



CUTS Centre for Competition, Investment & Economic Regulation

Publications Digest • 2020

CUTS Centre for Competition, Investment & Economic Regulation (CUTS CCIER) produces this document for informing the relevant stakeholders its major publications in 2020



REPORTS

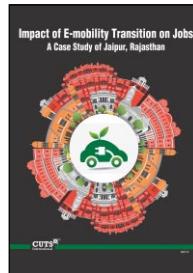
Impact of E-mobility Transition on Jobs: A Case Study of Jaipur, Rajasthan

Electric mobility or e-mobility has been the chosen way forward in most of the developed countries and also gaining traction in India, supported by industries and the government. This paradigm shift in modes of mobility may open the gateways for new business opportunities such as battery infrastructure, auxiliary service, and multi-modal integrated transport, amongst others.

This report aims to provide an in-depth understanding of the need for just transition in the mobility space. It also highlights the nature and quantum of job losses due to Electric Vehicle integration at the city level and the nature of jobs and skillsets required for an inclusive and just transition.

Overall, the study deliberates upon the benefits for India from transitioning to low carbon mobility while discussing its importance in the context of climate change arising from transport infrastructure based on fossil fuels.

https://cuts-ccier.org/pdf/Impact_of_E-mobility_Transitions_on_Jobs_A_case_study_of_Jaipur-Rajasthan.pdf



5G in India: Demystifying Reality from Myth

Globally telecom players, policymakers, think tanks, etc. are actively discussing the 5G opportunity. However, much of the discussion in the public domain has been driven with a business, and not from a consumer's perspective.



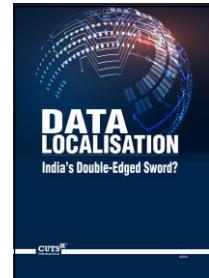
Furthermore, anecdotal evidence suggests that there is a lack of awareness and misconceptions amongst consumers across the world about what 5G is expected to deliver and when. This sparks possibilities of misconceptions and myths in the minds of consumers.

This report aims to separate myths from reality within the context of 5G delivery in India, from a consumer perspective, through a survey of 500 consumers of 4G services through smartphones, in New Delhi, which was conducted in late 2019.

<https://cuts-ccier.org/pdf/research-report-5g-in-india-demystifying-reality-from-myth.pdf>

Data Localisation: India's Double-Edged Sword?

The role and significance of data have evolved over the years for industries and countries alike. The advent of ever-changing technologies, has transformed businesses operations, processes, contribution to global data value chains and participation in international trade.



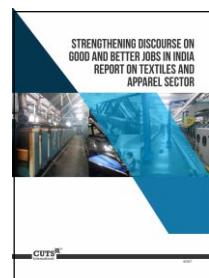
This report is an enlightening resource in informing the discussion about the impact of cross border data flow restrictions on India's digital services exports and its impact on the country's gross domestic product (GDP). A very peculiar aspect of this study is its novel analysis of the IT-BPM industry and its significance to the Indian GDP and thus bringing a very important perspective in the discussion around data localisation.

The report takes the readers through the significance of digital trade for the world and India, and the emergence of data protection and restrictions on data flows across the countries.

<https://cuts-ccier.org/pdf/data-localisation-indias-double-edged-sword.pdf>

Strengthening the Discourse on Good and Better Jobs in India: Textiles and Clothing Sector

The Indian economy is in a dichotomous phase where the share of private consumption in the GDP is at a phenomenal high of approximately 60 percent. However, the workforce which significantly contributes to the demand for private consumption largely remains characterised by low incomes and negligible social security.



In an attempt to achieve a comprehensive understanding of the factors aiding and deterring the creation of good and better jobs, this report looks at the Textiles and Clothing (T&C) sector, the second largest employer in India.

It argues that implicit in 'better income/wages' is the value for the worker. The report goes on to claim that within the framework of 'better incomes' are also subsumed other attributes like opportunities for skill enhancement, social security and working conditions.

