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Welcome Readers!

During the last quarter, CIRC delivered its speciality courses and other capacity building programmes to the inter-disciplinary students and the working professionals. CIRC again organised a five-day Winter School on Role of Economics in Competition Law. Our five day in-Service Training Programme for All India Services (IAS/ IPS/IFS) Officers on Public Procurement also received positive and overwhelming response.

This edition of our quarterly newsletter provides you updates on the programmes, events, publications and courses of CIRC along with updates on the upcoming events too.

We are gearing up in this New Year for introducing other inter-disciplinary courses and extending association with various organisations.

Happy Reading!

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COO, CIRC

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CIRC In- Service Training Programme for AIS (IAS/ IPS/IFS) Officers On Public Procurement (organised under Aegis of DoPT)

THE COVER STORY

- CIRC in- Service Training Programme for All India Services (IAS/IPS/IFS) Officers on Public Procurement (organised under Aegis of DoPT).

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Upcoming Event & Courses Page 4

- Workshop on valuing vital resources in India
- Training course on competition policy and law for Competition Agencies and relevant ministries of African countries

CIRC organised a five day in-service training programme under the aegis of Department of Personnel and Training (DoPT) for officers of the IAS, IPS and IFS at India International Centre, Lodhi Road, New Delhi. The training programme was inaugurated on November 10th, with an impressive inaugural address by Pradeep Kumar, former Chief Vigilance Commissioner of India and a welcome address by Pradeep Mehta, Chairman, CIRC and Founder, CUTS International, Bulbul Sen, former Chief Commissioner of Income Tax, currently a consultant for CUTS International, gave a brief introduction of the programme. Mr. Kumar stated the need for training in Public Procurement for achievement of developmental goals.

The course covered topics such as the present status of procurement practices in India, legal aspects and competition issues of procurement, e-procurement and the ethics associated with the procurement process, etc. The speakers discussed major factors that sustain the culture of corruption as presented by Jean Dreze and Amartya Sen in 'An Uncertain Glory', such as: 1. informational lacuna, 2. social leniency and 3. prosecution difficulty. The speakers also suggested how these can be minimised. Pondering upon government's efforts to tackle corruption since last 10 years, they underlined the features of the Lokpal Bill and the Whistle Blower Act. The programme concluded with the message that what is needed is increasing mass awareness and strengthening institutions.

2ND WINTER SCHOOL ON "ROLE OF ECONOMICS IN COMPETITION LAW"

After the huge success of its Winter School on Role of Economics in Competition Law in 2013, CIRC organised a second Winter School on 'Role of Economics in Competition Law' from November 03-07, 2014. The aim of the programme was to familiarise participants with the new economic literature and with recent legal developments to establish a clear link between the new theories and the day-to-day work of practitioners. It enabled participants to address difficult questions in an economically and legally informed manner.



The programme was inaugurated by the Chairman, Managing Committee, CIRC, Pradeep S. Mehta and was also joined by eminent international speakers, such as Dr Adrian Majumdar and Dr Chris Walters. Sanjeev Ahluwalia (former IAS), Adviser, ORF and Member Governing Council, CIRC emphasised on the need for clear understanding about the concepts of economics for young lawyers stressing on the interaction between economics and competition law. The various topics that were discussed at length during the programme were: benefits of competition law to three different categories—consumers, producers and the economy; the basic concepts of economics - demand and supply; market equilibrium; concept of elasticities; concept of welfare; difference between competition (antitrust) law and regulation, consumer protection law and competition law; competition policy and its aims; market power and dominance; predatory pricing, its effects and exclusionary discounts; basic economics of cartels, tying and bundling; refusal of supply and margin squeeze, cartels and coordinated effects, etc. The programme also discussed exploitative practices which were addressed by. John Ramirez, Director Econ One, wherein he focussed on the unfair trade conditions and the economic assessment of such unfair trade conditions taking examples from European case laws. The final session was on case study on abuse of dominance by Manas Chaudhuri, Partner, Competition Law Practice, Khaitan & Co.

The programme concluded with a panel discussion. The panel comprised Dr Geeta Gouri (former Member, Competition Commission of India (CCI)), John Ramirez and K.K. Sharma (Former Director General, CCI). The basic points discussed were,

use of economics by the competition regime in India with respect to sections 3, 4, 5 and 6 of Competition Act 2002; challenges for using more economics and options to overcome such challenges; and finally, ensuring that Indian economic conditions are taken care of by various stakeholders such as CCI, different industries and public etc.

