



CUTS Centre for Competition, Investment & Economic Regulation

Publications Digest • 2021

*CUTS Centre for Competition, Investment & Economic Regulation
(CUTS CCIER) produces this document for informing the relevant
stakeholders its major publications in 2021*



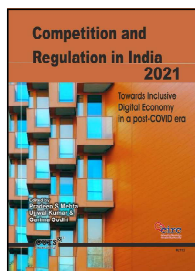
REPORTS

Competition and Regulation in India: Towards Inclusive Digital Economy in a post-COVID era

CUTS International and CUTS Institute for Regulation & Competition (CIRC) have been publishing India Competition and Regulation Report (ICRR) every second year since 2007. The eighth edition of the ICRR is dedicated to the digital economy with the theme of 'Towards Inclusive Digital in Economy a post-COVID era'.

The report contains the chapters on the Contours of Competition Policy in the Digital Economy; Artificial Intelligence and Tacit Algorithmic Collusions; Emerging Concerns about the E-Commerce Ecosystem in India in the Evolving Digital Economy; Enabling Universal Access to Health and Education using Digital Means in post-COVID India; Regulatory Challenges for Developing Countries in the Digital Space; and Evolution of Privacy Regime in India.

<https://cuts-ccier.org/icrr-2021/>

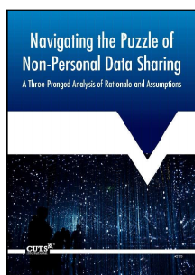


Navigating the Puzzle of Non-Personal Data Sharing: Three-Pronged Analysis of Rationale and Assumptions

CUTS conducted an extensive two-fold study on Examining Rational, Assumptions and Approaches to Non-Personal Data (NPD) Sharing, producing an extensive research output. This report has taken a three-pronged analytical approach (Baseline Scenario Assessment, Comparative Jurisdictional Analysis and Stakeholder Consultation).

Each of these perspectives presents a different form of analysis, the scenario assessment provides a secondary literature review, the comparative jurisdictional analysis provides assessment from 19 data sharing frameworks/policies/strategies, and more than thirty stakeholder consultations providing insights from national and international experts as well as industry representatives.

<https://cuts-ccier.org/pdf/report-navigating-the-puzzle-of-npd-sharing.pdf>

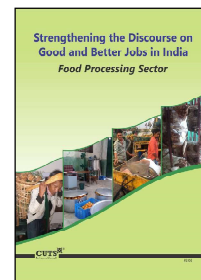


Strengthening the Discourse on Good and Better Jobs in India: Food Processing Sector

This Research Report provides examples and case studies to drive home the recommendations for addressing challenges obstructing the prospects of good and better jobs. These recommendations entail conceptual corrections around metrics of employment intensity, sectoral growth and productivity of manufacturing.

This report brings to fore the status of the indicators of Good & Better Jobs in select sectors of the Food Processing Industry, across five states, namely; Andhra Pradesh, Assam, Meghalaya, Punjab and West Bengal.

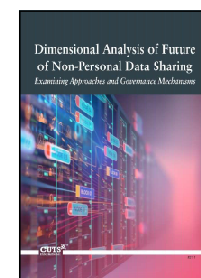
<https://cuts-ccier.org/pdf/report-food-processing-sector-in-india.pdf>



Dimensional Analysis of Future of Non-Personal Data Sharing: Examining Approaches and Governance Mechanisms

The Report specifically focuses on non-personal data (NPD) as the subject of its governance and sharing framework. In an attempt to provide clear distinctions between personal data and NPD, it states that any data, which is devoid of personally identifiable information will be covered within NPD, however, in cases where such data turns into identifiable data at any point, it will be covered under the Personal Data Protection Bill 2019 (PDP Bill).

<https://cuts-ccier.org/pdf/report-dimensional-analysis-of-future-of-npd-sharing.pdf>



Survey Findings: Understanding Consumers Perspective on Encryption

The study's primary objective is to bring forth a consumer perspective on secured communication services and End-to-End (E2E) Encryption. This was done by checking consumers: Awareness, perception, experience, and utility derived from using secured communication services; Exposure towards problematic content on E2E Encrypted services. Reaction with reference to usage of and trust on E2E Encrypted Instant Messaging Services, in case encryption, is removed.

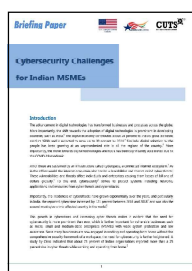
<https://cuts-ccier.org/pdf/survey-finding-understanding-consumers-perspective-on-encryption.pdf>



BRIEFS

Cybersecurity Challenges for Indian MSMEs

The advancement in digital technologies has transformed businesses and processes across the globe. More importantly, the shift towards adopting digital technologies is prominent in developing countries, such as India. The digital economy contributes about 14 percent to India's gross domestic product (GDP) and is expected to grow up to 20 percent by 2024. Similarly, digital adoption by the people has been growing at an unprecedented rate in all the country's regions. More importantly, the move towards digital technologies and tools has been significantly accelerated due to the COVID-19 pandemic.