<https://cuts-ccier.org/pdf/report-textile-and-clothing-sector-in-india.pdf>

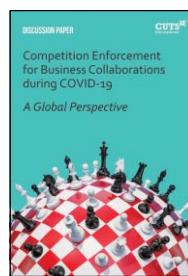
Competition Enforcement for Business Collaborations during COVID-19: A Global Perspective

The COVID-19 pandemic and its associated restrictions have necessitated a rise in collaborations among businesses due to various demand and supply shocks in the economy. This has led competition authorities worldwide to reconsider competition law enforcement, thus ensuring the supply and distribution of essential goods and services.

This Discussion Paper, focusing on the different approaches undertaken by competition authorities all around the world to strike a balance between the greater public interest and competition in the market. To ensure a real-time approach, data has been used from a survey conducted targeting competition authorities which enabled a comparative analysis of various jurisdictions.

Contrary to what has been observed in previous research, the current times warrant a sympathetic assessment of competition rules, to ensure continuity of supply and distribution, at least in the short-term.

<https://cuts-ccier.org/pdf/competition-enforcement-for-business-collaborations-during-covid-19.pdf>



Competition and Regulation in India, 2019 Digital Economy: Hitting the reset button on competition and regulatory governance

Today Indian economy is not in a good shape, casting a shadow on the national aspiration of becoming a US\$5tn economy by 2024-25. Most experts are suggesting structural reforms for bringing back vibrancy in the economy. Though there is not much clarity on the contours of such reforms, many feel that increasing the income of the lower strata of society in order to increase demand in the economy is a better way to go.

The present volume of the India Competition and Regulation Report (i.e. ICRR 2019), which is dedicated to the digital economy, provides some useful regulatory insights that can be input for shaping the future reform agenda.

The report will stimulate public debate and help influence requisite reforms, which in turn would result in sustainable and inclusive growth in India.

<https://cuts-ccier.org/pdf/Report-ICRR2019.pdf>

DISCUSSION PAPER

Artificial Intelligence: Implications for Consumers

The advance of Artificial Intelligence (AI) technologies has brought with it many benefits for consumers, in the form of new or improved products and services, 'more intelligent' and faster delivery, reduced search and transaction costs, and increased safety.

This Discussion Paper seeks to analyse the benefits and costs of AI as a socio-technological practice, having implications in political, social and economic activities around the world affecting consumers and consumer protection. For this, the paper provides a brief overview of the concepts associated with AI and then dives into the benefits derived by the consumers from AI by increasing their efficiency and making day to day tasks easier.

The paper further highlights the risks and challenges of the use of AI such as bias, privacy, manipulation and price differentiation. Based on the analysis of the benefits and risks, the recommendations can be arrived at that can maximise the benefits of AI in a fair and just manner.

<https://cuts-ccier.org/pdf/dp-artificial-intelligence-implications-for-consumers.pdf>



BRIEFS

Notice and Consent Framework of the PDPB: The Way Forward

The Personal Data Protection Bill 2019 (PDPB) user capacity on privacy policies. It also fails to tackle notice and consent fatigue. In this regard, CUTS recommend creation of Data Protection Awareness Fund to be used exclusively for awareness generation and capacity building. We also suggest prioritising innovation for user friendly consent frameworks in the regulatory sandbox.

<https://cuts-ccier.org/pdf/policy-brief-notice-and-consent-framework-of-the-PDPB.pdf>



Consumer Grievance Redressal

The PDPB fails to create an effective and practical mechanism for grievance redress, and limits transparency and disclosure in case of data breach. CUTS recommend recognising a right of users to seek judicial remedy and creating user-friendly mechanisms for seeking redress in time bound manner. Users should be notified immediately in case of data breach and should be able to claim adequate compensation.

<https://cuts-ccier.org/pdf/policy-brief-grievance-redress.pdf>



Data Localisation

Data localisation requirements under the PDPB puts burden on service providers for segregation of data and can lead to adverse impact on adoption of data driven services by consumers and digital economy. CUTS recommend that regulatory impact assessment must be conducted before taking decisions that lead to data localisation, at the same time government should aim to strengthen their bilateral and multilateral relationships for cross border data flows.

<https://cuts-ccier.org/pdf/policy-brief-data-localisation.pdf>



Data Protection Authority

PDPB does not provide adequate independence and transparency in the functioning of the DPA. Further the powers of DPA are diluted and transferred to the central government. In this regard, CUTS recommend that DPA must be appointed by unbiased and neutral selection committee and should be independent and transparent in its functioning. Further, it should retain its power to make important decision from the Central Government.

https://cuts-ccier.org/pdf/policy-brief_data-protection-authority.pdf



Overreach of the Bill

PDPB goes beyond its mandated objective of 'personal data protection' by providing access to non-personal data and anonymised data by the government.

