

THE UNEASE OF DOING DIGITAL BUSINESS IN DIGITAL INDIA

07 July, 2022
Thursday

15:30-17:30 (IST)

Background Note

The Government of India is undertaking regulatory reforms focussed on Ease of Doing Business (EoDB). A fertile ground for businesses is being created by simplifying compliances, reducing regulatory burdens and decriminalising minor offences. Initiatives such as the Business Action Reform Plan, Company Law Committee on Decriminalisation of Companies Act, 2013 and the Limited Liability Partnership Act, 2008 have been positive steps in this direction.

However, these endeavours seem to lack synergy with promoting the Ease of Doing Digital Business (EoDDB) in India. Recent changes under the Information Technology Act 2000 (IT Act) such as amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules 2021) and directions given by the Indian Computer Emergency Response Team (CERT-In) and their impact on ease of doing digital business in India has been widely highlighted. These developments along with existing regulations and policies have created a distinct [Un] ease of doing digital business in India.

As India aims to boost its digital economy to USD800bn by 2030 and become a digital first economy, this [Un]ease needs to be addressed. India is the second largest consumer market which businesses seek to utilise. As technologies evolve, regulations for technology-based businesses need to keep pace. Against this backdrop, CUTS has undertaken an evidence-based research study titled “[Un]Ease of Doing Digital Business in India: A Study of Policy and Regulatory Challenges” to critically evaluate the current bottlenecks in policy and regulatory systems for digital businesses.

Through the study, CUTS has found that various proposed and existing regulations which target digital businesses, though well-intentioned, have disproportionate provisions of imprisonment for minor economic offences and non-compliances. Regulatory uncertainty further makes various small and medium digital businesses spend substantial resources on compliances, and err on the side of caution. An ambiguous regulatory landscape often ends up being enough incentive for businesses, mostly small and medium, to stop innovations and for larger ones to pull investments. This has been evident in various sectors such as cryptocurrency and the online gaming industry, among others.

Even if an optimum regulatory landscape is achieved, India will still require adequate digital infrastructure which includes meaningful connectivity, digital literacy and access to the internet, among others.

The government's efforts though well placed need to be streamlined towards EoDDB. To highlight the findings of the study, CUTS is organising a virtual panel discussion to gather insights from experts across various stakeholder groups on challenges and the way forward for EoDDB. The session will be guided by below mentioned themes:

- Impact of Criminalising Provisions specifically applicable on digital businesses.
- Regulatory uncertainties as an obstacle to a conducive business environment for digital businesses.
- Cost of unnecessary compliances for digital businesses.
- Inadequacy of digital infrastructure as a fundamental challenge for digital business in equitable delivery of services.

Agenda

15.30 – 15.40 hrs Welcome Address & Opening Remarks	<ul style="list-style-type: none"> ● Pradeep S Mehta, Secretary General, CUTS International
15.40 – 15.50 hrs Keynote Address and Announcement for Release of Report	<ul style="list-style-type: none"> ● Saurabh Garg, CEO, Unique Identification Authority of India (UIDAI)
15:50 – 16:00 hrs Presentation	<p><i>“ [Un]Ease of Doing Digital Business in India: A Study of Policy and Regulatory Challenges ”</i></p> <ul style="list-style-type: none"> ● Prince Gupta, Senior Research Associate, CUTS International
16:00 – 17:20 hrs Panel Discussion and Q&A	<ul style="list-style-type: none"> ● Nehaa Chaudhari, Partner, Ikigai Law
	<ul style="list-style-type: none"> ● Zainab Bawa, Chief Operating Officer, Hasgeek
	<ul style="list-style-type: none"> ● Bhargavi Harshal Shah, Doctoral Candidate, National University of Singapore
	<ul style="list-style-type: none"> ● Beni Chugh, Research Manager, Dvara Research
	<p>Moderator:</p> <ul style="list-style-type: none"> ● Neelanjana Sharma, Senior Research Associate, CUTS International
17:20 – 17:30 hrs Closing Remarks	<ul style="list-style-type: none"> ● Asheef Iqubbal, Senior Research Associate, CUTS International