

**Panel Discussion on
“The Political Economy of Regulation in India:
Impact on Investments and Economic Growth”**

and Release of the Report

“Competition & Regulation in India, 2011”

December 26, 2012, New Delhi

A BRIEF REPORT

Background

A Panel discussion on “The Political Economy of Regulation in India: Impact on Investments and Economic Growth” was organized by CUTS International in association with CUTS Institute of Regulation & Competition (CIRC), at the India International Centre, New Delhi on December 26, 2012 with an objective of analysing the impact of economic regulation on investments and economic growth. (Refer to Annexure I for the Agenda)

The panel discussion was chaired by Mr. Ashok Chawla, Chairman, Competition Commission of India and moderated by Pradeep S Mehta, Secretary General of CUTS International. It comprised of distinguished panellists such as Ashok Lavasa, Additional Secretary, Ministry of Power; Dhanendra Kumar, Principal Advisor, Indian Institute of Corporate Affairs (IICA); Pronab Sen, Country Director, International Growth Centre and Rajat Kathuria, Director & Chief Executive, Indian Council for Research on International Economic Relations (ICRIER).

The said discussion also set the stage for release of a report as part of a CUTS project India Competition and Regulation Report (ICRR) titled ‘Competition & Regulation in India, 2011’ by Mr. Ashok Chawla. The report takes stock of competition and regulatory issues across various sectors in the country and comes out with recommendations about the way forward as to what still needs to be done.

Mr. Mehta welcomed all the panellists and the guests (*Refer to Annexure II for the List of Participants*), introduced all the panellists to the guests. Mehta mentioned that the ICRR project (03rd cycle) was supported by the Royal Norwegian Embassy (RNE) and the project was implemented in partnership with the Norwegian School of Management (BI). This was followed by a brief introduction and history of ICRR. Mr. Mehta started with “Re-Regulation” as a concept and practice and briefly spoke about the need to establish common regulators for cognate sectors, such as energy, finance, etc and the issues dealt within the report such as quality of regulation, reducing regulatory complexities, interdepartmental co-ordination, political interference in regulation, overlap between the competition authority and sectoral regulators and on reducing legislative ambiguities, awareness among consumers and other stakeholder groups in all the studied sectors, i.e. Micro Finance Institutions, Natural Gas, Real Estate Sector, Retail Distribution, Passenger Road Transport and Telecommunications apart from cross-sectoral issues such as Political Economy of Regulation and Essential Facilities Doctrine.

Mr. Ashok Chawla, upon release of the ICRR Book, congratulated CUTS and CIRC for the publication of ICRR-2011. He appreciated the efforts taken by CUTS and CIRC to analyse the issues of competition and regulations in India and said it is a good idea to come out with the report every two years (ICRR 2007 and 2009 reports) instead of every year since this provides the scope to cover wide range of issues. He acknowledged the importance of policy relevant research in any public system and emerging market economy where rules of governance are changing rapidly.

On the issue of political interference in the functioning of regulators in India, Mr. Chawla said that work needs to be done in this area to ensure regulatory independence, however the problem lies in the reluctance of the politicians to let go of their powers. Mr. Chawla said that independence is important for regulators but they should not consider themselves as mini-states and should be accountable to the Parliament or an appropriate forum designated by the Parliament.

Mr. Chwala also recognised issues regarding overlap of sectoral regulators and the competition authority. He pointed out that CCI role while promoting competition is to also curb anti-competitive practices in the market and role of sectoral regulators is to promote competition. He also stressed that competition and regulation are not to be considered as substitutes, but rather complements and both should be used as a tool for achieving efficiency and social policy objectives. In the end, he very well accepted that consumer benefits, especially benefits to the common man from the establishment of the CCI are yet to be achieved.

Panel Discussion

The first speaker, Mr. Ashok Lavasa, congratulated CUTS and CIRC for their efforts and appreciated the Epilogue of the report which mentions the power sector as an unfinished agenda. He said that although ironically the power sector was one of the first sectors to come under the economic regulations which involved unbundling of the sector and thereafter a regulator coming into picture, still a lot of work is left to be done in the sector.

Regarding the need for a coal regulator in India, Mr. Lavasa said there is a need to protect the interest of consumers and not allowing any entity to exploit its dominant position to foster competition. He mentioned that there is no need for a regulator, if we are able to break the monopoly of one supplier of coal in the country. Till such a time does not arrive, one would need a regulator in the coal sector to ensure avoidance of abuse of monopoly powers. Reacting to the point for establishment of regulators for cognate sectors, he mentioned that the Electricity Act, 2003 did authorise creation of regional regulators rather than state regulators, but it was not successful due to absence of political will.

