CUTS CCIER ACTIVITIES REPORT



OCTOBER-DECEMBER 2020

Access to Healthcare and Competition

"Access to Healthcare and Competition" on December 16, 2020. This session was a part of the Twenty-third Sustainable Development Conference (SDC) organised by Sustainable Development Policy Institute (SDPI) during December 14-17, 2020.

The session was chaired and moderated by Pradeep S Mehta, Secretary General, CUTS International. He remarked that 'Concerned with the rejection of the India and South Africa's proposal on waiver of IPRs on COVID-19 vaccine in the recent WTO TRIPs council meeting, the global civil society should take lead in pressing for a second version of the Doha Declaration on TRIPs and Public Health to deal with the emergency.'

Hardin Ratshasisu, Deputy Commissioner, South African Competition Commission and Teresa Moreira, Head, Competition and Consumer Policies Branch, UNCTAD also pointed out that good healthcare is a part of Goal-3 of the Sustainable Development Goals, 2030 agreed to by the international community. Thus, all stakeholders must converge on achieving the same with the least hurdles and lowest cost.

Allan Asher, Chair, Foundation for Effective Markets and Governance (FEMAG), Australia pointed out that incorporating 'TRIPs Flexibilities' may not be effective in the present-day world with a plethora of 'TRIPs-Plus' bilateral trade agreements, which can hinder access to the relevant know-how at affordable costs.

Joseph Wilson, former Chairman, Competition Commission of Pakistan *inter alia* made a very



relevant point that the Right to Healthcare has been interpreted by courts under the Right to Life & Liberty guaranteed as a fundamental right of most constitutions in the world. "Therefore, we need to evaluate all legal barriers to the achievement of this right".

Abid Suleri, Executive Director, SDPI welcomed all the distinguished speakers and also delivered a vote of thanks.

The panel also discussed various other anticompetitive practices prevailing in the health
and pharmaceutical sectors, which include
'pay for delay', excessive pricing,
evergreening, horizontal and vertical
restraints, entry barriers, etc. These have
been described in detail in the Toolkit on
Healthcare and Competition (www.cutsgeneva.org/pdf/KP2020-RRNWCD_Toolkit_Healthcare_and_Competition.pdf)
prepared and released by CUTS International
and CUTS Institute for Regulation &
Competition (CIRC).

https://cuts-ccier.org/we-need-a-2nd-declaration-on-wto-trips-and-public-health-2/

Boosting Green Economy Is E-mobility the way forward in Rajasthan?

UTS International and FES India organised a webinar on "Boosting Green Economy: Is E-mobility the way forward in Rajasthan?" on December 10, 2020.

While delivering the keynote address, Ravi Jain,

Secretary and Transport Commissioner, Government of Rajasthan, pointed out that the Rajasthan government will soon be rolling out its Electric Vehicle policy, as part of its initiative to curb vehicular emission in the state.

The webinar was organised to launch the report of a CUTS study entitled 'Exploring the impact of Jobs Ecosystem: A case study of Jaipur, Rajasthan' (https://cuts-ccier.org/pdf/Impact_of_E-

mobility_Transitions_on_Jobs_A_case_study_of_Jaipur-Rajasthan.pdf) implemented with support from FES India.



Mehta and Mandvi Kulshreshtha, Programme Adviser – Economy of Tomorrow, FES India delivered introductory remarks. The session was moderated by Sarthak Shukla, Assistant Policy

Analyst, CUTS International and summarised by Ujjwal Kumar, Policy Analyst, CUTS International.

Anumita Roy Chowdhury, Executive Director, Policy and Advocacy, Centre for Science and Environment; Arindam Lahiri, Chief Executive Officer, Automotive Skills Development Council; Aditya Ramji, Senior Manager – Economist, Mahindra and Mahindra Limited and Ruchir Shukla, Director – Electric Mobility, Shakti Sustainable Energy Foundation (SSEF) were the esteemed speakers.

www.youtube.com/ watch?v=tOqedzdL79U&feature=youtu.be

Transforming Power Distribution Consumers, Governance & Technology

UTS International and Bask Research Foundation organised a webinar on "Transforming Power Distribution: Consumers, Governance & Technology" on November 26, 2020, which saw the participation of over 70 people.



