



Our Mission

"We shall promote the highest ethical practices, by business and professionals, in order to provide complete satisfaction to consumers and other stakeholders."

# CFBP TIMES

APRIL - MAY 2023

## 35<sup>th</sup> ANNUAL JAMNALAL BAJAJ UCHIT VYAVHAR PURASKAR



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2022-2024



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2022-2024



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## Heartfelt from The President

This month of May was record-setting in the sense that the collection for the flagship function of Jamnalal Bajaj Awards (in its 35th Chapter) was unparalleled in its history. Fantastic sponsorships and support for the Economic Times Ad (Mumbai Edition) and write-up (both in Mumbai and Kolkata Edition of the Economic Times) embellished the stature and the reach of this programme catapulting CFBP to the highest echelons of the corporate world. This year, we had Mr. Keki Mistry (CEO, HDFC Ltd.) as the Chief Guest, who is also our Advisory Board Member. His speech was a highlight in the sense that besides laying out the importance of Ethics, he dwelled on the great economic prospects of India and as to what role can CFBP play in times to come given its increasing reach. Needless to add, the sumptuous Dinner that followed at the IMC terrace was celebratory. Several photos of the Jury Meeting, the Event and the Economic Times coverage adorn our pages.

This time an interesting read is an article where it is important for us to keep our ears to the ground to anticipate any emerging brands as our competitor - by our Advisory Board Member and regular contributor Mr. Jagdeep Kapoor. Also, worthy of musing over is an article on achieving Excellence in the Markets penned our Executive Committee Member Mr. Pramod Shah. **This issue, I have taken the**

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liberty to print my own article co-authored with Mr. Justice B. N. Srikrishna (our Advisory Board Member) on the government intrusion into our privacy through Aadhaar mechanism – this was printed in the Op Ed Section of the Hindustan Times on 18<sup>th</sup> May. On the World Social Media Day (i.e. 30<sup>th</sup> June), our Invitee Anuradha Kapoor has curated an Event in association with WICCI (Women’s Indian Chamber of Commerce And Industry) in Kolkata on the *Unethical Practices on Social Media – Frauds and Harassment* with notable Panelists with she as the Moderator. I am certain that it will be a well-attended Event and provide insight and knowledge to the audience. Also, we are looking forward to our flagship Event Café Pehchaan in collaboration with CAFÉ (Career After Family Enterprise) founded by Kavita Agarwal, also our Executive Member and Kolkata Chapter-head on 22<sup>nd</sup> July, 2023 at the Hyatt Regency, Kolkata. Our Advisory Member and celebrated Filmmaker and Actress Nandita Das has agreed to be one of our Jury Members – it promises to be another Blockbuster. Perhaps, if all goes well, our Advisory Board Member Dr. Mickey Mehta will curate a Wellness Conference in July (in Mumbai) thereby creating an impactful ripple in the sphere of Wellness.

It is a matter of pride for us Indian citizens that our new Parliament Building despite the expected opposition was inaugurated with much fanfare by our Prime Minister – a signal achievement demonstrating our vibrant democracy symbolic of many successes that have taken place during his leadership and many more to follow. In the context, worth reading is a view-point of Shri P. K. Basu – ex-Secretary to the Government of India who has seen and known many high and mighty leaders but finds Mr. Modi to be an exception.

I have always believed that a *Vision* does not fructify unless pursued with a stubborn persistence and high motivation trampling upon and decimating any negativity that may arise during that journey! The focused eye on the target with relentless effort in that direction is what results into charting new paths.

I end with a quote from that great American writer and lecturer,

*Flaming enthusiasm, backed up by horse sense and persistence, is the quality that most frequently makes for success!*

**Dale Carnegie**

# PATRON MEMBERS



All our esteemed readers including all other non-Patron Members are encouraged to call us and let us know if they are interested in becoming Patron Members and it's resultant benefits besides the fact that this List shall be published in every Newsletter (which comes out every two months and goes to about 1000 readers).

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\*\*Company name as per alphabetical order

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Arvind Mafatlal



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Naval Tata



S. P. Godrej



J. N. Guzder



Ashok Birla



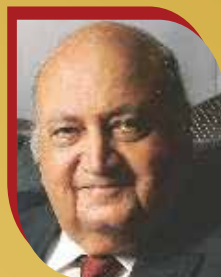
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Harish Mahindra



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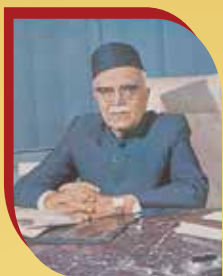
Swarn Kohli



A. H. Tobaccowala



G. V. Puranik



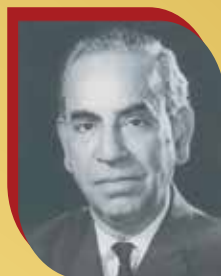
K. M. D. Thakersey



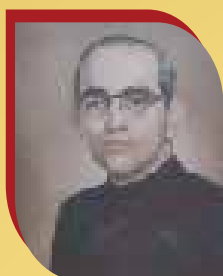
Murarji Vaidya



N. M. Wagle



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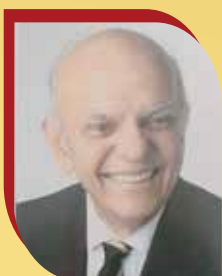
Pratapsingh Mathuradas



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Pranlal Patel



P. A. Narielwala



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Arvind Mafatlal | 1966-69



Naval Tata | 1969-71



Ramkrishna Bajaj | 1971-72



S.P. Godrej | 1972-74



P.A. Narelwala | 1974-75



Y.A. Fazalbhoy | 1975-77



Harish Mahindra | 1977-83



F. T. Khorakiwala | 1983-87



J. N. Guzder | 1987-90



Nalin K. Vissanji | 1990-92



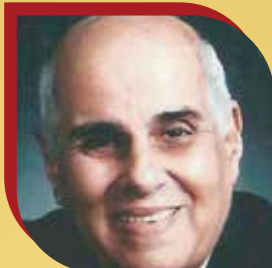
A. H. Tobaccowala | 1992-96



Shekhar Bajaj | 1996-98



A. S. Kasliwal | 1998-2000



K. N. Suntook | 2000-02



V. S. Palekar | 2002-04



V. B. Haribhakti | 2004-06



Dinesh Parekh | 2006-08



Ramesh K. Dhir | 2008-10



Suresh Goklaney | 2010-12



Hoshang Billimoria | 2012-14



Shyamniwas Somani | 2014-16



Shekhar Bajaj | 2016



Kalpana Munshi | 2016-18



Swapnil Kothari | 2018-24

Goodnight



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# 35<sup>th</sup> CFBP Jamnalal Bajaj Awards Jury Meet 4<sup>th</sup> May 2023