Further, it aims to solve the problem of inappropriate post-information through voluntary verification, which is also beyond its objective. CUTS recommend that both these provisions must be removed from the PDPB.

<https://cuts-ccier.org/pdf/policy-brief-overreach-of-the-bill.pdf>



Key Definitions in the Personal Data Protection Bill 2019

Certain key terms in PDPB like 'personal data', 'sensitive personal data', 'critical personal data' and 'harm' are not adequately defined in the bill leading to ambiguous and vague interpretations. For this, CUTS recommend that the definition of personal data and sensitive personal data must consider user perspectives of 'identifiability' and perceived risks. Further, the definition of harm must be linked to data breaches under the PDPB and specifications must be provided with regard to critical personal data.

<https://cuts-ccier.org/pdf/policy-brief-key-definitions-in-the-personal-data-protection-bill-2019.pdf>



Women and Tech: Bringing Gender Equality in the Digital Ecosystem

This Policy Brief sheds lights on the existing digital gender divide. In this regard, it assesses the key challenges such as issues around financial and social constraints faced by women in uptake of internet enabled devices, privacy and cybersecurity concerns which limits usage of internet for women and lastly the limited economic participation of women in the digital economy.

For addressing these challenges, the brief gives recommendations to undertake digital skilling and literacy for women, to make online space more inclusive and safe for women through understanding their perceptions and to make the digital economy more inclusive and encouraging entrepreneurship amongst women in the research and innovation sector.

<https://cuts-ccier.org/pdf/policy-brief-women-and-tech-bringing-gender-equality-in-the-digital-ecosystem.pdf>

Digital Healthcare in India: A Way Forward

This Policy Brief sheds light on the optimum and ethical use of technology solutions for greater access to healthcare. In this regard, it assesses the key challenges, such as constraints to access and adoption of digital healthcare solutions, privacy and data protection issues concerning health data along with barriers to achieve integration and interoperability amongst various actors in healthcare ecosystem.

For addressing these challenges the brief gives recommendations to increase awareness and capacitating medical practitioners to adopt digital healthcare solutions; to establish appropriate laws for privacy and data protection with regards to health data; and to make the interoperability and integration mechanisms for collection of health data more inclusive.

<https://cuts-ccier.org/pdf/policy-brief-health-care-and-technology.pdf>



Fintech: A way Forward for Inclusive Financial Growth

This Policy Brief sheds light on the optimum and ethical use of technology solutions for greater digital financial inclusion. In this regard, it assesses the key challenges such as constraints to adoption of digital financial tools, privacy and data protection issues concerning sensitive financial data and increase in online fraudulent practices along with lack of adequate consumer redress mechanisms in this sector.

For addressing these challenges the brief gives recommendations to increase digital financial literacy, adopting transparency and accountability measures in 'fintech' applications for privacy protection and to build stronger frameworks for consumers which are more cost effective and user friendly.

<https://cuts-ccier.org/pdf/policy-brief-fintech.pdf>



Education and Technology: A Way Forward for Inclusive Growth

This Policy Brief sheds light on the optimum and ethical use of technology in educational institutions. It assesses key challenges such as constraints to adoption of Information and Communication Technology (ICT) tools in the education sector, transition cost of adopting data protection principles for educational institutions and lack of awareness and capacity for using technology in the education sector.



For addressing these challenges the brief gives recommendations to increase infrastructural capacities of educational institutions, to revise the draft National Education Policy to bring in more inclusivity and to build capacity and awareness for adopting education technology tools with the help of civil society organisations.