The webinar was organised as the closing event for the project entitled 'Capacity Building of Electricity Consumers in Rajasthan' implemented by CUTS International and Bask Research Foundation with support from the SSEF.

While delivering the welcome remarks, Mehta emphasised that the power sector reforms must be shaped by the political and socio-economic context of individual

States. He opined that there is no one-size-fits-all framework; thus, the reforms should be tailored according to the local needs and challenges.

Arvind Mayaram, Economic Adviser to Chief Minister and Vice-Chairman, CM's Rajasthan Economic Transformation Advisory Council, delivered the keynote address wherein he reflected that the biggest grievance of a consumer is the lack of adequate and quality power. Hence, it is important to empower consumers and make them aware of their rights and responsibilities.

The session was moderated by Simran Grover, CEO, Bask Research Foundation and Geeta Gouri, Former Member, Competition Commission of India; Anoop Singh, Professor, Indian Institute of Technology Kanpur; Rahul Tongia, Senior Fellow, Centre for Social and Economic Progress and G.Ganesh Das, Head – Collaborations, Innovations and R&D, TATA Power DDL were speakers.

www.youtube.com/watch?v=UJKvDxUhkGM&feature=youtu.be

Women and Technology Gender Equality in the Digital Ecosystem

playing a critical role within various sectors, and its influence is likely to increase in the coming times with rapid digitalisation. Especially, during the COVID times, it has become the means for providing essential services such as healthcare



and education. However, accessibility of such services, to all the masses is still a challenge, specifically for women owing to the digital gender divide. Along with this, there also exist rampant cybersecurity concerns for women.

To deliberate on these very important issues and to further the discourse on the policy brief published by CUTS on the same issue, CUTS International in collaboration with Cyber Saathi organised an online panel discussion.

Mia Mikic, Director, Trade, Investment and Innovation Division, United Nations Economic and Social Commission for the Asia and Pacific (UNESCAP) emphasised that there is a need to dispel myths around the incapacity of women to stand up for themselves by bringing in a woman as an influencer in the policymaking process.

Reema Nanavaty, Head, Self-Employed Women's Association of India suggested that

policymakers should listen and learn from how women are using technology in different sectors to find livelihood opportunities.

Anja Kovacs, Director, Internet Democracy Project pointed out that privacy should not be looked as a responsibility but as a

right. For this, we should look beyond data as a resource and should explore linkages between data, bodies and identities.

Bishakha Datta, Executive Director, Point of View suggested re-configure the gender dynamics to make access to online spaces unconditional for women through thinking about it dually in the context of both patriarchy and gender roles.

N.S Nappinai, Supreme Court Advocate and founder, Cyber Saathi noted that in cases on cybercrimes against women it is the victim who ends up being alone and stigmatised rather than the perpetrator. She suggested to have precise laws in place along with effective enforcement.

www.youtube.com/ watch?v=QYtGWWpx9vY&feature=youtu.be

Human Capital Innovation India's Roadmap for Dignified Economic Growth

UTS International organised a webinar on "Human Capital Innovation: India's Roadmap for Dignified Economic Growth" on October 20, 2020.

The objective of this webinar was to bring together perspectives from the industry, worker-community and academia to deliberate on the roadmap for reimagining workers as 'human capital' rather than 'cost of production'.

While giving introductory remarks, Mehta remarked that the productivity of human capital is directly proportional to its well-

being. The capacity of human capital including its social, political and economic well-being act as a major driving factor in the growth of an enterprise and economy as a whole.

