

CUTS CCIER ACTIVITIES REPORT



JANUARY-MARCH
2023

Competition and Big Tech



An International Conference on 'Competition and Big Tech' was jointly organised by CUTS International, BRICS Competition Law and Policy Centre, and CUTS Institute for Regulation & Competition (CIRC) with the support of the Competition Commission of India (CCI) at India International Centre, New Delhi on March 21, 2023.

The conference brought together leading experts, policymakers, and stakeholders worldwide to discuss emerging issues related to competition law across the BRICS nations. The key issues addressed were anti-competitive practices in the automobile markets and industry 4.0, an ecological approach to competition law in the new economy, and *ex-ante* rules and competition law for the digital economy.

Jayant Sinha, Chairman of the Standing Committee on Finance said that the digital competition bill would establish a comprehensive framework for the digital markets. As the economy grows, how we regulate and evaluate competition and address competitive gaps will be very important for the world, especially with regard to the digital economy.

He also stressed that regulators and policymakers must become very sophisticated to prevent the interlocking of markets and bundling and to tie to prevent a situation with a non-level playing field. As a result, the same few players win every market by tipping these markets.

Building capacities is a prerequisite for effective interventions in the markets. Therefore, regulators must equip themselves beforehand with the necessary skills and capacities to deal with market distortions in complex technology markets. Realising this, the CCI is already establishing and operationalising a digital market data unit, said Jyoti Jindgar Bhanot, Secretary (I/c), CCI.

The event was also graced by Suresh Prabhu, Founding Chancellor of Rishihood University; Andrey Tsyganov, Deputy Head of Federal Antimonopoly Service, Russia; Tembinkosi Bonakele, former Commissioner, South African Competition Commission; Payal Malik, Adviser (Economics Division), CCI; Augustine Peter, former Member, CCI, and Founder and Head, APRLP LAW; Pradeep S Mehta, Secretary General, CUTS International and Alexey Ivanov, Director, BRICS Competition Law & Policy Centre among other eminent experts.

Towards Good and Better Jobs in India *Budget 2023*



CUTS International organised a webinar on ‘Towards Good and Better Jobs in India: Budget 2023’ on March 17, 2023.

“Central government alone cannot address the issue of unemployment. The entire ecosystem, including Central and state governments, and private enterprises, are equally responsible for creating an ecosystem to provide quality employment,” experts discussed at the webinar organised under the project ‘Good and Better Jobs – II’, supported by Ford Foundation.

The experts further discussed that the issue of job creation should be understood on the parameters of employment and employability. They also highlighted the need to re-think Production Linked Incentive (PLI) schemes by making them applicable to labour-intensive sectors instead of capital-intensive ones.

Radhicka Kapoor, Senior Visiting Fellow, Indian Council for Research on International Economic Relations (ICRIER); Ajay Shankar, Chairman, TEMA Council on Industrial Policy; Virjesh Upadhyay, Director General, Dattopant Thengadi Foundation; Janaki Srinivasan, Associate Professor, International Institute of Information Technology Bangalore (IIIT-B); Gayathri Vasudevan, Co-Founder and CEO, LabourNet and Rituparna Chakraborty, Executive Director, Team Lease were in the Panel which Sushil Muhnot, Senior Advisor, CUTS International moderated. Pradeep S Mehta, Secretary General, CUTS International, delivered the welcome remarks.

<https://cuts-ccier.org/towards-good-and-better-jobs-in-india-budget-2023/>

Rajasthan Policy Dialogue on PM-KUSUM Components A and C



CUTS International organised the ‘Rajasthan Policy Dialogue on PM-KUSUM Components A and C’ in Jaipur on January 18, 2023. The event was a part of the project ‘Solarisation of Agriculture Feeders’ that aimed to develop a guidebook for state-level policymakers and agencies in the sustainable implementation of PM-KUSUM A and C (feeder-level solarisation).

The lack of a subsidy in KUSUM-A is the primary reason why the scheme has not been as successful as anticipated, said Anil Dhaka, Managing Director of Rajasthan Renewable Energy Corporation (RREC). He stressed that the Agriculture Infrastructure Fund must be utilised to bridge the financing gaps.

Himani Mehta, Assistant Director, Ministry of New & Renewable Energy, said there is considerable potential, and farmers across the country have shown interest. Still, credit must be given to Rajasthan,

which remains the front-runner with 63 MW of solar projects under component A and 1,100 solar-powered pumps under component C.

