

TECHNOLOGY INSIGHT

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GeM now open to cooperative societies

The Government E-Marketplace is an online platform for public procurement of common goods and services by Central and State Government Organisations. Launched in 2016 by Ministry of Commerce and Industry, the digital buying space serves the benefits akin to any marketplace. For various Government Organisations, it offers transparency, ease of procurement, rich catalogue of products and services, competitive pricing, integrated payment system, etc. For suppliers of goods and services, the platform provides access to a National Public Procurement market without any registration fee, paperless transactions, integrated grievance redressal mechanism, dynamic pricing, direct access to government departments and organisations, etc.

The mandate for the GeM was expanded by the Union Cabinet earlier in June this year enabling cooperative societies to register as a buyer on the platform. The onboarding process for cooperative societies was formally launched in August with over 300 societies onboarded at the time of the launch itself.

The significance of an online marketplace for public procurement cannot be undermined in the digital era. However, the success of it will largely depend upon its ability to maintain vendor confidence. The GeM's awareness of the same is apparent from its provisioning for an internal grievance mechanism and requiring reasons be stated at the time of rejection of goods and services. The transparency a marketplace is likely

to offer also goes a long way in case of disputes.

New Policy And SOP For Floating Solar Projects

Floating solar projects serve more than just the apparent purpose of power generation. The environmental benefits are many ranging from water conservation, reducing land occupation, reducing water evaporation, prevention of algae formation in water bodies, and securing water supply. Even in terms of power generation, the water bodies help in maintaining hardware temperature and ease maintenance due to lesser dust particles over water bodies, resulting in increased power output. However, for all its advantages, setting up a floating solar project is an expensive affair, mostly on account of the hardware cost and the cost of niche equipment specialisation and knowledge required being a relatively newer technology.

Given its various advantages and to balance the higher setting up cost, the Government of India is contemplating a policy on floating solar power generation. The policy is likely to offer incentives to companies willing to invest in such projects in the form of subsidies for electricity generated from the project. A reference may be sought from subsidies being offered in respect of electricity generated from rooftop solar projects.

The new policy ought to address not only matters having a direct bearing upon setting up of floating power generation plants and their functioning but also ancillary issues, primarily environmental, such as use and



maintenance of water bodies.

Crypto News

After crypto-assets, governments across the globe are targeting legislative regulation of stable coins with eyes on the US, EU, UK and Japan.

Stablecoins are a separate class of crypto currency which are financially less volatile, something that is achieved by pegging a coin to a reserve asset or fiat currency as a collateral. The financial stability of stablecoins have made them increasingly popular lately. On the legislative end, the European Union agreed upon the 'Market In Crypto Asset Regulation' earlier in July aimed at establishing uniform rules for crypto asset issuers and service providers.

In pursuit of a regulatory framework, legislators are deliberating to bring crypto asset issuers under the same or similar legal framework meant for payment providers aimed at detailed disclosures, fully backed reserves, and greater transparency in issue and dealings of crypto assets.

Time For An Indian Digital Markets Act?

Earlier this month, concerns expressed in the parliament over use of data for stifling competition sparked an inter-ministerial deliberation amongst the representatives of Ministry of Electronics and IT, Ministry of Corporate Affairs and the Competition Commission of India. The deliberations were aimed at regulating collection and use of data by

Big Tech and one of the ideas floated during the deliberation was to pass a 'Digital Markets Act' designating Big Tech companies as 'Gatekeepers', i.e. platforms connecting business owners with end users. It was also suggested that the designation of a company as a gatekeeper may be premised upon number of its service platform users.

The reference, to 'Digital Markets Act' and 'Gatekeepers', is without a doubt borrowed from the Digital Markets Act (hereinafter referred to as 'EUDMA') that recently found consensus between the European Council and Parliament and is awaiting formal adoption by the two. The EUDMA seeks to regulate Big Tech's ability to influence markets through their service platforms that allows for mass data collection and processing with its global reach.

EUDMA recognises the small number of large undertakings providing core platform services that have emerged with considerable economic power. As per EUDMA's opening text, such undertakings "feature an ability to connect many business users with many end users through their services, which, in turn, enables them to leverage their advantages, such as their access to large amounts of data, from one area of activity to another. Some of those gatekeepers exercise control over whole platform ecosystems in the digital economy and are structurally extremely difficult to challenge or contest by existing or new market operators, irrespective of how innovative and efficient those market operators may be."



Big Tech's entrenchment in Indian market operations today is deeper than ever in the past. More and more businesses and end users today are relying on service platforms of these tech giants. So while the need for something like a Digital Markets Act is imminent, what needs to be taken stock of is that India unlike the European Union, lacks an underlying privacy and data protection legislation. The withdrawal of the Indian Privacy and Data Protection Bill has only added to the regulatory void. Cautiously progressing with humility to set the foundational legal framework and not being bedazzled with the legislative feats of other jurisdictions is the need of the hour.

Criminal Procedure (Identification) Act notified

The Criminal Procedure (Identification) Act, 2022 was notified earlier last month after facing much heat from critics. The Act permits authorities to collect biometric and behavioural data of convicts, arrested persons and undertrials including finger impressions, palm impressions, foot print impressions, photographs, iris and retina scan, physical and biological samples and their analysis, signatures, and handwritings. The said data may be stored for a period of 75 years from the date of collection. The Act makes refusal to give above measurements an offence. The Act faced major criticism for lacking provisions adequately safeguarding the use, storage and safety of data collected.





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