Virjesh Upadhyay, General Secretary, Bhartiya Majdoor Sangh; Sumita Ghose, Founder and Managing Director, Rangsutra; Rituparna Chakraborty, Co-Founder and Executive Vice President, TeamLease; Bharat Wakhlu, Founder and President, The Wakhlu Advisory and Sanjay Srivastava, Business Thought Leader and Strategic Advisor were the eminent speakers.



Memorandum to the Hon'ble Finance Minister of India

Suggestions for the Budget 2021-22

The COVID-19 pandemic has had a significant adverse impact on the Indian growth trajectory, exposing several fault lines in the country's economic and social development model. While the government has taken multiple steps to re-ignite growth, through its 'Atmanirbhar Bharat' package, the Budget 2021-22 provides a perfect opportunity to lay a strong foundation to enable sustainable and inclusive progress of the nation.

To this end, CUTS International calls for the following actions under the forthcoming budget:

- (i) Adopt and implement the National Competition Policy of India to correct and prevent competition distortionary policies.
- (ii) Institutionalise Regulatory Impact Assessment with decent income generation as a key objective in policy design and review.
- (iii) Empower and capacitate the third tier of governance to partner with the private sector for innovations in the design of social services.
- (iv) Facilitate the creation of high quality and reliable digital infrastructure for efficient and inclusive delivery and consumption of social services, and prevent exclusion.
- (v) Ensure convergence between trade and sector-specific policies through and industrial strategy, incentivise performance and implementation and disincentivise non-performance.
- (vi) Invest in health infrastructure in North East India.
- (vii) Incentivising pharmaceutical units in India and developing it as a supplier of Active Pharmaceutical Ingredient to the BBIN neighbours.

https://cuts-ccier.org/pdf/suggestions-on-budget-2021-22.pdf



CUTS Comments' Submission

Draft RERC (Consumer Grievance Redressal Forum, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020

In response to the public notification released on November 17, 2020, by the Rajasthan Electricity Regulatory Commission (RERC), CUTS International submitted its comments. These comments were framed based on the inputs received over the past few years through the Consumer Advocacy Cells (CONASC) being operated as part of a project, "Capacity Building of Electricity Consumers in Rajasthan (CBEC)". This document lists out the chapter-wise comments as well as some general suggestions for the due consideration of the Commission.

https://cuts-ccier.org/pdf/cuts-comments-on-rerc-draft-cgrf-and-ombudsman-regulation.pdf

Ministry of Electronics & Information Technology (e-Governance Division) on Draft Data Centre Policy, 2020

The foresight on having a policy on Data Centres is a welcome step. While the policy does well on several aspects, such as: declaring data centres as an essential service and providing Infrastructure Status to the Data Centre Sector, CUTS submission brings forth a few lacunas in the policy, which was highlighted in the submission. CUTS also highlighted the issues missed in the draft policy, such as Law Enforcement Access and Cyber Security.

https://cuts-ccier.org/pdf/comments-for-ministry-of-electronics-and-information-technology-on-draft-data-centre-policy-2020.pdf

NITI Aayog on Discussion Draft of Data Empowerment and Protection Architecture, 2020

The strategic foresight on having an architecture on data empowerment of consumers is a progressive step in which India can lead by example. The architecture shows the potential for a policy transfer for emerging economies around the world. While the policy goes into detail on several aspects, such as the need for India to have an evolvable regulatory, institutional, and, technological framework for data sharing, CUTS submission brings forth a few lacunas in the policy, which was highlighted in the submission. CUTS also highlighted the issues missed in the draft architecture such as: Opting out of sharing data to everyone and the Role of Data Protection Authority.

https://cuts-ccier.org/pdf/comments-for-niti-aayog-on-discussion-draft-of-data-empowerment-and-protection-architecture-2020.pdf



Publications

Report

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 has also been 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. Therefore, it may lead to the creation of a novel job ecosystem.



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 EV 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



Bill Blow-ups

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, which was largely untouched since the

liberalisation spree that began in 1991, though every political party pledged reforms to help our farmers. Alas, the current action has led to some controversies about the reforms which are due to a lack of understanding on the part of all stakeholders, including the government.

