

**“If you have a goal, write it down. If you do not write it down, you do not have a goal - you have a wish.” Steve Maraboli**

**NATIONAL**

**DRAFT PERSONAL DATA PROTECTION BILL, 2018**

The right to privacy is a fundamental right which necessitates protection of personal data as an essential facet of informational privacy says the draft Personal Data Protection bill, 2018.

It was submitted to the government by a high-level expert group headed by former Supreme Court judge B.N. Srikrishna.

The much-awaited bill is under the government’s review and has been made public for inviting suggestions.

**Provisions of the Bill:**

The bill deals with issues such as collection and processing of personal data, consent of individuals, penalties and compensation, code of conduct and an enforcement model.

According to the draft bill, personal data collected, used, shared, disclosed or otherwise processed by companies incorporated under Indian law will be covered, irrespective of where it is actually processed in India.

It proposes setting up of a Data Protection Authority of India (DPA), an independent regulatory body responsible for the enforcement and effective implementation of the law, consisting of a chairperson and six full-time members.

In case of any appeal against an order of the DPA, an appellate tribunal should be established or an existing appellate tribunal should be granted powers to hear and dispose of any appeal.

The committee has recommended phased timelines for the adoption of different aspects of the privacy law, making data protection a critical component in India’s security posture.

The report said that sensitive personal data will include passwords, financial data, health data, official identifier, sex life, sexual orientation, biometric and genetic data, and

data that reveals transgender status, intersex status, caste, tribe, religious or political beliefs or affiliations of an individual.

It noted that consent should be the lawful basis for the processing of personal data and the consent should be free, informed, specific, clear and capable of being withdrawn.

For sensitive personal data, consent should be explicit.

**MINT QUICK READS**  
**PRIVACY LAW IN THE MAKING**

- ▶ Data Protection Authority of India (DPA), an independent regulatory body responsible for the **enforcement and effective implementation** of the law, will be established
- ▶ An appellate tribunal to be established or grant powers to an **existing appellate tribunal to hear and dispose of any appeal against an order of the DPA**
- ▶ The panel has identified **50 statutes and regulations**, which have potential overlap with the data protection framework
- ▶ The Aadhaar Act needs to be amended to **bolster data protection**, and the committee has suggested some amendments
- ▶ The law will cover processing of personal data by both **public and private entities**

*“The data protection law will be like a new shoe, tight in the beginning but comfortable eventually.”*  
Justice B.N. Srikrishna

The committee came out with a recommendation on the right to be forgotten.

It said that the right should be adopted, with the proposed data protection authority determining the eligibility of the application on the basis of five points which are:

- Sensitivity of the personal data sought to be restricted
- Scale of disclosure sought to be restricted
- Role of the data principal (whose data it is) in public life
- Relevance of the personal data to the public
- Nature of the disclosure.
- Penalty Provisions

Regarding data misuse, the committee recommended a penalty of either a certain percentage of the total worldwide turnover of the data misuser, or a fixed amount set by the law.

It recommended that the penalty may extend up to Rs. 5 crore or 2% of the data misuser's total worldwide turnover of the preceding financial year, whichever is higher in situations where the company fails to take "prompt and appropriate action" in response to a data security breach.

In situations where the norms on personal data, sensitive personal data, and the personal data on children are violated, the report has recommended a penalty of Rs. 15 crore or 4% of the total worldwide turnover of the preceding financial year of the company.

#### DEDICATED FREIGHT CORRIDORS WILL CHANGE THE WAY INDIA TRANSPORTS GOODS

India is all set to get its first publicly owned freight corridors on August 15.

It is a 190-km railway line between Dadri in Uttar Pradesh and Phulera in Rajasthan, which fall under the Western Dedicated Freight Corridor (WDFC).

#### Dedicated freight corridors (DFC)

These are freight-only railway lines to move goods between industrial heartlands in the North and ports on the Eastern and Western coasts.

The dedicated freight-only lines are being built along the four key transportation routes – known as the Golden Quadrilateral and connecting Delhi, Mumbai, Chennai, Howrah and its two diagonals (Delhi – Chennai and Mumbai – Howrah).