THREE - DAY WORKSHOP ON "THE TARIFF FIXATION PROCESS IN THE ELECTRICITY SECTOR (GENERATION, TRANSMISSION, DISTRIBUTION & RENEWABLES)"

Electricity Regulatory Commissions are mandated to promote competition, efficiency and economy in the power sector and to regulate tariffs of power generation, transmission and distribution with a view to protect the interest of the consumers and other stakeholders. Discharge of such a complex role demands a high degree of technical, legal, economic, financial and general management skills.

With this background, a three day workshop on "The Tariff Fixation Process in the Electricity Sector" was organised from December 18-20, 2014, which aimed at educating and familiarising the technical and non-technical personnel, in the utilities and at the regulatory commissions, engaged in the process of tariff fixation, and dealing with tariff regulations, provisions, requirements and stipulations.



Shri Rakesh Nath, Technical Member Appellate Tribunal for Electricity (APTEL) inaugurated the workshop. He professed that regulators play an important role in generation and development of power sector and that in current scenario 'performance of regulators can be gauged by the performance of the sector which in turn depends on performance of Government'. The workshop included detailed discussions on developments and loopholes of tariff determination in electricity sector, case studies and implications. There was a lively panel discussion accompanied by concluding remarks and valedictory address by Smt Neerja Mathur, Chairperson Central Electricity Authority, and by Shri V.J. Talwar, former Member, APTEL, New Delhi. The workshop achieved its objective; unbundling the issues related to tariff fixation in the power sector. Participants appreciated the efforts of CIRC and Rachna Management and Consultants Studies Pvt. Ltd (RMCS) to arrange such workshops that cover power sector holistically, covering the generation, distribution, tariff determination etc.

THE STATE OF BROADBAND IN INDIA: A CALL FOR REGULATORY NEUTRALITY

The Telecom Regulatory Authority of India has commenced a consultation process on the issue of what needs to be done to deliver broadband quickly. In spite of repeated consultations and recommendations relating to broadband and the launch in 2012 of an ambitious Universal Service Obligation Fund (USOF) sponsored project to put in place a national optic fibre network, India continues to have a dismally inadequate supply of broadband services, especially in rural areas where it is practically negligible. The abnormally low ratio of wirelines to wireless connections is a major part of this problem. The number of wire lines in India is declining in spite of considerable support from the state towards wire line infrastructure which continues to be largely in the hands of the incumbents. A major part of this support flows from the USOF. In this context, the paper tries to examine the problem of poor broadband penetration in India specifically from the perspective of regulatory neutrality and postulates that rectifying regulation by bringing in a focus on competitive and technological neutrality is a major part of what needs to be done.

This Working Paper can be accessed at:

<http://circ.in/pdf/Regulatory-Neutrality-in-Broadband-India.pdf>

BATTLE FOR REGULATORY SUPREMACY: AMBIGUITY IN THE DEFINITION OF "CONTROL" BETWEEN SEBI AND CCI

The Indian regulatory regime is a complex system with multiple regulators actively implementing parallel regulatory practices. There are regulatory bodies established in various sectors ranging from the Securities and Exchange Board of India ("SEBI"), the Competition Commission of India ("CCI"), the Reserve Bank of India ("RBI"), Telecom Regulatory Authority of India ("TRAI"), the Insurance Regulatory and Development Authority ("IRDA"), the Central Electricity Regulatory Commission ("CERC"), etc. The overlapping jurisdictions of these regulators carry the risk of transactions being needlessly stalled due to the multiple (and in some cases, contradictory) regulatory requirements that need to be met to get a transaction approved.

In light of the above, it is critical that the various parallel regulatory approval processes are aligned to ensure that the merger and acquisition ("M&A") activity is not hindered due to lack of co-ordination between the various regulators or cumbersome procedural formalities. The paper analyses the potential areas of overlap between the CCI and SEBI in reviewing transactions which require merger control approval as well as trigger open offer obligations.

(IN)COMPETITIVE REGULATORY POLICIES IN THE ROAD TRANSPORT SECTOR IN INDIA

Indisputably, infrastructure plays a momentous role in advancing economic development. One may say growth of infrastructure is directly proportional to economic development and *vice versa*. It is also understood that for systemic development of any sector, compliance with competition policies is absolutely necessary. It is in this backdrop that the recent addition to CIRC's working paper series focuses on the road sector of India. The paper brings out the current status of the Indian road sector and puts forth suggestions to amend the same. The paper revolves around the inefficient regulatory policies which hamper competition and consequently impede the sector's growth.