On the issue of political influence on the regulators, he opined that the regulator is still bound by the states which take it upon themselves to take important decisions such as tariff fixation. He felt that the de-politicising of tariffs is yet to be achieved. He spoke about creation of enabling environment in order to roll out open access, alternative source of supply of electricity and the possibility of generators selling electricity directly to consumers.

Mr. Dhanendra Kumar, after congratulating CUTS and CIRC for taking path breaking initiatives in the field of competition and regulation and for making appropriate policy

recommendations, spoke about the ‘*Theory of Entropy*’ which states that any process of change or development leads to a change in entropy, which means disorder. He applied the same principle of physics to the socio-political situation in India and said that in case of such disorders regulations are the need of the hour, but the questions to be debated are how much regulation and what type of regulation? He said that even though competition is considered as the best regulator, we still need somebody to regulate the competition.

Mr. Kumar highlighted that in a state wise study it was found out that the time taken to get real estate approvals varies from state to state. Along with that it was also found that the authorities granting the approvals were not adequately trained for this purpose. Thus, he felt that there is need to build human capital for dealing with regulatory issues as well as generate awareness among the common man regarding the benefits of competition and regulation. He concluded by mentioning that there is a need to ensure regulatory independence along with proper accountability. Additionally, he emphasised upon periodic evaluation of the policies and their performance as a must. Herein the work done by CUTS and CIRC will need to enhance.

Mr. Rajat Kathuria said that the latest telecom experience has taught the country that for an independent regulator in India it is important to have the sectoral tribunal separate from the appellate body. He felt that, although in the sectors such as port, railway, urban transport, road, civil aviation, etc new regulators are being established, yet there is a need to establish independent appellate bodies also. Suitable regulations need to be designed to reduce political interference in regulation.

Mr. Kathuria felt that auctioning of the spectrum is the best way to move forward in the field of telecom. He felt that regulation is required in spectrum allocation but not in retail pricing. He spoke about interconnection as an essential facility and regulatory interventions are needed to address refusal to deal kind of bottlenecks.

He also stressed on the importance of undertaking sound research to map empirical evidence regarding the impact of regulatory policies on economic growth of the country. Such studies have not been undertaken in India so far. In this context Mr. Mehta suggested using tools such as Regulatory Impact Assessment (RIA), as it has also been suggested by the Working Group on Business Regulatory Framework constituted by the Planning Commission of India in the context of preparation of the 12th Plan.

The last speaker on the dais, Mr. Pronab Sen congratulated CUTS and CIRC for their efforts. He stressed on the importance of mapping of social objectives while establishing regulators in the country and stated that the regulatory regime should be tailored to the socio-political situation in India. Reacting to the point regarding independence and accountability of sector regulators, he opined that it is important to understand system of governance in which the regulators function, so as to determine to whom the regulators should be accountable to and from whom should they be independent. He stressed the need for accountability with a special concern for the nature of regulatory oversight.

Floor Discussion

The panel discussion was followed by a rich intellectual interaction among the panellists and the participants. The interaction involved several questions being asked as well as various issues being highlight by the participants.

One of the important issues about private sector suffering due to lack of political will was highlighted by Mr. Vinayak Chatterjee, Chairman, Feedback Infrastructure Services Private Limited. He stated that the government has been accepting the lack of political will in respect of regulatory independence since very long, however no steps have been taken in this regard. According to him, this is discouraging the private sector from working side by side with the state entities.

Mr. V. Ranganathan, a former part time member of TRAI also raised relevant concerns about the state of power sector in the country. He highlighted the issue of long power cuts even in the most developed states and said the people are spending double on electricity by purchasing invertors because of such power cuts. He criticised that licensees using the facility of open access are asked to use their separate wires thereby imposing unfair condition on them. In response, Mr. Lavasa stated that it was always decided that all licensees getting the facility of open access will lay down their own wires and system to ensure their economic and technical viability.

Mr. Mehta referring to the recent Northern and Eastern power grid failure expressed that there is a need for separation of functions of regulators and government. He stated that the Load Despatch Centres should be outside the control of state electricity companies. In response to that Mr. Lavasa said that the national load despatch centre is under the CERC, while the State LDCs are under the control of State Governments. The same is going to be done in due course of time.

Mr. Dhanendra Kumar after observing all the inputs from the guests, expressed that regulator is also required to remember that its role also is to promote and develop the sector. Mr. Rajat Kathuria expressed the need for an independent telecom regulator.