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Former Judge, Supreme Court of India

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Mr. Thomas Rego

Assessor

Mr. Ramagouda Patil

Assessor





## 35<sup>th</sup> CFBP JAMNALAL BAJAJ AWARDS FOR FAIR BUSINESS PRACTICES

# Felicitating the torchbearers of Fair Business Practices!

CFBP seeks to create an environment where business confidence is built through best business practices and fostered in an atmosphere of trust and respect between businesses and consumers. The 35th Jamnalal Bajaj Uchit Vyavahar Puraskar is a significant milestone that recognises and commemorates businessmen and industrialists who uphold the highest ethical practices in business. Constituted in 1966, these awards are judged on eight vital parameters, including customer satisfaction, employee motivation, environmental protection and corporate social responsibility, among others.

### Awards Ceremony

Date: May 16, 2023. Time: 5:30 p.m. Venue: Indian Merchants' Chamber, Churchgate, Mumbai - 20

Founder Member - CFBP



Mr. Shekhar Bajaj

President - CFBP



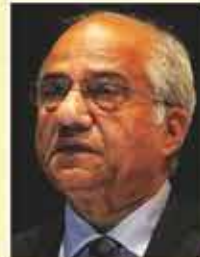
Mr. Swapnil Kothari

Chief Guest



Mr. Keki Mistry  
Vice Chairman & CEO  
HDFC Ltd

Chairman of the Awards Jury



Justice B. N. Srikrishna  
Former Judge,  
Supreme Court of India

Vice President - CFBP



Mr. Vineet Bhatnagar  
Chairman,  
Awards Committee

Manufacturing Enterprise - LARGE



Mr. Jayant Acharya  
Deputy Managing Director  
JSW Steel Ltd

Manufacturing Enterprise - LARGE



Mr. Arun Kumar Shukla  
Chairman &  
Managing Director  
Hindustan Copper Ltd

### TROPHY

Manufacturing Enterprise - SME



Mr. Gaurav Vinod Kapur  
CEO  
Gargi Huttenes-Albertus  
Pvt. Ltd

Service Enterprise - LARGE



Mr. Balfour Manuel  
Managing Director  
Blue Dart Express Ltd

Service Enterprise - LARGE



Mr. M. Senthilnathan  
Chairman &  
Managing Director  
EGGC Ltd

Service Enterprise - SME



Mr. N Santhanam  
CEO  
Breach Candy  
Hospital Trust

Service Enterprise - SME



Lt. Col. (Retd) Dr. L. C. Verma  
CEO  
Godrej Memorial  
Hospital

Trade & Distribution - SME



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Vice Chairman  
Mumbai Kamgar M.G.S.S.  
Maryadit (Apna Bazar Co.op)

Charitable Association



Mr. Sanjay A. Kothari  
Chairman  
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National Relief Foundation

### CERTIFICATE OF MERIT



Mr. Arun Kumar Singh  
Chairman & CEO  
Oil & Natural Gas  
Corporation Ltd

**COUNCIL FOR FAIR BUSINESS PRACTICES**  
130-132, Great Western Building, Shahid Bhagat Singh  
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Mumbai - 400 023. Phone: 2288 5249 / 2284 2590.  
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## COUNCIL FOR FAIR BUSINESS PRACTICES

### Our Mission

"We shall promote the highest ethical practices, by business and professionals, in order to provide complete satisfaction to consumers and other stakeholders."

## 35<sup>th</sup> Annual Jamnalal Bajaj Uchit Vyavhar Puraskar for Fair Business Practices

### CHIEF GUEST MR. KEKI MISTRY

Vice Chairman & CEO, HDFC Ltd.



### AWARDS PANEL JURY CHAIRMAN

### MR. B. N. SRIKRISHNA

Former Judge, Supreme Court of India

**TUESDAY, 16<sup>th</sup> MAY, 2023**

**SWAPNIL KOTHARI**  
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(Chairman, Awards Committee)

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# 35<sup>th</sup> CFBP Jamnalal Bajaj Award Winners 2022- 2023

35<sup>th</sup> CFBP Jamnalal Bajaj Awards function 16<sup>th</sup> May 2023



CHIEF GUEST  
**MR. KEKI MISTRY**  
VICE CHAIRMAN & CEO, HDFC LTD.

## *MANUFACTURING ENTERPRISES – LARGE*

### *Trophy*

*JSW Steel Coated Products Limited  
Hindustan Copper Limited*

### *Certificate of Merit*

*Oil and Natural Gas Corporation Limited*

## *MANUFACTURING ENTERPRISES – SME*

### *Trophy*

*Gargi Huttenes-Albertus Pvt. Limited*

## *SERVICE ENTERPRISES –LARGE*

### *Trophy*

*Blue Dart Express Limited  
ECGC Limited*

## *SERVICE ENTERPRISES -SME*

### *Trophy*

*Breach Candy Hospital Trust  
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### *Trophy*

*Mumbai Kamgar Madhyawarti Grahak Sahakari Sansṭha Maryadit  
(Apna Bazar Co. Op.)*

## *CHARITABLE ASSOCIATION*

### *Trophy*

*Gem & Jewellery National Relief Foundation*



# GOLDEN MEMORIES



35<sup>th</sup> CFBP Jamnalal Bajaj Awards function 16<sup>th</sup> May 2023



# GOLDEN MEMORIES



35<sup>th</sup> CFBP Jamnalal Bajaj Awards function 16<sup>th</sup> May 2023





# GOLDEN MEMORIES



35<sup>th</sup> CFBP Jamnalal Bajaj Awards function 16<sup>th</sup> May 2023



# GOLDEN MEMORIES



35<sup>th</sup> CFBP Jamnalal Bajaj Awards function 16<sup>th</sup> May 2023



# GOLDEN MEMORIES



35<sup>th</sup> CFBP Jammalal Bajaj Awards function 16<sup>th</sup> May 2023



# GOLDEN MEMORIES



35th CFBP Jammnalal Bajaj Awards function 2023



# GOLDEN MEMORIES



35th CFBP Jammalal Bajaj Awards function 2023



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# GOLDEN MEMORIES



35th CFBP Jamnalal Bajaj Awards function 2023



*Winners of 35<sup>th</sup> CFBP Jamnalal Bajaj Award - 2023  
held on 16<sup>th</sup> May 2023*