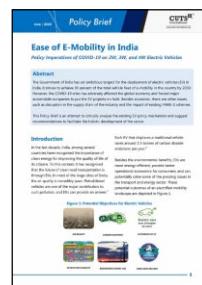
<https://cuts-ccier.org/pdf/policy-brief-on-education-and-technology-way-forward-for-inclusive-growth.pdf>

Ease of E-Mobility in India: Policy Imperatives of COVID-19 on 2W, 3W, and 4W Electric Vehicle

The Government of India has set ambitious targets for the deployment of EV in India. It strives to achieve 30 percent of the total vehicle fleet of e-mobility in the country by 2030. However, the COVID-19 crisis has adversely affected the global economy and forced major automobile companies to put the EV projects on hold. Besides economic, there are other issues, such as disruption in the supply chain of the industry and the impact of existing FAME-II schemes.

This Policy Brief is an attempt to critically analyse the existing EV policy mechanism and suggest recommendations to facilitate the holistic development of the sector.

<https://cuts-ccier.org/pdf/policy-brief-ease-of-e-mobility-in-india.pdf>



Power Sector Transformation: Enabling Civil Society Participation For Inclusive Reforms

Electricity supply is an essential public good service that impacts living comfort, productivity, livelihood opportunities, and access to other critical services such as healthcare.

The need for effective consumer participation in the electricity sector arises from the fact that, while being a critical public good service, the performance and efficiency of distribution companies are intricately linked to their relationship with consumers.

In Indian society, wherein electricity supply is inherently a subject of complex political economy, civil society's role for addressing problems and developing solutions 'with the people' becomes pertinent.

This Policy Brief explores key barriers for civil society to engage in power sector decision-making in Rajasthan actively and suggests policy measures to enhance the participation of civil society.

<https://cuts-ccier.org/pdf/policy-brief-power-sector-transformation.pdf>

Exemptions for the State

PDPB gives broad exemptions to the government without laying down appropriate legal test and time limit for processing, which creates risk of surveillance and threat to free speech. In this regard, CUTS recommend that the government should lay down the test of legality, proportionality and legitimate aim in exercising the exemptions. Further, exemptions must be provided with respect to only select provisions and such data should not be retained after purpose of exemption is complete.

<https://cuts-ccier.org/pdf/policy-brief-exemptions-for-the-state.pdf>



VIEWPOINT PAPER

Zoom a Lifeline during Lockdown But with Security & Privacy Risks

Within this time of lockdown, when we are adjusting to new ways of life both professionally and personally, online communication tools have become our lifeline. One such tool is video conferencing application, Zoom, which has proved to be very useful for conducting meetings, conferences and webinars. While it has made our life convenient, it also presents privacy and security risks, which must be paid attention to.

This Viewpoint Paper highlights the problems of 'Zoom bombing', lacunae with data collection and sharing protocols within Zoom's privacy policy, and risk of information intercept without end to end encryption.

Considering these risks and the utility of Zoom in the current times, the paper gives practical recommendations for participants and hosts of the meetings to utilize Zoom's features in a way that these risks are minimized. It also suggests Zoom to revamp its privacy policy and incorporate additional features to make Zoom's experience more user and privacy friendly.

https://cuts-ccier.org/pdf/ViewPointPaper-Zoom_a_Lifeline_during_Lockdown_But_with_Security_and_Privacy_Risks.pdf



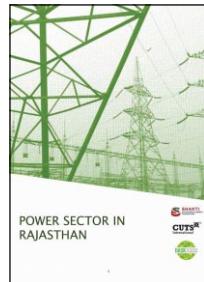
CONSUMER MODULES

Introduction – Power Sector in Rajasthan

The Central Electricity Regulatory Commission provides the regulatory framework for power sector governance which is largely emulated by State Commissions.

It specifies grid code and grid standards, and determines the tariff of Power Generating companies owned or controlled by the Government of India, and any other generating company which has a composite scheme for power generation determines tariff for interstate transmission of electricity and adjudicate upon disputes involving generating companies or transmission licensees.

<https://cuts-ccier.org/pdf/cbec-introduction-power-sector-in-rajasthan.pdf>

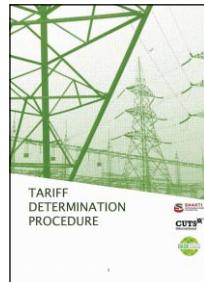


Tariff Determination Procedure

Under the Electricity Act 2003, the tariff for Distribution Licensees is determined by the State Commissions. The tariff is determined on a Cost Plus basis by the State Commission as per tariff regulations. Cost Plus determination of tariff implies that the tariff determined under this process recovers all the cost of the Distribution Licensee and adds a specific amount as a return.