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

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



Policy Brief

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



CBEC 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, 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

Inder 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

Lectricity 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



Representations

- Aman Raj participated in a webinar titled "Financing the Great Indian Energy Transition: Market Regulations, State Policies and International Financial Institutions Determining Access to Capital", organised by IIT Madras and Centre for Financial Accountability, on December 16, 2020.
- Shubhangi Heda and Setu Bandh Upadhyay attended a virtual roundtable discussion on "Platforms & Digital Markets Regulation: In Search of New Principles" organised by the Digital Markets Competition Forum, Copenhagen Business School on December 04, 2020.
- Trinayani Sen attended a webinar on "Advancing EV Charging in India with Interoperability" organised by the Council on Energy, Environment and Water - Centre for Energy Finance (CEEW-CEF) and eDRV on November 25, 2020.
- Sidharth Narayan and Setu Bandh Upadhyay attended a virtual Stakeholder Consultation on "Securing India's Cyberspace: Role of Encryption" organised by The Dialogue and Nullcon on November 20, 2020.
- Trinayani Sen and Aman Raj attended a
 webinar titled "Scaling local value-addition
 and jobs from EV manufacturing in India",
 organised by The Council on Energy,
 Environment and Water and the Shakti SSEF,
 on November 09, 2020.

- Sidharth Narayan attended a webinar titled "5G: Building a US-India Ecosystem", organised by the US India Business Council (USIBC), on October 22, 2020.
- Aman Raj attended a webinar entitled "Promoting Renewable Energy: The Role of Digitalisation, Flexible Resources and Innovative Service Models", organised by USIBC on October 22, 2020.
- Kapil Gupta attended a webinar entitled 'Artificial Intelligence and Agriculture', organised by USIBC, on October 21, 2020.
- Pragya Singh attended a webinar organised by UNESCAP and EIF High-Level Forum on Empowering Women to Join Global Value Chains through Ecommerce: Experience in South Asia in COVID-19 Context on October 20, 2020. She also attended a conference on Intergovernmental Group of Experts on Ecommerce and the Digital Economy, Fourth session organised by UNCTAD from October 14-16, 2020.
- Ujjwal Kumar moderated a Webinar "ePharmacy: Digitally Empowering Consumers & Small Businesses" organised by the Internet and Mobile Association of India on October 14, 2020

Advocacy through Media

Adopt an offensive strategy for key economic decisions

Livemint, December 24, 2020

By Pradeep S Mehta

If Nobel laureates like Richard Thaler cautioned us against seeking confirmation of our biases, leaders like Barack Obama have shown us how to get around these challenges.

https://www.livemint.com/opinion/online-views/adopt-an-offensive-strategy-for-key-economic-decisions-11608825978628.html

Addressing the Eclipse over Sunrise Sectors in India

The Economic Times, December 20, 2020

By Pradeep S. Mehta and Sarthak Shukla

"We are furthering Government's agenda by bringing hundreds of jobs here, despite which we are not getting the promised subsidy benefits on time", said the owner of a biscuit manufacturing plant in North East Mega Food Park in Nalbari, Assam. He said this when asked about the main challenges faced by their enterprise, during our field visit for the study on Good and Better Jobs in India.

https://cuts-ccier.org/addressing-the-eclipseover-sunrise-sectors-in-india/

Agro reforms in India: how can they be game changer for our farmers

The Edition, December 09, 2020

By Pradeep S. Mehta

Our farmers sell potatoes at ₹5 per kg. We, the consumers, buy them at ₹40 per kg. However, the recently adopted reform measures will help our farmers get better prices, while consumers will have enhanced affordability.

https://cuts-ccier.org/agro-reforms-in-indiahow-can-they-be-game-changer-for-ourfarmers/