## MANUFACTURING ENTERPRISES – LARGE

### Trophy

## JSW Steel Coated Products Limited

### ABOUT JSW GROUP

The US\$ 22 billion JSW Group is ranked among India's leading business houses. JSW's innovative and sustainable presence in various sectors including Steel, Energy, Infrastructure, Cement, Paints, Venture Capital and Sports is helping the Group play an important role in driving India's economic growth. The Group strives for excellence by leveraging its strengths & capabilities including a successful track-record of executing large capital-intensive & technically complex projects, differentiated product-mix, state-of-the-art manufacturing facilities and greater focus on pursuing sustainable growth.

The Group continues to strive for excellence with its strengths, differentiated product mix, state of the art technology, excellence in execution and focus on sustainability. Today, it is spearheading growth in the Indian economy's core sectors - steel, cement, energy and infrastructure. JSW Steel, a leading integrated steel manufacturer, is a flagship company of the JSW Group with a presence in over 100 countries. With a culturally diverse workforce spread across India, USA, Europe and Africa, JSW Group directly employs nearly 40,000 people.

It also has a strong social development focus aimed at empowering local communities residing around its Plant & Port locations. JSW Group is known to create value for all its stakeholders by combining its growth roadmap, superior execution capabilities and a relentless drive to be #BetterEveryday.

### ABOUT JSW STEEL COATED PRODUCTS LIMITED

JSW Steel Coated Products Limited (JSWSCPL) is a 100 % subsidiary of JSW Steel Ltd., having state of the art manufacturing facilities at Vasind (VSD), Tarapur (TPR), Kalmeshwar (KLM), Khopoli, Bawal & Rajpura. JSWSCPL is India's largest manufacturer and exporter of Coated Steel with a total capacity of 4.46 Mtpa upto FY 24.

Vasind plant having capacity of 2Mtpa focuses on high-end steel coated products. The journey that started in 1982 (being the first plant of JSW Group) with commissioning of 20 Hi cold rolling mill, has turned into a full-fledged complex with Cold Rolling, Galvanizing, Galvalume & Colour coating facilities. The plant has Two reversible mills, one Pickled line Tandem Cold Mill (PLTCM), Four Galvanizing Line to produce value added GI & GL products and three colour coated lines (one appliance grade line and one construction grade line). It exports mainly to Europe, Middle East, Australia, Asia & South African regions.



Tarapur plant having capacity of 1.25 Mtpa marks one of the first milestones for JSW Steel Ltd, by commissioning first Galvanizing line (CSD-I) in the group. It was acquired by Late Shri O. P. Jindal on 9th November 1982, from Piramal Steel Limited. The plant has five cold rolling mills & one Pickled lined Tandem Cold Mill (PLTCM), Three metal coating lines to produce value added Galvanized & Galvalume products, Two Electrolytic Tin Lines & two Color Coated lines. HRC is sourced from JSW Steel Ltd, Vijayanagar & Dolvi plants.

The Kalmeshwar plant is having 1 Mtpa capacity which is centrally located near Nagpur. It is the first producer of Galvanized and Colour Coated Steel in India. The plant has three Cold Reversible Mills, One Galvanizing and two Galvalume Line and three Colour Coating Lines to produce value added Galvanized, Galvalume and Prepainted steel products. It is located in central India to cater to domestic market.

The Khopoli & Bawal plant recently acquired by JSWSCPL, having 0.97 MTPA capacity and is located in Maharashtra and Haryana respectively. Presently equipped with two Rolling mill, three galvanizing line & two colour coating line to produce GI/GL/PPGI/PPGL & HRPO product.

## MANUFACTURING ENTERPRISES – LARGE

### Trophy

## Hindustan Copper Limited

Hindustan Copper Limited (HCL) is a Schedule-A, Central Public Sector Enterprise under the administrative control of the Ministry of Mines, Government of India. Incorporated on 9th November, 1967, HCL is the one and only vertically integrated Copper producer in India. The Company was conferred the status of Miniratna category -1 in July, 2008. The equity shares of HCL are listed on BSE and NSE stock exchanges and 66.14 % equity is owned by the Government of India, as on date.

HCL owns seven mining leases across India and has five Units, i.e., at Khetri (Rajasthan), Malanjkhand (Madhya Pradesh), Ghatsila (Jharkhand), Talaja (Maharashtra) and Jhagadia (Gujarat). The Company is headquartered in Kolkata. The main activities of the Company include mining of copper ore and production of refined copper as well as downstream products such as Continuous Cast Copper Wire Rods. Presently, HCL is selling Copper concentrate as its principal product.

The Company abides by a stringent Corporate Environmental Policy which focuses on sustainable development, environmental protection, compliance with applicable laws and regulations. HCL is committed to the highest standards with respect to the health, safety and wellness for its employees



and the neighbouring communities. Based on the local needs, HCL has implemented major projects in the areas of drinking water, health, nutrition, promoting livelihoods and rural development, benefitting more than 10,000 people in 30 villages around the mining Units of HCL. Copper

consumption in India is expected to soar in the years to come with the thrust of Government on renewable energy and electric vehicles, focus on 'Make in India', 'Smart City' programs, development of the infrastructure sectors, etc. Further, Copper will be crucial to ensure raw material security and self-reliance under the nation's Aatma Nirbhar Bharat initiatives. Committed to the mission of exploration and exploitation of copper deposits of the country on a sustainable basis, Hindustan Copper has

embarked on an ambitious expansion drive to increase its Copper ore production in the coming years. HCL's fair business practices have helped the Company to brave many a headwind down the decades. Poised to emerge as a dominant Copper mining player in the years to come, HCL commits itself to relentless efforts to bring in collective growth in the mission of nation building.