This Working Paper can be accessed at:

<http://circ.in/pdf/Competition & Regulation in Indian Road Transport.pdf>

MANOEUVRES FOR A LOW-CARBON STATE IN INDIA: IDENTIFYING AGENCY, AUTHORITY AND ACCOUNTABILITY IN GOVERNANCE OF CLEAN ENERGY DEVELOPMENT?

The debate on responses to climate change has been focussed on the difficulties in reaching at binding national targets for emission reductions, and hence on the question of how to achieve an equitable response to climate change. By concentrating on the obstacles to reach at an international agreement, the current debate tends to obscure the question of what enables states to bring about low-carbon development and emissions reduction or what obstructs them. India has been claiming to undertake a transition to a low carbon electricity sector. This alleged transition comes as a response to a range of competing agendas and simultaneous constraints in energising development without compromising the climate. CIRC's paper on Carbon-State in India identifies agents of climate change and their authority and accountability within the clean energy governance structure. It aims to find out the level of influence exerted by these agents on India's strategy and action on clean energy development and thus its capacity to reduce GHG emission. By focussing on the role of agency, authority and accountability in governance of clean energy, this paper unpacks the neglected question of what forms of state capacity and political strategy are needed to achieve low-carbon development within Indian electricity sector.

This Working Paper can be accessed at:

<http://circ.in/pdf/Agency Authority & Accountability in Clean Energy Governance.pdf>

WORKSHOP ON VALUING VITAL RESOURCES IN INDIA, 15th-16th JANUARY, 2015.

In the Indian context, electricity consumption by agriculture is nearly one-fourth, while contributing mere 7% revenue to the utilities. This coupled with agricultural sector being held for having the largest sectoral share in Green House Gases (GHGs) emissions, spot it for a long eye's look. With the aim to improve understanding and awareness of the costs and pricing linkages between energy, water and food and to bring together a wider network of experts and policy makers, CIRC and Energy, Environment & Resources Department at Chatham House (The Royal Institute of International Affairs) in London have joined hands to explore the potential for integrated approaches in India to reorient energy and water use in agriculture. The aim of this workshop is to outline practical policy proposals and new approaches and to identify the work now needed to make them robust.

A workshop will be organised by CIRC on the potential for integrated approaches to water, energy and agricultural sustainability.

Further details and guidelines are available at: www.circ.in

TRAINING COURSE ON COMPETITION POLICY AND LAW FOR COMPETITION AGENCIES AND RELEVANT MINISTRIES OF AFRICAN COUNTRIES (FEBRUARY/MARCH 2015)

CIRC is pleased to announce a short-term training course on competition policy and law for junior/middle level officials of competition authorities and Ministry of Trade/Commerce of African countries under Indian Technical and Economic Cooperation (ITEC) or Special Commonwealth African Assistance Programme (SCAAP) programme supported by Ministry of External Affairs, Government of India. The programme will be conducted in partnership with and held at the National Law University, New Delhi from February 16, to March 01, 2015. Highlights of the course and content are: competition policy and law in India and other jurisdictions, combinations, joint ventures and intellectual property rights, and the importance of effective competition compliance, specific anti-competitive practices, horizontal and vertical agreements, adjudication (principles, ethics, procedures, etc.) by Commissioners, investigation techniques, economic analysis, cartel busting techniques, agency effectiveness and determination of substantial lessening of competition.

To know more details please visit our website: http://circ.in/pdf/TRAINING_PROGRAMME_on_CLP_for_ITEC.pdf

UPCOMING COURSES @ CIRC

CIRC, taking its vision forward, will soon launch comprehensive capacity building solutions on regulatory matters pertaining to various sectors and related aspects. The list of upcoming courses at CIRC is as follows:

Dedicated Sector based Online Courses

- Consumer Law and Practice
- Intellectual Property Licensing
- Merger & Acquisition Law
- Public Procurement Practices & Law
- Water Regulations & Laws

On line courses on Competition Act for other Jurisdictions

CIRC has planned to launch online course on Competition Act in Zambia, Kenya, Pakistan and Malaysia

Certificate & Diploma Course on Competition Policy & Law

CIRC- NLUD would be bringing forward the next term of the most sought after certificate and diploma courses in the industry on the CPL. The next CPL batch start in April 2015.

For any further query contact through website or on the following email id: sk@circ.in



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