Covering a total of 10,122 km, these corridors carry the heaviest traffic and are highly congested.

The route carries 52 per cent of passenger traffic and 58 per cent of freight traffic, according to the Make-in-India report of 2017.

The above-mentioned routes are highly saturated, with line capacity utilisation reaching as high as 150 per cent.

Considering increased transport demands, overtly congested routes and greenhouse gas (GHG) emissions associated with road transport, the government had proposed this initiative.

These freight corridors will help reduce the cost and allow faster transportation.

Along with that, Indian Railways will open new avenues for investment, as this will lead to the construction of industrial corridors and logistic parks along these routes.

#### Benefits:

Freight corridor will permit the trains to carry higher loads, in a more reliable manner.

These lines are also being built to maximize speeds to 100 km an hour, up from the current average freight speed of 20 km an hour.

Freight corridor envisages long-haul operations with trailing loads to increase from 5,000 to 15,000 tonnes and container capacity will go up to 400 per train.

The DFCs will allow much shorter transit times from freight source to destination which means it will reduce the time by up to 50 per cent in some cases.

DFCs made possible by higher freight volumes without substantial investment in infrastructure, increased axle load, reduction of turn-round time, reduced unit cost of transportation, rationalization of tariffs resulting in improvement in market share and improved operational margins.

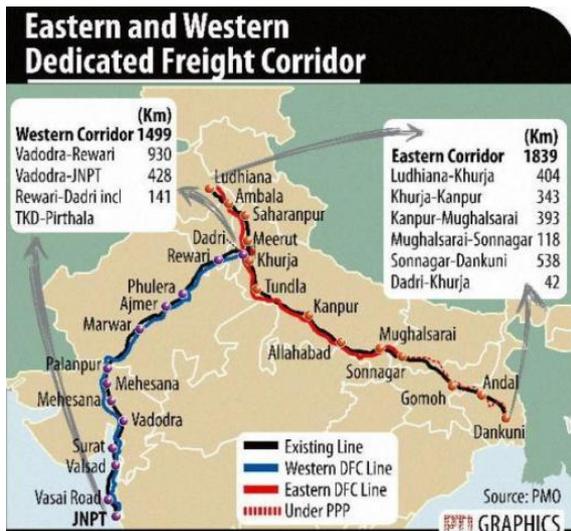
#### Dedicated Freight Corridor Corporation of India (DFCCIL):

The DFCCIL is a corporation run by the Ministry of Railways (India) to undertake planning & development, mobilisation of financial resources and construction, maintenance and operation of the Dedicated Freight Corridors.

DFCC has been registered as a company under the Companies Act 1956 on 30 October 2006.

It is both enabler and beneficiary of other key Government of India schemes, such as Industrial corridor, Make in India, Startup India, Standup India, Sagarmala, Bharatmala, UDAN-RCS, Digital India, BharatNet and UMANG.

The DFCC is one of the largest ever infrastructure projects being undertaken by railways since 1947.



Western Dedicated Freight Corridor, 1,468 km from Dadri in Uttar Pradesh to Jawaharlal Nehru Port in Mumbai.

Eastern Dedicated Freight Corridor, (Ludhiana, 1,760 km from Punjab to Dankuni in West Bengal .

East-West Dedicated Freight Corridor, 2,000 km-long from **Kolkata to Mumbai**

North-South Dedicated Freight Corridor, 2,173 km long from **Delhi to Chennai**

East Coast Dedicated Freight Corridor, 1,100 km long from **Kharagpur to Vijayawada**

South-West Dedicated Freight Corridor, 890 km-long from Chennai to Goa, this DFC goes through Bangalore-Chennai Industrial Corridor promoted by Japan & India and as a part of Bangalore-Mumbai Economic corridor promoted by UK & India.

### NEW MODELS FOR AIRPORT MANAGEMENT

Growth in the aviation sector has pushed the government to propose an Amendment in the AERI Act, 2008.

India has emerged as the third largest domestic aviation market in the world.