## CERTIFICATE OF MERIT

### Oil and Natural Gas Corporation Limited (ONGC)



Oil and Natural Gas Corporation Ltd. (ONGC), one of the most valuable public sector enterprise, came into existence in 1955 as the Oil and Natural Gas Division under the Geological Survey of India to explore and develop hydrocarbon resources in India. The same year, the division was converted into an Oil and Natural Gas Directorate. Later it became a commission on 14th August 1956, and finally ONGC was re-organized as a corporation in 1993. It has single-handedly scripted India's hydrocarbon



success story. ONGC has discovered eight of the nine oil & gas producing basins of India. With a contribution of over 68% to India's domestic oil and gas production, ONGC is the country's largest producer of crude oil and natural gas.

ONGC is a fully integrated oil and gas company, operating across the entire hydrocarbon value chain. ONGC's upstream exploratory efforts, a vital segment of its core E&P business, is engaged in finding and accreting oil and gas reserves. It has three facets of hydrocarbon exploration activities namely, deep water, shallow water and onshore exploration and production activities. ONGC has a unique distinction of having in-house capability in all aspects of exploration and production of oil and gas business i.e.,

Acquisition, Processing & Interpretation (API) of Seismic data, drilling, work over and well stimulation operations, engineering & construction, production, processing, refining, transportation, marketing, applied R&D and training, etc. ONGC's wholly-owned subsidiary ONGC Videsh is involved in acquisition of oil and gas acreages outside India. It has 35 oil and gas projects in 12 countries. ONGC is also active in the downstream sector through its subsidiaries and joint ventures,

such as Hindustan Petroleum Corporation Limited (HPCL), Mangalore Refinery and Petrochemicals Limited (MRPL), and ONGC Petro-additions Limited (OPaL). ONGC has been ranked 14th among global energy majors in the coveted S&P Global Commodity Insights Top 250 Global Energy Company Rankings 2022. Forbes has ranked the Company 5th largest in India and 229th worldwide 2022 ranking based on sales, profit, assets and market value. In a major reinforcement of its global presence, Oil and Natural Gas Corporation Limited (ONGC) has jumped 53 notches to secure the 190th position in the 2022 Fortune Global 500 list.

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## MANUFACTURING ENTERPRISES - SME

### Trophy

### Gargi Hüttenes - Albertus Private Limited

Gargi HA is an Indian arm of the parent company HA Group. Gargi HA has been a joint venture between Gargi and Hüttenes Albertus Chemische Werke GmbH since 1985. Gargi HA strive to maintain the highest level of integrity and ethical standards in all their business practices.

They have always believed in the power of transparency, honesty, and fairness, and they make sure that these principles guide every aspect of their operations. They are proud to mention that they have had the same set of stakeholders such as customers, suppliers, employees, and financial institutions since their inception in 1989.

Their business model revolves around the 3Cs strategy –

1. Climate Change
2. Customer-Centric
3. Community Service



They have sustainable business plans to combat climatic changes and pollution controls. They deliver superior customers value and

build a bridge between the customers' needs and their products and services. Gargi HA has strong social ties with the community around their places of operations. They believe that this award is a testament to their commitment to maintaining ethical practices in all their business dealings.

They hope that this award will encourage other companies to prioritize fair and ethical business practices and contribute towards building a more sustainable and just economy.

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## SERVICE ENTERPRISES - LARGE

### Trophy

## Blue Dart Express Limited

#### Our Vision

To be the best and set the pace in the express air and integrated transportation and distribution industry, with a business and human conscience.

We commit to develop, reward and recognise our people who, through high quality and professional service, and use of sophisticated technology, will meet and exceed customer and stakeholder expectations profitably.

#### About Our Company

Blue Dart Express Ltd., South Asia's premier express air and integrated transportation & distribution company, offers secure and reliable delivery of consignments to over 55,000+ locations in India. Blue Dart is a provider of choice for its stakeholders due to its customer centric approach and aims to further strengthen this partnership. As part

of Deutsche Post DHL Group's DHL eCommerce Solutions division, Blue Dart accesses the largest and most comprehensive express and logistics network worldwide, covering over 220 countries and territories, with over 32,12,077 sq.ft. of facilities which include 7 aviation hubs and bonded warehouses, 59 Ground Hubs and 124 Network Hubs and dedicated air services with a fleet of six Boeing 757 operating each night to the 7 main metros in India and offers an entire spectrum of distribution services including air express, freight forwarding, supply chain solutions, customs clearance etc. Blue Dart's core competence lies in the business of superior express delivery services, maintaining reliability levels of 99.96%.

A people-first company, Blue Dart continues to deliver value to its stakeholders through its people philosophy and corporate governance, based on distinctive customer service, business ethics, accountability and profitability.

Blue Dart' score business is domestic door-to-door, integrated, air express distribution and Supply chain management. Blue Dart has a

range of products and services that can be customised to address individual requirements. Each product has been developed keeping in mind the customers' need for flexibility and choice. A combination of the right product mix and price ensure the customers' peace of mind. The products are ably supported by cutting-edge customer software.

The Blue Dart team drives market leadership through its motivated people, dedicated air and ground capacity, cutting-edge technology,

wide range of innovative, vertical specific products and valueadded services to deliver unmatched standards of service quality to its customers. Blue Dart's market leadership is further validated by its position as the nation's most innovative and awarded express logistics company for exhibiting reliability, superior brand experience and sustainability which include recognition as one of



'India's Best Companies to Work For' by The Great Place to Work® Institute,

India, ranked amongst 'Best Multinational Workplaces in Asia' by The Great Place to Work® Institute, Asia, voted a 'Superbrand' and 'Reader's Digest Most Trusted Brand', listed as one of Fortune 500's 'India's Largest Corporations' and Forbes 'India's Super 50 Companies' to name a few. Blue Dart's Diversity and Inclusion initiatives have also led to it being recognized as one of India's 'Best Workplaces for Women' in 2021 and 'Best Organisations for Women' in 2022 by the Economic Times.

Blue Dart fulfils its social responsibility of climate protection (GoGreen), disaster management (GoHelp) and education (GoTeach) through its GoPrograms.

The focus of all activities at Blue Dart is to add value. The company strongly believes that real Value can be added only by actually partnering clients to develop solutions which best meets their individual requirements.

