cuts-ccier.org/CCI_Watch.htm

DOSSIER

Competition Distortions in India

This quarterly dossier looks at the interface of policy issues which has an impact on competition in India, which can be both negative and positive. The purpose is to flag issues to the layman as well as to the policymakers and regulators, rather than be judgmental.

www.cuts-ccier.org/Competition_Distortions_India.htm

For more information, please contact:

Udai S Mehta

Director & Centre Head

usm@cuts.org; 098292 85926

Ashutosh Soni

Programme Officer

ash@cuts.org; 099501 77012