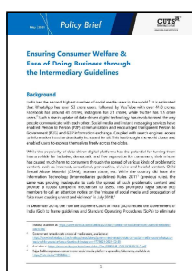


All of these are sustained by an infrastructure called cyberspace, a connected internet ecosystem. As in the offline world, the internet ecosystem also has its vulnerabilities and threats called cyber threats. These vulnerabilities and threats affect individuals and enterprises, causing them losses of billions of dollars globally. To this end, cybersecurity strives to protect systems, including networks, applications, and resources, from cyber threats and cyberattacks.

<https://cuts-crc.org/pdf/briefing-paper-cybersecurity-challenges-for-indian-msmes.pdf>

Ensuring Consumer Welfare & Ease of Doing Business through the Intermediary Guidelines

The Government of India recently notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT rules), by exercising its powers under Section 87 of the Information Technology Act (IT Act), which replace the previous rules of 2011. Significant changes have been made in the previous rules of 2011 and the proposed rules of 2018.



While it is vital to fix accountability in case of misuse of digital platforms, it is to be noted that safe harbour has been provided to intermediaries in instances of problematic content being posted

on their platforms, subject to specific due diligence requirements being met, since intermediaries are not the creators of content being posted on their platforms.

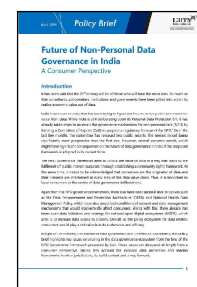
Accordingly, the rules need to be proportional and must consider consumer welfare and ease of doing business for intermediaries. In this light, it has been argued that notified rules of 2021, in pursuit of their valid regulatory objectives, risk doing more harm than good due to various lacunas prevalent in the rules.

These lacunas pertain to implementation challenges for intermediaries, thereby reducing their Ease of Doing Business (EoDB), and risks to consumer welfare on privacy, data protection, access to information, etc.

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

Future of Non-Personal Data Governance in India: A Consumer Perspective

This Policy Brief explores a range of issues from a consumer perspective concerning the NPD Governance Framework by the Committee of Experts released last year, along with other data initiatives and proposed policies. It sheds light on key challenges such as the nebulous framing of intended beneficiaries, privacy concerns; untested 'data trustees' model; weak framing of community and consumer-related harms; and insufficient engagement of regulators.



To address these challenges, the brief presents a comparative jurisdictional analysis to assess learnings from different countries that have taken different data governance approaches. Based on these learnings, the brief presents recommendations such as – “rights-based approach”; building mechanisms to facilitate granular and consumer-friendly architecture of consent; prescribing framework for the application of anonymisation techniques; nudges towards developing innovative privacy-enhancing technologies to address collective harms; and ensuring transparency and accountability in the regulatory process.

<https://cuts-ccier.org/pdf/policy-brief-future-of-npd-governance-in-india.pdf>

Small is the New Big: Lessons in Food Processing from Meghalaya

The food processing sector in India is receiving a renewed push, with the government recently approving an ₹10,900 crore Production Linked Incentive (PLI) Scheme. This move is expected to create 250,000 jobs and attract global investments over the next six years. However, there is a catch. To avail benefits of this scheme, an enterprise would require a minimum scale of operations and sales.

Thus, though the excitement amongst prominent entrepreneurs is palpable, the impact on MSMEs or household-based enterprises is negligible. Such a reaction is inevitable given that the total unincorporated enterprises in the sector are almost 62 times that of total registered enterprises, as per the latest Ministry of Food Processing Industries (MoFPI) Annual Report.

This Briefing Paper explores how enterprises focus on high-value-low-volume growth and the challenges they are facing along the way. It also provides a three-pronged strategy for addressing these challenges and making them big with economies of scope.

<https://cuts-ccier.org/pdf/briefing-paper-small-is-the-new-big.pdf>

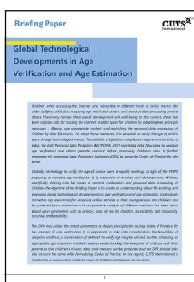


Global Technological Developments in Age Verification and Age Estimation

The Personal Data Protection Bill, 2019 (PDP Bill) mandates data fiduciaries to conduct age verification before processing children's data under Clause 16(2) of the PDP Bill. It further empowers the proposed Data Protection Authority (DPA) to prescribe Codes of Practice for the same, under Clauses 50(6)(h) and 94(2)(e) of the PDP Bill.

The objective of this Briefing Paper is to create an understanding of the existing and emerging global technological methods for age verification and estimation of users of digital technology-enabled services, so that young users and children can be protected from online harm. It entails a comparative analysis of different methods based on various consumer-facing parameters, such as privacy, ease of use, inclusivity, among others. The analysis is likely to be helpful for the DPA in designing principles for issuing Codes of Practice for the manner of age verification.