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## SERVICE ENTERPRISES - LARGE

### Trophy

## ECGC Limited

#### Introduction

ECGC Limited, a premier Export Credit Agency (ECA) of the Government of India, was set up in 1957 under the Companies Act with the mandate to promote exports from the country. The Company is a Central Public Sector Enterprise (CPSE) functioning under the administrative control of Ministry of Commerce & Industry. It provides export credit insurance and other trade related services to



exporters and banks on a "no-profit no-loss basis". The Company, headquartered in Mumbai, has a service network of 51 offices across the country, with Branches at major export centres, including IFSC, GIFT City. Over the years, the Company has designed different export credit risk insurance products to suit the requirements of Indian exporters and commercial banks extending export credit.

With the mandate to promote exports from the country, the Company strives to provide a level-playing field to Indian exporters in the international trade by providing cost-effective credit insurance solutions. ECGC insurance covers enable the exporters to be globally competitive and remain protected from any unforeseen losses in export transactions. Apart from the protection available to exporters on account of any unforeseen losses in their existing export transactions, the ECGC insurance covers also enable the exporters to venture into new markets/new buyers. ECGC's services also enable the exporters to access bank finance, access to information, and support in recovery of delinquent debts from the foreign buyers/countries.

**Vision**

The vision of ECGC Ltd. is to excel in providing export credit insurance and trade-related services.

**Mission**

The mission of ECGC is to support the Indian Export Industry by providing cost-effective insurance and trade-related services to meet the growing needs of Indian export market by optimal utilization of available resources.

**SERVICE ENTERPRISES - SME  
Trophy  
Breach Candy Hospital Trust**

Breach Candy Hospital Trust has been a beacon of light for the Hysteroscopy were first performed here.

suffering for over 75 years. Situated on the coastline of South Mumbai, the hospital is renowned for its medical expertise, excellent nursing care and quality diagnostics. It's a 213 Bedded Multi super specialty hospital providing tertiary care treatment.



The hospital has earned national recognition as a leader in interventional cardiology. For patients, it's a sanctuary for the healing of mind and body. The other services offered are all specialty OPD, Preventive Health Check-ups, Dialysis, Physiotherapy, Maternity, Dentistry, Endoscopy, Non Invasive Cardiology, Pulmonology, PET-CT, SPECT-CT, Home Services like Blood collection, Home Physiotherapy etc.

Specialists on the hospital's panel of doctors include some of the most distinguished names in Indian medical profession. Many procedures in routine use including Coronary Angioplasty, Magnetic Resonance Imaging, Critical Care ICU and

Invasive Cardiology, Pulmonology, PET-CT, SPECT-CT, Home Services like Blood collection, Home Physiotherapy etc.

**SERVICE ENTERPRISES - SME  
Trophy  
Godrej Memorial Hospital, Mumbai**

Godrej Memorial Hospital (GMH), commissioned in October 2004, Rational and Ethical manner with focus on quality.

is a modern, 111 bed, multi-specialty tertiary care hospital committed to providing quality and affordable healthcare to all. It is a unit of the Godrej Memorial Trust, dedicated to providing medical relief to all the sections of society at economical rates.



**Vision**

To be a Center of Medical Excellence with focus on Emergency Medical Care. The Hospital is accredited by the NABH and NABL, the highest quality standards in the country.

**Mission**

To provide Compassionate Health care to all at affordable cost in a

## TRADE & DISTRIBUTION - SME

### Trophy

## Mumbai Kamgar Madhyawarti Grahak Sahakari Sanstha Maryadit (Apna Bazar Co. Op.)

Established in 1948 as 'Naigaon Kamgar Madhyawarti Grahak Sahakari Mandal Ltd.' has completed its 75<sup>th</sup> year on 09-05-2023. Some small group of Mill workers with socialistic ideology started the society and now it is operating in the States of Maharashtra and Gujarat with 8 Department stores and 14 small outlets to serve general public on the basis of co-operative principles and objectives. Apna Bazar Co-op mainly deal with all Provision and Grocery items, Utensils, Plastic, Hosiery and Medicines at suitable rates with best quality. In financial year 2022-23 organisation has completed expected target of sale with a high jump in wholesale supply to various institute.

Every part of business is best of quality and loyalty with customers. During Pandemic Covid19 society served general public mainly with home delivery and supported various organisation and NGOs with daily usable consumable kits which were distributed by them to poor and needy public.

Management of organisation is constituted by 20 directors inclusive of Chairman, Vice Chairman, 4 Executive Committee Members. Chief Executive along with others senior officers look after day to day transactions. Individual outlets have their local committee to look after the business of outlet. Organisation is abide to follow all rules and regulations of statutory laws and Government.

Organisation is discharging some social responsibilities also by conducting

'Dadasaheb Sarfare Arogya Kendra' with team of specialist Doctors to serve the patients with nominal charges.

At the same time arranges social gathering on all major fields of society to get the all over awareness and self-improvements.

With 381 employees of all cadres of staff of officers organisation is always ahead to achieve predicted goals. Organisation is providing training to staff, officers as well as directors at regular interval. Each outlet is atomised with the help of expansion and development committee.

Organisation is running its own

business without any Govt. support. Organisation is ISO 9001-2015 certified following all the norms of ISO. Apna Bazar Co.Op which is awarded with Jamnalal Bajaj Uchit Vyavahar Puraskar, Global Achiever's Award for Business Leadership, Excellence in recognition of significant contribution in co-operative sector and Sahakar Gaurav Puraskar has merged Dadar Nagrik Consumers Cooperative society Ltd., Sarvodaya Women's Industrial Coop. society Ltd. and Nanachowk Gamdevi consumers coop. society Ltd. with their liabilities and assets by keeping the interest of their members to spread and with to be cooperative movement.

Apna Bazar is always committed to provide best services in retail sector but always to move with cooperative principles with full loyalty.



## CHARITABLE ASSOCIATION

### Trophy

## Gem & Jewellery National Relief Foundation, Mumbai

### GEM & JEWELLERY NATIONAL RELIEF FOUNDATION (GJNRF)

#### An Introduction

The gem and jewellery industry in India has been involved in charitable activities and giving back to society almost from its inception over seven decades ago. This has included running schools and colleges, hospitals and medical camps and supporting organisations working to improve lives of the underprivileged.