This document provides information on the tariff determination process by regulatory commissions.

<https://cuts-ccier.org/pdf/cbec-tariff-determination-procedure.pdf>

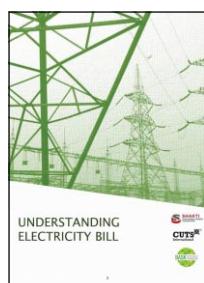


Understanding Electricity Bill

Electricity bill is an important document for any electricity consumer to understand electricity charges, a pattern of consumption, and the impact of efficiency measures. It is also important to know various components of the bill to know their respective contribution to the total bill to ensure transparency in billing by distribution companies (Discoms). Most of the consumers are oblivious of the tariff categories, codes, surcharges and duties levied in the electricity bill.

This document attempts to inform the consumer about the electricity bill, its various components, and codes.

<https://cuts-ccier.org/pdf/cbec-understanding-electricity-bill.pdf>



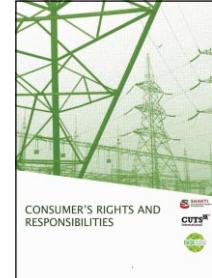
Consumer's Rights and Responsibilities

The distribution companies (Discoms) are governed by specific rules and regulations in the supply of electricity to consumers which aim to provide quality services and also to protect consumers from unfair practices.

As per the Consumer Protection Act, consumers have the right to information, right to choose, right to safety, right to seek redressal and right to be heard. Similarly, there is also an onus of consumers to be aware, involved, responsible and environment friendly.

This document lists down information on rights accorded to electricity consumers in Rajasthan and their responsibilities.

<https://cuts-ccier.org/pdf/cbec-consumer-rights-and-responsibilities.pdf>

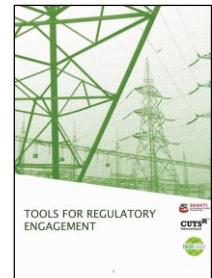


Tools for Regulatory Engagement

Regulatory engagement means the participation of consumers in various regulatory processes that govern the electricity sector. It helps the Electricity Regulatory Commissions to understand consumers' perspectives for effective decision making, which leads to social acceptance of decisions and helps in building consumers' trust in the system.

This document particularly focusses on the state of Rajasthan and tools for an individual consumer to engage with the Rajasthan Electricity Regulatory Commission (RERC). It is noteworthy to mention that the decision-making in the electricity sector is largely technical and citizen participation can only be amplified by an informative and consultative process.

<https://cuts-ccier.org/pdf/cbec-tools-for-regulatory-engagement.pdf>



ISSUE NOTES

New Labour Codes of India: How can dignified economic growth be achieved through responsible legislations?

With the enactment of three Labour Codes in this Monsoon session of the Parliament, namely the Industrial Relations Code; the Occupational Safety, Health and Working Conditions Code; and Code on Social Security, the task of consolidating multiple labour laws in the country was completed.

These enacted Codes aim to allow industries flexibility in doing and running a business, hiring and firing employees and regulating industrial strikes. Simultaneously, these Codes aim to promote fixed-term employment and expand the social security net for informal sector workers and gig workers.

As these Codes are currently discussed and debated, CUTS brings you an Issue Note which lays down key elements of each Code and unpacks the issues of contention associated with the respective Code. It also put forwards the issues which require deliberation to achieve the desired objective of these labour reforms.

<https://parfore.in/pdf/issue-note-new-labour-codes-of-india.pdf>



Agriculture Reforms 2020 and Farmers' Welfare

A big farmer agitation is going on at present, blocking several roads around the national capital. At the same time negotiation between the agitating farmer unions and the Central Government is also happening, though several rounds have ended in stalemates.

In the meantime, the Supreme Court of India has intervened proposing to form a committee to work out a solution between the two sides. The impugned matter relates to the three Central Farm Acts reforming the agriculture sector in India.

This Issue Note captures arguments and counter-arguments on four contentious issues, viz. No assurance on MSP; APMCs will wither away; Corporate monopoly will take over, and Attack on federalism. It also presents a way forward.