<https://cuts-ccier.org/pdf/bp-global-technological-developments-in-age-verification-and-age-estimation.pdf>



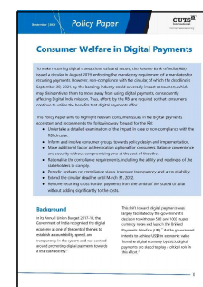
Consumer Welfare in Digital Payments

To make recurring digital transactions safe and secure, the Reserve Bank of India (RBI) issued a circular in August 2019, enforcing the mandatory requirement of e-mandates for recurring payments.

However, non-compliance with the circular, of which the deadline was September 30, 2021, by the banking industry could adversely impact consumers, which may disincentivise them to move away from using digital payments, consequently affecting Digital India's mission. Thus, efforts by the RBI are required so that consumers continue to utilise the benefits that digital payments offer.

This Policy Brief aims to highlight relevant consumer issues in the digital payments ecosystem and recommends the way forward for the RBI.

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



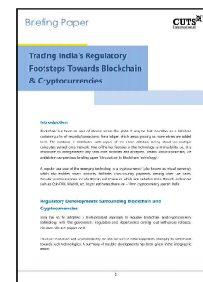
Tracing India's Regulatory Footsteps Towards Blockchain & Cryptocurrencies

In this Briefing Paper, CUTS discussed the regulatory developments surrounding blockchain and cryptocurrencies. Based on this discussion, some broad pros and cons/challenges of using blockchain and

cryptocurrency technology have been identified. The mentioned regulatory measures exhibit a lack of consideration to consumer/investor interests with respect to cryptocurrencies.

In the end, CUTS recommended that the government refer the 'Cryptocurrency and Regulation of Official Digital Currency Bill, 2021' to the Parliamentary committee before its passage, which may give recommendations after undertaking inclusive stakeholder consultations.

<https://cuts-ccier.org/pdf/briefing-paper-blockchain-and-cryptocurrency.pdf>



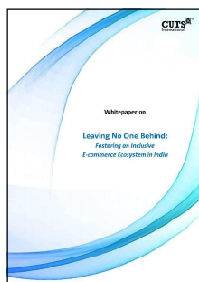
WHITE PAPERS

Leaving No One Behind: *Fostering an Inclusive E-commerce Ecosystem in India*

CUTS had undertaken the project to explore ways to foster an equitable and inclusive e-commerce ecosystem in India. Accordingly, the existing e-commerce ecosystem and the policy and regulatory landscape were examined in an evidence-based, decentralised, bottom-up, and inclusive manner.

This White Paper was prepared, highlighting the existing e-commerce ecosystem, priority elements and components that must be made inclusive and providing an actionable framework of recommendations to foster the same.

https://cuts-ccier.org/pdf/whitepaper-fostering_an_inclusive_e-commerce_ecosystem_in_india.pdf

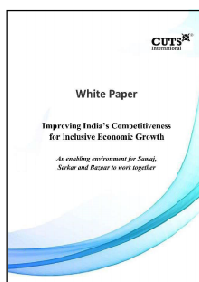
**Improving India's Competitiveness for Inclusive Economic Growth: *An enabling environment for Samaj, Sarkar and Bazaar to work together***

India has been strengthening the entire ecosystem through rapid structural reforms to achieve Prime Minister Modi's dream of becoming a US\$5tn economy by 2025. The government is simultaneously focusing on improving the quality, productivity and efficiency of Indian products to better compete in the global market.

Although the impact of COVID-19 has led the country into a state of demand depression with higher levels of unemployment, India is still in a position to achieve the required annual growth rate of 7.5 percent from exports subject to a greater degree of improved competitiveness from the industries sector.

This White Paper makes a thorough attempt to identify factors that determine the degree of competitiveness of Indian industries, promoting investment in intangible assets better intra and inter-sectoral cooperation at the firm level; ensuring fair competition; and modernisation of public institutions. The paper also attempts to recognise suitable solutions and policy recommendations to turn identified challenges into opportunities for ensuring improved competition of the industry sector.

<https://cuts-ccier.org/pdf/white-paper-cuts-webinar-on-improving-indias-competitiveness-for-inclusive-economic-growth.pdf>



DOSSIERS

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 2021, 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.

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

CUTS Centre for Competition,
Investment & Economic Regulation
CUTS C-CIER



D-217, Bhaskar Marg, Bani Park, Jaipur 302016, India
Ph: +91.141.2282821, Fx: +91.141.2282485, 2282733
E-mail: c-cier@cuts.org, Website: www.cuts-international.org

Also at Delhi, Calcutta and Chittorgarh (India); Lusaka (Zambia); Nairobi (Kenya); Accra (Ghana); Hanoi (Vietnam); Geneva (Switzerland) and Washington DC (USA).