#### Formation

In 1999, the industry took a major step to coordinate such social interventions in a more organised manner, especially during times of major crisis caused by natural calamities or other events with the formation of a trust that would ensure coordinated action for heightened impact with support from the entire industry. The Gem & Jewellery National Relief Foundation (GJNRF), was registered under Mumbai Trust Act, 1950 on 1 August 1999.

The trust took shape in the aftermath of Kargil War, when some leading members of the trade came together to support the families of those who were martyred during the war and other defence personnel.

#### Major Campaigns

Beginning with the **Kargil War** and **Kutch Earthquake** in 1999-2001 to **Super Cyclone** in Odisha and the **Tsunami** in Tamil Nadu till the more recent **Covid-19 pandemic** in 2020-21, GJNRF has been at the forefront of numerous initiatives focused on Reaching Out to the affected

communities with relief and helping Rebuild Futures through long term rehabilitation measures.

GJNRF has executed projects across India, responding to the needs of people in different parts of **Maharashtra, Gujarat, Odisha, Bihar, Tamil Nadu, Jammu & Kashmir, Kerala, Assam and other locations across the country.** During this period, the Trust has supported victims of natural calamities (earthquakes, floods, cyclones, the tsunami, drought, Covid-19), and of acts of terrorist violence. The efforts have included both short term relief programmes and long-term infrastructure development that have had widespread social impact and helped in rehabilitation of entire communities.

#### Strengthening Welfare Infrastructure

It has continued its support to the families of armed forces personnel killed in various anti-insurgency operations, helping the widows of the CRPF personnel killed in the Pulwama blast in 2019, besides helping rehabilitate victims and families affected by different terrorist attacks in parts of the country.

The organization has also supported various initiatives by government run organisations, trusts and NGOs

towards strengthening the infrastructure in health, education and community welfare sectors for underprivileged communities.

#### Impact

**GJNRF has collected and disbursed an estimated Rs. 800 million in different campaigns and projects over the years and has impacted the lives and livelihoods of many millions of people all across the country.**



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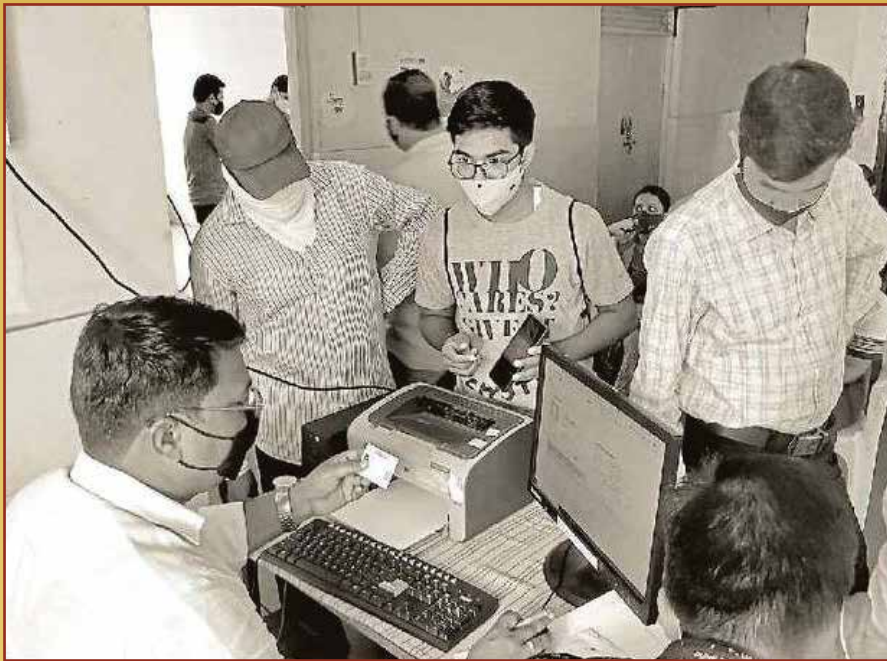
# EXPANDING AADHAAR TO PRIVATE ENTITIES IS RISKY

Hindustan Times | 18<sup>th</sup> May 2023

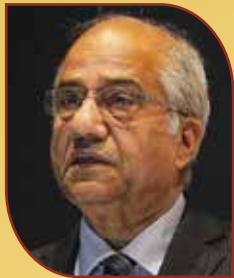
Guest Column - By Invitation

The Centre's decision to expand identification using Aadhaar may threaten the fundamental right to privacy, and raises alarm about the possible impact on individual liberties and constitutional morality

The morality of governance, in addition to constitutional morality, warrants that legislators do not hastily assent to laws that obfuscate the privacy or the identity of the individual by giving the rules a veneer of morality and constitutional sanction.



Shankar Narayan/HT Archive



B. N. SRIKRISHNA



SWAPNIL KOTHARI  
PRESIDENT

Justice BN Srikrishna is a former Supreme Court judge and an advisory board member, Council For Fair Business Practices. Swapnil Kothari is an international corporate lawyer and president, Council For Fair Business Practices. The views expressed are personal.

In a landmark 4-1 verdict in 2018, the Supreme Court (SC) upheld the constitutionality of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, but struck down section 57, which allowed the use of Aadhaar authentication and E-KYC (know your customer) by

private companies to establish an identity for delivering services. Explaining its ruling, the top court said that the section struck at the heart of an individual's privacy, a fundamental right as per the 2017 Puttaswamy judgment. This verdict was a

momentous one that delineated the guardrails for government action, cognisant that the right of privacy (and the identity) of the person — declared to be a fundamental right — is sacrosanct.

According to our constitutional

provisions, Parliament can undo an SC verdict by passing legislation that may run contrary to a judgment. The State has since then wanted, even tried at times, to clip the wings of individual liberties and curtail fundamental rights, often under the garb of larger public interest.

The first attempt came in 2019, when the government sought to provide voluntary Aadhaar authentication or verification of a user by a bank, by passing the Aadhaar and Other Laws (Amendment) Bill, 2019. But the top court refused to agree to a mandatory linking of bank accounts or mobile SIM cards with Aadhaar.

One of the cardinal principles enunciated in the Puttaswamy judgment is that any law that attempts to abridge a fundamental right must declare the objective of doing so. The State must further show that there is no alternative method to achieve the objective. Finally, it must prove that the law causes

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the least incursion into the fundamental rights of citizens and individuals to attain its goal, which is the sacred doctrine of proportionality.