Mr. Sen appreciated the focused approach of CUTS and the efficient steps taken by it in highlighting the issues. He also suggested that like PRS Legislative Research, CUTS should start a forum to interact with the parliamentarians. In response to this, Mr. Mehta informed Mr. Sen about PARFORE, which is a parliamentarian forum initiated by CUTS to engage on economic policy issues.

Conclusion

The occasion marked the release of ICRR-2011, which is an important report in respect of the state of competition and regulation in India, and also emphasised the significance of independent and appropriate regulations for the future economic development of the country.

To conclude the discussion, Mr. Mehta delivered a vote of thanks and said that by highlighting the issues in the report and initiating the discussion, he hoped for raising more inquisitiveness and awareness in the country.

ANNEXURE I

AGENDA

**Panel Discussion & Book Release
Competition and Regulation in India 2011**

Date: Wednesday, 26th December 2012
Venue: Lecture Room No. 1, Annexe, India International Centre (IIC), 40 Max Mueller Marg, New Delhi 110003

PROGRAMME

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- 1800–1830** **Registration**
- 1830–1845** **Opening Remarks**
- Pradeep S. Mehta, Secretary General, CUTS
- 1845–1855** Release of the report “**Competition & Regulation in India, 2011**” and address by Chief Guest Shri Ashok Chawla, Chairman, Competition Commission of India
- 1855–1945** Panel Discussion ‘**The Political Economy of Regulation in India: Impact on Investments and Economic Growth**’, moderated by Pradeep S Mehta
- Speakers:**
- Ashok Lavasa, Addl. Secretary, Ministry of Power
 - Dhanendra Kumar, Principal Advisor, Indian Institute of Corporate Affairs (IICA)
 - Pronab Sen, Country Director, International Growth Centre
 - Rajat Kathuria, Director & Chief Executive, ICRIER
- 1945–2010** **Floor Discussion**
- 2010** **Dinner**

ANNEXURE II

LIST OF PARTICIPANTS

No.	Name	Designation	Organisation	Email
1.	Ashok Chawla	Chairperson	Competition Commission of India	cci-chairman@nic.in
2.	Ashok Lavasa	Addl. Secretary	Ministry of Power	alavasa@nic.in
3.	Dhanendra Kumar	Principal Advisor & Chief Mentor	School of Competition Law	dkumar1946@gmail.com
4.	Pradeep S Mehta	Secretary General	CUTS International	psm@cuts.org
5.	Pronab Sen	Country Director	International Growth Centre	pronab.sen@theigc.org; pronabsen@yahoo.com
6.	Rajat Kathuria	Director & Chief Executive Officer	ICRIER	rajat.kathuria@icrier.res.in; PS : hkathuria@icrier.res.in
7.	Ajay Goel	Joint Director of Law	Competition Commission of India	ajay_goel_India@yahoo.co.in
8.	Animesh Singh	Journalist	The Pioneer	
9.	Arvind Kumar			pokhriarvind@yahoo.com
10.	Bhavana Mahajan		(Planning Commission)	bhavana.mahajan@gmail.com
11.	C.K.G. Nair	Secretary	Financial Sector Legislative Reforms Commission, Ministry of Finance	ckgopalnair@gmail.com
12.	Col. Ajay Dixit			
13.	Deepak Maheshwari	Vice President - Public Polich, South Asia	MasterCard Worldwide	deepak_maheshwari@mastercard.com
14.	Deepika Rajpal	Associate	Vaish Associates	deepikarajpal@vaishlaw.com
15.	Dhruva Tejaswi H.M.	CPL Student		dhruv.tejaswi@hotmail.com
16.	Girish Pande	Regional Finance Controller	Saint – Gobain Gyproc India Ltd	girish.pande@saint-gobain.com
17.	Harpreet Kaur	Professor of Law	National Law University, Delhi	harpreet.kaur@nludelhi.ac.in; harpreetkaur06@yahoo.co.in
18.	Joy Kuriakose	Asst. Director (Law)	Competition Commission of India	kuriakosejp7@gmail.com
19.	K S Narayanan	Editor	Governance Watch- The Sunday Indian	
20.	Karnika Bahuguna	Journalist	Newswire18	
21.	Kashika Adlakha	CPL Student		kashika.adlakha91@gmail.com
22.	Kunal Singh	CPL Student		kunal.mayang@gmail.com utkarsh.vaggbhav@gmail.com
23.	Lalit Kaul	Vice President	Bharat Forge Limited	lalitkaul@bharatforge.com
24.	M.C. Verma		Ex-ICRIER	mcverma@hotmail.com
25.	M.M. Sharma	Head- Competition	Vaish Associates	mmsharma@vaishlaw.com