NK Gupta, Technical Manager, RREC; Deepti Mathur, Executive Engineer, Jaipur Vidyut Vitran Nigam Ltd.; Siddharth Goel, Senior Policy Advisor, International Institute for Sustainable Development; Florian Postel, Advisor GIZ India; Banwari Lal Singhoya, Assistant General Manager, State Bank of India; Kritika Kumar, Energy Advisor, GIZ India; Om Prakash Pareek, Founder, Hanuman Gram Vikas Samiti and Sushil Muhnot, Advisor, CUTS International were other eminent speakers in the event.

<https://cuts-ccier.org/rajasthan-policy-dialogue-on-pm-kusum-component-a-and-component-c/>

CUTS International participated as a community partner in a Roundtable Discussion on ‘Exploring User Verification’ organised by MediaNama in New Delhi, on March 23, 2023. The event discussed a possible framework for integrating proportionality in anonymity and verification – exploring a spectrum for how verification can be rolled out.

The objective was to identify - the room for anonymity (and understanding what role anonymity plays in privacy); the correlation (or lack thereof) between verification, identification and the prevention of harms, including spam and fraud; the effectiveness (or lack of) of existing verification norms such as Telecom KYC, CNAPs; a framework for gradation of identification, from anonymity to pseudonymity, verification and identification; technical challenges with verification, traceability and identification; and privacy risks of verification, traceability and identification.

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Amol Kulkarni, Director- Research, CUTS International; Anand Venkatnarayan, Cybersecurity Researcher and Co-Founder, DeepStrat; Beni Chugh, Research Manager, Dvara Research; Jhalak Kakkar, Executive Director, Centre for Communication Governance, NLU Delhi; Lalit Panda, Senior Resident Fellow, Vidhi Centre for Legal Policy; Pallavi Bedi, Senior Researcher, Centre for Internet and Society; Pranesh Prakash, Co-Founder, Centre for Internet and Society; Prasanna S., Advocate; Renuka Sane, Research Director, TrustBridge; Varun Sen Bahl, Public Policy Professional; Vijayant Singh, Principal Associate, Ikigai Law; and Vrinda Bhandari, Advocate were eminent experts.

<https://www.medianama.com/2023/04/223-event-report-anonymity-user-verification-23rd-march-2023-delhi-nama/>



CUTS Comments on

TRAI Consultation Paper on Introduction of Calling Name Presentation in Telecommunication Networks

The Telecom Regulatory Authority of India (TRAI) invited comments and counter comments on a Consultation Paper on Introduction of Calling Name Presentation (CNAP) in Telecommunication Networks.

To examine the potential effects on the consumers, CUTS International undertook a study and engaged with various consumer groups across the country. It made recommendations, including conducting a Regulatory Impact Assessment (RIA), addressing issues with mandatorily displaying consumers' names, considering the integrity of names provided in KYC information self-declared by the consumers, and obtaining effective and informed consent of consumers, among others.

CUTS International and other consumer groups also submitted an open letter to TRAI, highlighting consumer perspectives and concerns.

Comments: <https://cuts-ccier.org/pdf/comments-on-the-trai-cnape-consultation-paper.pdf>

Counter Comments: <https://cuts-ccier.org/pdf/counter-comments-on-trai-cnape.pdf>

Open Letter: <https://cuts-ccier.org/pdf/letter-to-trai-on-cnape.pdf>

Draft Amendments to IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 about Online Gaming

The Ministry of Electronics and Information Technology (MeitY) invited comments and suggestions on the draft amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

CUTS International submitted its comments on proposed amendments while highlighting unaddressed concerns in other parts of the IT Rules 2021. It engaged with various consumer groups nationwide to examine its potential effects on consumers.

Recommendations are as follows:

- Need to adopt RIA Mechanisms, pro-active engagement between the Centre and State, and adherence to robust public consultation and feedback mechanisms.
- The grievance redressal mechanism needs to be simplified, and a three-step mechanism emphasising more importance on access and ease of usage, awareness, and reducing information asymmetry needs to be placed.
- Requirement of clarified and detailed definition clause for cash or kind, as it can be expanded into various meanings of in kind.
- For transparency in provisions, The online gaming intermediaries (OGIs) should provide the information to consumers through innovative dashboards, flash messages, periodic emails and WhatsApp messages, which can be read or heard.
- Self-regulatory Bodies (SRBs) should be required to promote responsible play and develop frameworks and guiding principles for harm, including self-harm.