When we examine the government's attempts on the anvil of the above tests postulated in Puttaswamy and other SC judgments, they seem to fail on all counts.

The principal provision of the Aadhaar and Other Laws (Amendment) Bill, 2019, was to allow the use of an Aadhaar number for authentication voluntarily as an acceptable KYC document under the Telegraph Act, 1885 and the Prevention of Money Laundering Act 2002. But the objective of the law appeared to be a chimaera. There was no evidence of a clearly enunciated objective nor could one rationally discern any nexus with the yet to be discovered objectives. This gave rise to a suspicion that there is a gradual and creeping erosion of the fundamental right of privacy, and that generated distrust about the actions of the State.

In 2020, came another bizarre legislation — the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules, 2020, whose objectives postulated in Rule 3 read as: (1) The central government may allow Aadhaar authentication by requesting entities in the interest of good governance, preventing leakage of public funds, promoting ease of living of residents and enabling better access to services for them, for the following purposes, namely:— (a) usage of digital platforms to ensure good governance; (b) prevention of dissipation of social welfare benefits; and (c) enablement of innovation and the spread of knowledge.

What do these phrases mean? Was there any debate on them, any public discussion, or were they decided in the cloistered chambers of the executive? These rules seem to afford sufficient grounds for invalidation on grounds of “void for vagueness”

doctrine or “overbroad”, when tested on the anvil of constitutional principles.

Then, last month, the ministry of electronics and information technology proposed rules to enable Aadhaar identification by private entities for “promoting ease of living for residents and enabling better access to services for them”. Were any attempts made to identify and ascertain how any entity seeking such authentication could seek to achieve any of the aforesaid purposes, whether in the state or Centre's interest? This legislation is pregnant with potential for mischief as the term “ease of living” is undefined, nor is it made clear how one can gain “better access”, and to “which services”. If the purpose of the law is to define the rights and obligations of the governed, the proposed changes, with their vagueness, run the danger of violating the SC's 2018 judgment.

New India is an emerging democratic giant with the individual rightfully at its core, enjoying the full panoply of fundamental rights. The morality of governance, in addition to constitutional morality, warrants that legislators do not hastily assent to laws that obfuscate the privacy or the identity of the individual by giving the rules a veneer of morality as well as a constitutional sanction.

It appears that the government is seeking to gain access to private information without specifying the reasons for such attempts. In the United States and the United Kingdom, adequate data protection laws and severe consequences are attached to any violation of the same. Unfortunately, we still appear to be many miles away from such a law. Until constitutionally valid legislation on the subject is passed by Parliament, the government should leave individuals alone in their private sanctorum because that's what effective governments with a global vision are expected to do.

••••

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# The awards that cherish fairness and reward ideals

The recently-concluded 35th Jamnalal Bajaj Awards, curated by the Council for Fair Business Practices, saw the who's who of the corporate world in attendance

etpanache@times-group.com

The Jamnalal Bajaj Awards (JB Awards) is one of the flagship events organised by the Council for Fair Business Practices (CFBP). In the past, dignitaries who have attended as its chief guest include the who's who of India's political and business worlds — APJ Abdul Kalam, Manmohan Singh, Nandan Nilekani, Narayana Murthy to name a few. This year, it was Keki Mistry, vice-chairman and CEO, HDFC, who is also on the CFBP advisory board.

Every year, CFBP invites applications from major conglomerates, SMEs and charitable associations, and an eminent jury decides the winners on the basis of presentations made by the shortlisted applicants. The jury judges the entries on several criteria like employee satisfaction, diversity and inclusion, consumer satisfaction, environmental sustainability, etc. In this manner, CFBP ensures that strict standards are adhered to by the industry.

CFBP president and well-known lawyer Swapnil Kothari said, "In today's competitive times, with fair business practices being imperative, we endeavour to touch every spectrum of our society — be it industry, medicine, law, women empowerment or education."



(From left) Vineet Bhatnagar, BN Srikrishna, Keki Mistry, Swapnil Kothari, Shekhar Bajaj and Mickey Mehta

invitee team. "The JB Awards lay down a roadmap for future generations to emulate their great predecessors as they continue to make a difference to society. Given its stratospheric growth, both in size and stature in the past four years, CFBP is spreading its wings nationwide and looks to go global in a few years in accordance with its illustrious legacy," Kothari said.

Chief guest Mistry said, "The awards honour organisations that demonstrate unwavering commitment to fairness, integrity and responsible business practices. They embody the spirit of Jamnalal Bajaj, a visionary industrialist and philanthropist who believed that ethical conduct drives positive change and is the foundation of sustainable growth. If value systems are in place, fair business practices become the very mantra of the organisation."

### Honouring the best

- Manufacturing enterprises large: JSW Steel Coated Products, Hindustan Copper, and Oil & Natural Gas Corporation
- Manufacturing enterprises SME: Gargi Hattories-Abortus
- Service enterprises large: Blue Dart Express and ECGC
- Service enterprises SME: Breach Candy Hospital Trust and Godrej Memorial Hospital
- Trade and distribution SME: Mumbai Kamgar Madhyawarri Grahak Sahakari Samskha Maryaditi (Apna Bazar)
- Charitable association: Gem & Jewellery National Relief Foundation

### Rich history

The council was founded by eminent industrialists like JRD Tata, Ramkrishna Bajaj and Soti Godrej along with Arvind Matadai, FT Khorakiwala, JN Guzder, Keshub Mahindra and others. In 1966, CFBP has some of the country's foremost professionals and industrialists on its advisory board and executive committee or

**"Given its stratospheric growth, both in size and stature in the past four years, CFBP is spreading its wings nationwide and looks to go global in a few years"**

— SWAPNIL KOTHARI



### Unwavering optimism

Over the course of his regular interactions with international investors, Mistry was happy to note their unwavering optimism due to the positive image that India has been able to create through greater transparency and a fair regulatory framework. Given the burgeoning digitisation and the fact that India is poised to become the third largest consumer market behind US and China, consumer spending in India is expected to grow from \$1.5 trillion to nearly \$6 trillion by 2030. Seeing a greater role for CFBP in the coming years, Mistry believes that for fair business practices to be truly effective, organisations need to adhere to nine principles: Strong business ethics, a focus on compliance and reputational risks, internal financial controls, code of conduct, strong risk management practices, constant communication with staff, an effective whistleblower programme, robust corporate governance practices and an independent board.