<https://parfore.in/pdf/issue-note-agriculture-reforms-2020-and-farmers-welfare.pdf>



BILL BLOW-UPS

The Personal Data Protection Bill 2019

In the judgement of K.S. Puttaswamy vs. Union of India, 2017, the Supreme Court of India (SC) recognised 'right to privacy' as a fundamental right. The Government of India (GoI) had formed a committee to study various issues relating to data protection, which proposed the draft Personal Data Protection Bill 2018 (draft bill).



After a round of public consultation, The Personal Data Protection Bill, 2019 (bill) was introduced in Lok Sabha on December 11, 2019, with certain key changes to the previous draft. The same has been referred to a Joint Select Committee of both houses of Parliament for review.

The objective of the bill is to 'provide for the protection of the privacy of individuals relating to their personal data', among other incidental issues.

<https://parfore.in/pdf/bill-blowup-the-personal-data-protection-bill-2019.pdf>

Draft Electricity Act (Amendment) Bill, 2020

The Ministry of Power (MoP) recently floated an amended version of the Electricity Act 2003, after previous attempts to introduce changes in 2014 and 2018. The draft bill aims at "the development of the electricity industry through promoting competition and address a few critical issues, which have weakened the commercial and investment activities in the sector."



The Bill proposes various reforms having direct impacts on power bills of the consumers. In the backdrop of financially stressed utilities, increased push to renewables and an overall economic slowdown in India and across the globe, there is an imminent need to revamp the Indian power sector.

However, to achieve that in a just and sustainable way, it becomes crucial to assess the policy imperatives of the major changes proposed. This Bill Blow up is an effort in this direction.

<https://cuts-ccier.org/pdf/bill-blowup-draft-electricity-act-amendment-bill-2020.pdf>

DOSSIERS

Analysis of Competition Cases in India

Through this publication, CUTS intends to undertake independent examination of relevant competition cases in India. The objective is to provide a brief factual background of the facts of relevant cases, followed by an analysis of the predominant issues, therein. This publication will expectantly help readers to better comprehend the evolving jurisprudence of competition law in India.



<https://cuts-ccier.org/analysis-of-competition-case-inindia/>

Competition Distortions in India

This quarterly dossier looks at the interface of policy issues which have an impact on competition in India and 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 being judgmental.



www.cuts-ccier.org/Competition_Distortions_India.htm

Future of Jobs in India

This quarterly dossier provides readers important information and trends on the topic through carefully selected news reports, articles, op-eds, reports and other relevant content. The need for this dossier has risen in the wake of challenges in jobless growth and imminent threat of increased automation and digitisation on job creation. Therefore, it is imperative for us to not only take stock of the situation but also act accordingly



<https://cuts-ccier.org/future-of-jobs-in-india-resources/>

NEWSLETTERS

Spotlight

Spotlight provides a snap analysis on topical policy issues of general interest, with the objective of keeping the readers informed and igniting conversation. It covers a wide and crosscutting range of subjects including competition law and policy, economic regulation, data governance, future of jobs, energy, and urban mobility, among others.

<https://cuts-ccier.org/spotlight/>

CUTS CCIER Activity Report

This quarterly report summarises major activities undertaken by the Centre during the period. It provides a quick overview of various operations of the Centre and corresponding outputs.



<https://cuts-ccier.org/ccier-activity-reports/>

E-FORUMS

Funcomp Forum

The forum serves as a platform to exchange and communicate news and views, focussing on Competition & Economic Regulation in India.

<https://groups.google.com/a/cuts.org/d/msgid/FunCompForum/>

CompetitionOnlineForum

The forum serves as a platform to exchange and communicate news and views on Competition & Economic Regulation at international level.

<https://groups.google.com/a/cuts.org/forum/>

WEBINARS

In 2020, CUTS International successfully organised a series of webinars that provided a dynamic, engaging and informative platform for discussions and deliberations by experts on topical and thought-provoking issues. A total of 50 webinars were held during April-December, 2020.

A complete list can be viewed at:
<https://cuts-international.org/PDF/CUTS-Webinars-apr-dec-2020.pdf>

For further information, please contact:

Ujjwal Kumar

Policy Analyst & Deputy Head, CUTS CCIER, ujk@cuts.org; 09199030799

Amol Kulkarni

Director Research, amk@cuts.org; 099296 42313