No.	Name	Designation	Organisation	Email
		Law & Policy		
26.	Neha kumar	Project Manager	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)	neha.kumar@giz.de
27.	Nirmal Mehrotra	Deputy Director (Eco)	Competition Commission of India	
28.	Nitya Nanda	Fellow	The Energy and Resources Institute	nitya@teri.res.in
29.	O.P. Vaish	Sr. Advocate	Vaish Associates Advocates	opvaish@vaishlaw.com
30.	Pranav Mehra	Founder & Managing Editor	Indian Competition Law Group	lawyerpranav@gmail.com
31.	Promod Kr. Sharma		CEE	promod.sharma@ceeindia.com
32.	Puneet Chitkara	Principal	AF-Mercados	pchitkara@mercadosemi.es
33.	R. Gopichandran	Director	Vigyan Prasar	r.gopichandran@vigyanprasar.gov.in
34.	R.N. Mundhe	Research Officer	Planning Commission	rnmundhe@gmail.com; rn.mundhe@nic.in
35.	Rahul Goel	Partner	Seth Dua & Associates	rahul.goel@sethdua.com
36.	Rohini	Expert (Law)	Competition Commission of India	rohinicci@gmail.com
37.	Sagardeep Rathi	Associate	Khaitan & Co	sagardeep.rathi@khaitanco.com
38.	Saikat Dutta	Dy. Director - International Policy & Trade	Confederation of India Industry	saikat.dutta@cii.in
39.	Sangeeta Singh	Principal Economist	Nathan Economic Consulting India Pvt. Ltd.	ssingh@nathaninc.com
40.	Satya N. Gupta	Joint Secretary General	ITU-APT Foundation of India (ITU's Association of India)	sngupta57@yahoo.com
41.	Shrey Oshi Saha		Centre for Asia Pacific Aviation	shreyoshi27@gmail.com
42.	Shyam S Agrawal	Secretary	National Commission for Scheduled Castes	
43.	Shyam S Agrawal	Journalist	The Pioneer	
44.	Sudhir Kumar, I.T.S.	D.D.G. (TEC)	Ministry of Communication (D.O.T.)	ksudhir707@yahoo.com
45.	T V Ramachandran	Resident Director, Regulatory Affairs & Govt. Relations	Vodafone Essar South Ltd.	tv.ramachandran@vodafone.com
46.	Tarique Anjum	CPL Student		tarique_anjum@yahoo.com
47.	V Ranganathan	Mentor – Faculty, RBI Chair Professor on infrastructure and Member, TRAI	IIM Kashipur	ranga@iimkashipur.ac.in
48.	V.K. Garg	Chairman	Joint Electricity Regulatory Commission	vkgarg48@gmail.com

No.	Name	Designation	Organisation	Email
			for Goa and Union Territories	
49.	Varun Chopra		Khaitan & Co.	varun.chopra@khaitanco.com; varun.kumarchopra@gmail.com
50.	Vijay Kumar Aggarwal	Advocate		vk_aggarwal2001@yahoo.co.in
51.	Vijay Kumar Singh	Deputy Director (Law),	Competition Commission of India	cci-vijay.singh@nic.in
52.	Vijay Pratap Singh Chauhan	Sr. Associate	Khaitan & Co.	vijay.chauhan@khaitanco.com
53.	Vinayak Chatterjee	Chairman	Feedback Ventures	vinayak@feedbackventures.com
54.	Ashutosh Soni	Assistant Programme Officer	CUTS CCIER	ash@cuts.org
55.	H G Upreti	Manager (Admn.)	CIRC, Delhi	admn@circ.in
56.	Hari Prasad C.G.	Sr. Fellow	CIRC, Delhi	hcg@circ.in
57.	Kamal Sharma	Chief Operating Officer	CIRC, Delhi	ks@circ.in
58.	Ram Saran		CUTS Delhi Resource Centre	delhi@cuts.org
59.	Ranjan Yadav	Officer (Marketing & Outreach)	CIRC, Delhi	ry@circ.in
60.	Tanushree Bhatnagar	EA to Secretary General	CUTS International	tsb@cuts.org
61.	Udai S. Mehta	Associate Director	CUTS International	usm@cuts.org
62.	Vijay Singh	Centre Coordinator	CUTS Delhi Resource Centre	vs2@cuts.org
63.	Wilson Tharakan	Office Secretary	CIRC, Delhi	circ@circ.in