<https://cuts-ccier.org/pdf/comments-to-meity-for-amendments-to-it-rules-2021.pdf>



Draft Digital Personal Data Protection Bill, 2022

CUTS International submitted comments and clause-by-clause recommendations in response to the MeitY invitation to comment on the draft Digital Personal Data Protection Bill 2022.

A summary of CUTS' recommendations and proposed changes are as follows:

- Procedural safeguards, such as an equal opportunity to be heard, reasoned orders and signing off on rules by senior executives and judicial officials, should be incorporated into the law to ensure accountability and transparency.
- Before prescribing territories where personal data can be transferred and/or disallowed to transfer, the Central Government should undertake a Cost-Benefit Analysis (CBA) in consultation with the Board.
- The principle of upholding the privacy of public officials should not trump transparency as this may lead to them being non-accountable as required under the provisions of the Right to Information Act.
- Given the Data Protection Board of India has adjudicatory functions, the composition of the Board should include former judges.
- A principle-driven rule-making process should be added to the Bill where mandatory public consultations, CBA, and transparent and accountable processes must be followed.
- A separate provision should be inserted in the Bill for creating a Data Protection Fund, which the data protection board should manage.

https://cuts-ccier.org/pdf/cuts_comments_on_the_digital_personal_data_protection_bill-2022.pdf

SEBI Consultation Paper on Strengthening Investor Grievance Redressal by Harnessing ODR Mechanisms

The Securities and Exchange Board of India (SEBI) invited comments on its Consultation Paper on Strengthening Investor Grievance Redressal Mechanisms in the Indian Securities Market by harnessing Online Dispute Resolution mechanisms (ODR).

CUTS International provided some key suggestions, among others:

- SEBI must release data to support its claims that existing investor grievance redress and dispute resolution mechanisms of stock exchanges, commodity exchanges, and depositories are effective.
- It should adopt a RIA framework to identify the problem, specify intended objectives, design different options to achieve them, compare expected costs and propose a preferred option.
- It will be useful to identify and address difficulties faced by consumers in using the online complaint mode.
- Publication of statistics and status of matters, disposals, feedback received, time taken for resolution, penalties imposed and collected, and specific performance ordered and complied with, among others, should be done frequently.

<https://cuts-ccier.org/pdf/comments-on-sebi-cp-on-odr-for-investor-grievance-redress.pdf>



Publications

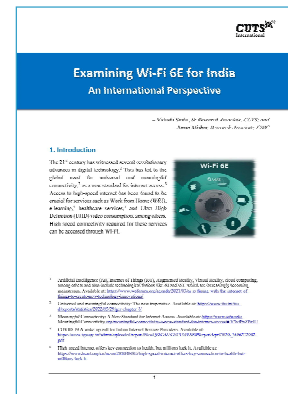
Research Report

Examining Wi-Fi 6E for India *An International Perspective*

Wi-Fi provides high-speed connectivity across different use cases and is essential for the new universal and meaningful connectivity standard. While in India, Wi-Fi primarily operates on the 2.4 GHz and 5 GHz bands, several countries have also started making the 6 GHz band available for license-exempt use in their jurisdictions paving the way for Wi-Fi 6E.

This Report highlights some of the factors these countries consider while making the 6 GHz band available and presents the suitability of license-exempt use of 6 GHz in the Indian context.

<https://cuts-ccier.org/pdf/research-report-examining-wi-fi-6e-for-india.pdf>



Representations

- **Ujjwal Kumar** was one of the speakers in a Roundtable Discussion on Activities of Antimonopoly Authorities in Socially Significant Food Markets in Modern Conditions organised by Federal Antimonopoly Service in Kazan, Russia, on March 30, 2023.
- **Akash Sharma** and **Animesh Kumar Tiwary** participated in the 4th Annual Electric Mobility Workshop organised by Shakti Sustainable Energy Foundation in Jaipur on March 23-24, 2023.
- **Sushil Muhnot** moderated a session on Managing Financial Risks in Trade at the Financial Express SME Exports Summit 2023 in New Delhi on February 24, 2023.
- **Akash Sharma** participated in the Roundtable Dialogue on Fulfilling the Promise of Solar Irrigation in India, organised by the International Institute for Sustainable Development in New Delhi, on February 23, 2023.
- **Amol Kulkarni** was one of the speakers at the Conference on Consumer Protection and Grievance Redress organised by the National Institute of Public Finance and Policy in Dharamsala on February 10-11, 2023.
- **Neelanjana Sharma** was one of the speakers at an event on Impact of Draft Online Gaming Rules organised by MediaNama in New Delhi on January 13, 2023.