The number of major airports increased from 12 to 27 between 2007 and 2017.

There is also an increase in private operators entering the airline/airport sector

Some of the major airports now function under public-private partnerships.

If large number of operators come under the purview of the Authority, it would be difficult to efficiently determine the tariffs and monitor the service standards of major airports.

For engaging private partners in infrastructure projects, several business models like predetermined tariff or tariff-based bidding have come into place.

The airport project is awarded to the concessionaire who offers the lowest tariff.

In this model, the market itself determines the charges.

The regulator is not required to fix charges after the award of the project.

The 2008 Act does not cover such complexities.

### AERI Act, 2008

The Airports Economic Regulatory Authority of India Act, 2008 was enacted to provide an independent authority to protect the interests of airports, airlines and passengers.

Its primary objective is to regulate tariff for aeronautical services rendered at airports.

Aeronautical services include navigation, surveillance and supportive communication for air traffic management, services for the landing, housing or parking of an aircraft, ground safety, and fuel and handling services.

### Amendment to the 2008 act:

The Airports Economic Regulatory Authority of India (Amendment) Bill, 2018, proposes to first amend the definition of “major airport” as any airport with passengers in excess of 3.5 million from the existing 1.5 million.

The amended Bill seeks to update Section 13 of the 2008 Act in tune with the present business models and tariff system.

Section 13 is an umbrella provision in the Act which further covers:

Capital expenditure incurred and timely investment in improvement of airport facilities;

The service provided, its quality and other relevant factors;

Cost for improving efficiency; and economic and viable operation of major airports.

### FDI CONFIDENCE INDEX

2018 FDI Confidence Index was recently released by global consultancy firm A T Kearney.

#### FDI Confidence Index:

The AT Kearney Foreign Direct Investment (FDI) Confidence Index, created in 1998, is an annual survey of the business executives that ranks countries which are likely to attract the most FDI in the next three years.

The Index is calculated as a weighted average of the number of low, medium and high responses to questions on the possibility of making a direct investment in a market over the next three years.

The United States (US) topped the index, followed by Canada at 2nd and Germany at the 3rd place.

China falls three spots to 5th place this year, the lowest ranking of the country in the history of the Index.

Switzerland and Italy entered the top 10 for the first time in more than a decade, pushing out India and Singapore to 11th and 12th spots, respectively.

Only four emerging markets appear among the top 25 countries for FDI intentions- China, India, Mexico and Brazil.

The newcomers to the Index are all European countries- Denmark (20th), Portugal (22nd) and Norway (23rd).

India was ranked 11th, down from 8th in 2017 and 9th in 2016.

Fall in India's rankings may be due to teething troubles in implementation of goods and services tax (GST) and Government's demonetisation decision in 2016.

These policies may have deterred investors in the short term as they have disrupted

business activity and weighed on economic growth

Several of India's reforms such as removing Foreign Investment Promotion Board (FIPB) and liberalising FDI limits in key sectors such as retail, aviation, and biomedical industries have maintained India's high rankings in terms of FDI attractiveness.

In future, potential investors are likely to be cautious as they are monitoring political risks such as China abolishing presidential term limits and upcoming general election in India. But sheer size of Chinese and Indian markets, will continue to be draw for investors and they will remain highest-ranking emerging markets on the index.

### MISSION SATYANISHTHA

In first of its kind event held by any government organization, the Indian Railways organized a programme on Ethics in Public Governance and Launched "Mission Satyanishtha".

The issue of Ethics, Integrity and probity in public life has been a matter of concern all over the government sector.

This mission aims at sensitizing all railway employees about the need to adhere to good ethics and to maintain high standards of integrity at work.

Talks and Lectures on the subject are being organised all over the Indian Railways for this purpose.

The objectives of the Mission are:

- To train every employee to understand the need and value of ethics in Personal and Public life.
- To deal with ethical dilemmas in life and Public Governance.
- To help understand the policies of Indian Railways on ethics and integrity and the employee's role in upholding the same.
- To develop inner governance through tapping inner resources.