The difficulty of decoding business incentive schemes

Live Mint, November 19, 2020

By Pradeep S. Mehta

In her bestseller The Code of Capital, Katharina Pistor postulates how law creates wealth and inequality and stays firmly in the service of capital. Illusion, scarcity and complexity are deliberately coded around ownership, transfer, and the utilisation of ordinary assets.

https://cuts-ccier.org/the-difficulty-of-decoding-business-incentive-schemes/

COVID and China: The 'C-factors' in India's Road to 'Atmanirbharta'

The Economic Times, November 16, 2020

By Shakti Sinha and Sarthak Shukla

In the early 1980s, Deng Xiaoping, China's paramount leader of the time, predicted the future of Asia's growth story using a metaphor. He compared Asia's growth to a jet plane which was about to take off, with China and India being its two engines. Almost 40 years later, the two engines are unable to cooperate, let alone take a flight together.

https://cuts-ccier.org/covid-and-china-the-c-factors-in-indias-road-to-atmanirbharta/

Boost economy beyond Economics 101

The Economic Times, November 11, 2020

By Pradeep Mehta and Sarthak Shukla

As a society, we owe it to over salves that each segment of us is treated with dignity and given opportunities to succeed. Thus, it is upon all of us to change our arrangement with political and economic stakeholders and change it from being a compromising one to a collaborative one. The COVID has allowed us to bring humans to the centre of economic growth, for the larger benefit of humanity.

https://economictimes.indiatimes.com/news/economy/indicators/view-boost-economy-beyond-economics-101/articleshow/79152413.cms

Bitter Pill: India's ePharmacies are shackled by regulatory inertia

The Economic Times, October 31, 2020

By Sidharth Narayan and Udai S Mehta

The words of Ajit Pai, Chairman, Federal Communications Commission, United States of America, "Entrepreneurs are constantly developing new technologies and services; but too often, they're unable to bring them quickly to market for consumers because regulatory inertia stands in the way", appear to be quite apt for the ePharmacy industry in India. Projections estimate that ePharmacies in India will tap about 70 million households by 2025. Its market in India is expected to reach US\$3.6bn by 2022, from US\$512mn in 2018.

https://cuts-ccier.org/bitter-pill-indias-epharmacies-are-shackled-by-regulatory-inertia/

Did encryption fail Bollywood?

The Page One Asia, October 28, 2020

By Udai S Mehta

The leaked WhatsApp chats of Bollywood celebrities have amassed a lot many eyeballs. As the Narcotics Control Bureau (NCB) investigates alleged drug use by celebrities, one must also investigate any possible violation of the fundamental right to privacy occurring with the leaking of their end to end (E2E) encrypted chats, as the same may dent users trust in encrypted communication services.

https://cuts-ccier.org/did-encryption-fail-bollywood/

Indian telecom sector: Past and future

Communications Today, October 28, 2020

By Pradeep S. Mehta

India, is the second-largest market in the world, a critical economic multiplier that cuts across all sections of the society, and amongst the most competitive and challenging businesses in the economy. For the businesses, it entails massive infrastructure comprising of towers across the wide landscape and brutal competition to acquire millions of subscribers.

https://cuts-ccier.org/perspectiveindian-telecom-sector-past-and-future/

Labour reform in India: How can recent laws enable dignified economic growth?

Economic Times, October 22, 2020

By Pradeep S. Mehta

"We (the workers) understand that industrial development is important, not just for the economy of the country but also for our individual growth. We just need a system where we are treated as contributors to that growth and not merely the beneficiaries of it", says a textile worker in Surat on being asked about his perception of employer-employee relations in the light of recently passed labour codes.

https://cuts-ccier.org/labour-reform-in-india/

Are state EV policies hitting the bulls-eye or missing the targets?

ET Energy World, October 19, 2020

By Udai S Mehta and Trinayani Sen

Focussed government approach coupled with coordination among the efforts at the city, state and central level as well as industry and the civil society is the key for converting the policy misses into hits.

https://cuts-ccier.org/are-state-evpolicies-hitting-the-bulls-eye-ormissing-the-targets/