Advocacy through Media

Why do all not seem hunky-dory with the latest Competition Amendment Bill?

Moneycontrol, March 31, 2023

By Pradeep S Mehta

The Competition (Amendment) Bill 2022 seeks to revamp the two-decade-old competition law of India. While reforming old, outdated provisions is a much-welcome step, certain new ones have been introduced out of the blue. The provision which empowers the CCI to penalise entities based on their global turnover is an unprecedented unwelcome 'wild card entry', which will prove to be an investment dampener.

<https://cuts-ccier.org/why-does-all-not-seem-hunky-dory-with-the-latest-competition-amendment-bill/>

In pursuit of modern governance and a regulatory framework

Communications Today, February 21, 2023

By Amol Kulkarni

Across the world, the communications sector is experiencing unprecedented churning, and India is no exception. Innovations in technology, data usage, artificial intelligence (AI), growing internet coverage, integration of commerce and payments with communications, have unlocked use cases and opportunities hitherto unheard of.

<https://cuts-ccier.org/in-pursuit-of-modern-governance-and-a-regulatory-framework/>

Cyber security: India must update digital infrastructure, legal framework

Policy Circle February 14, 2023

By Krishaank Jugiani

Senior cyber group partners of the Quad met in New Delhi recently and agreed to enhance cyber security based on commonly established practices. With rapid digitalisation, it is imperative to develop robust internal cyber security frameworks to protect India's cyberspace. Therefore, India needs to develop an effective cyber security regime coupled with wide immersion across the board so that digitalisation does not suffer from the vicissitudes of cyber-attacks.

<https://cuts-ccier.org/cyber-security-india-must-update-digital-infrastructure-legal-framework/>

Budget 2023: India needs to dial up its regulators

The Economic Times, January 29, 2023

By Vijay L Kelkar and Pradeep S Mehta

As the annual budget announcement draws near, it is an excellent time to look towards India's future. For India to showcase its standard of economic governance, regulatory authorities will need to become world-class. To achieve that, regulatory bodies should be genuinely independent and work efficiently. Currently, these sectoral regulators are only partially independent for various reasons.

<https://cuts-ccier.org/budget-2023-india-needs-to-dial-up-its-regulators/>

IT Rules changes need a careful relook

Financial Express, January 24, 2023

By Pradeep S Mehta and Neelanjana Sharma

The MeitY recently released draft amendments to the IT Rules 2021 to regulate online gaming. The draft amendments rightly adopt a novel co-regulatory approach. It is critical to ensure that this approach works in the favour of all stakeholders. To this end, the draft amendments warrant scrupulous evaluation from a consumer perspective.

<https://cuts-ccier.org/it-rules-changes-need-a-careful-relook/>



Advocacy through Media

The budget must promote competition, policy convergence

Policy Circle, January 17, 2023

By Pradeep S Mehta and Bipul Chatterjee

The upcoming Union Budget 2022-23 allows the government to put India on a definitive sustainable development trajectory amid rising global uncertainties, falling incomes, and widening inequalities. It should reflect on the government's initiatives in the past decade and institutionalise learnings for making consistent decisions from now on. CUTS International has summarised those learnings into 4Cs: enhancing competition, promoting convergence, facilitating competitiveness, and reducing costs.

<https://cuts-ccier.org/budget-must-promote-competition-policy-convergence/>

Should TRAI mandate caller ID?

Financial Express, January 17, 2023

By Pradeep S Mehta

Late last year, India's telecom regulator, the Telecom Regulatory Authority of India (TRAI), issued a consultation paper proposing the mandatory display of the caller's name on the recipient's device, even if the name is not stored in the latter's contact list. The idea is to empower consumers to make informed decisions while receiving calls and reduce harassment and harm from unsolicited, spam, bot, and fraudulent callers. Consumers may be able to identify the callers (by having access to their names and not just their number) before picking up the calls.

<https://cuts-ccier.org/should-trai-mandate-caller-id/>

Getting the ESG framework right

Financial Express, January 04, 2023

By Pradeep S Mehta and Tanya Goyal

Looking beyond 2022, the need to disclose and quantify social risks as part of any Environmental, Social, and Governance (ESG) framework is becoming increasingly important. Given the social inequities and the pressing need for an equitable transition to a more sustainable economy, companies must quantify the 'S', i.e., social, in their ESG approaches. However, this cannot be achieved in isolation. Companies must evaluate their roles to take the movement ahead.

<https://cuts-ccier.org/getting-the-esg-framework-right/>