Founder member and chairman of the CFBP advisory board Shekhar Bajaj observed, "JB Awards is a commemoration of my family's staunch commitment to fair practices, both in business and public life. It resuscitates the faith of the common man in the industry, as it lays down strict criteria on which there can be zero compromise."

CFBP vice-president Vineet Bhatnagar noted, "As chairperson, I have been hosting the JB Awards since many years, and it has been my pleasure and privilege to be at the centre of it given that we have nothing short of torchbearers of ethics and integrity as our winners."

Jury chairman Justice BN Srikrishna said, "I compliment Swapnil and his team for the great work that they are doing in bringing forward the leading lights of fair practices. As jury chair since many years, I am happy that CFBP is one such committed organisation that cherishes fairness and rewards justice done in many of its manifestations."



The CFBP team with all the winners

ADVERTORIAL

# The awards that cherish fairness and reward ideals

The recently concluded 35th Jammalal Bajaj Awards in Mumbai curated by Council For Fair Business Practices (CFBP) at a well-known venue saw the who's who of the corporate world both as Awardees and Attendees.

The Jammalal Bajaj Awards (JB Awards) is one of the 1 lagship events organised by the Council for Fair Business Practices (CFBP). In the past, dignitaries who have attended as its chief guest include the who's who of India's political and business worlds — APJ Abdul Kalam, Manmohan Singh, Nandan Nilekani, Narayana Murthy to name a few. This year, it was Keki Mistry, vice-chairman and CEO, HDFC, who is also on the CFBP advisory board. Every year, CFBP invites applications from major conglomerates, SMEs and charitable associations, and an eminent jury decides the winners on the basis of presentations made by the shortlisted applicants. The jury judges the entries on several criteria like employee satisfaction, diversity and inclusion, consumer satisfaction, environmental sustainability, etc. In this manner, CFBP ensures that strict standards are adhered to by the industry. CFBP president and well-known lawyer Swapnil Kothari said, "In today's competitive times, with fair business practices being imperative, we endeavour to touch every spectrum of our society — be it industry, medicine, law, women empowerment or education."

## Rich History

The council was founded by eminent industrialists like JRD Tata, Ramkrishna Bajaj and Soli Godrej along with Arvind Mafatlal, FT Khorakiwala, JN Guzder, Keshub Mahindra and others in 1966. CFBP has some of the country's foremost professionals and industrialists on its advisory board and executive committee or



"Given its stratospheric growth, both in size and stature in the past four years, CFBP is spreading its wings nationwide and looks to go global in a few years"

— SWAPNIL KOTHARI

invitee team. "The JB Awards lay down a roadmap for future generations to emulate their great predecessors as they continue to make a difference to society. Given its stratospheric growth, both in size and stature in the past four years, CFBP is spreading its wings nationwide and looks to go global in a few years in accordance with its illustrious legacy," Kothari said. Chief guest Mistry said, "The awards honour organisations that demonstrate unwavering commitment to fairness, integrity and responsible business practices. They embody the spirit of Jammalal Bajaj, a visionary industrialist and philanthropist who believed that ethical conduct drives positive change and the foundation of sustainable growth. If value systems are in place, fair business practices become the very mantra of the organisation."

## Honouring the best

- Manufacturing enterprises large: JSW Steel Coated Products, Hindustan Copper, and Oil & Natural Gas Corporation
- Manufacturing enterprises SME: Gargi Huttenes-Albertus
- Service enterprises large: Blue Dart Express and ECGC
- Service enterprises SME: Breach Candy Hospital Trust and Godrej Memorial Hospital
- Trade and distribution SME: Mumbai Kamgar Madhyawarti Grahak Sahakari Sanstha Maryadhi (Agna Bazar)
- Charitable association: Gem & Jewellery National Relief Foundation



(From left) Vineet Bhatnagar, BN Srikrishna, Keki Mistry, Swapnil Kothari, Shekhar Bajaj and Mickey Mehta



The CFBP team with all the winners

## Unwavering optimism

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## Waiting for brands to emerge

For fruitful participation, there should be good brand anticipation

**F**or success in brand building, both in topline and bottomline results, it is important to have good eyes and ears for emerging brands. If you anticipate things, you will be able to prepare well and capture the market and have brand success.

There are many things you can anticipate. There are also many things which you may not be able to anticipate but the important point is that, if you have discipline and the ability to think towards brand anticipation, you will always be on the lookout for ideas and want to do things and prepare in advance, so that you do not get surprised or shocked by events, which happen internally or externally within your company or in the marketplace.

**Anticipating needs:** Consumers keep evolving. They need to keep changing. Brand pioneers are the ones who have anticipated and have looked at new and emerging needs or even changing needs of consumers and have been able to put the brand in the marketplace much ahead of competition. Usually, pioneers also end up becoming market leaders and are always ahead of competition in the market place.

**Anticipating changes in the environment:** The environment is not constant. It keeps changing. I am not talking about the geographical or the climatic environment alone; I am talking about the environment in the marketplace too. Many years ago, there was only general trade. Slowly, the retail environment started changing and there was the onset of modern trade. From multi-brand outlets, things moved to exclusive brand outlets. Then the retail environment changed from physical retail to a component emerging of e-commerce or e-tail.

Today, the retail environment has seen a sea change since the last few decades; so much so, that brands and companies, which had anticipated that environment, were able to prepare strategies, build teams, induct and bring in expertise and adapt themselves to the new changed, retail environment, without losing sight or importance of the original general trade.

*Kirana* stores are still there and so are chemists and so are *pan bidi* shops and general merchants. But, now, there are also supermarkets, chain stores, franchisees and a vibrant e-commerce. Your brand needs to be available and sold through not one but all channels even to grow. All those brands and companies, which anticipated and prepared for this change in the retail environment, have benefited and have grown.

**Anticipating media trends:** Many years ago, advertising started with a sandwich man walking



JAGDEEP KAPOOR

on the main street with a board in front of him and a board behind him. The board behind him would be displaying the message of the brand. Then advertising and media, went on to newspapers advertising and magazine advertising, initially in black and white and then in colour. Then media trends changed and in came radio advertising, followed with television commercials. All along, outdoor media kept its visibility up. Then digital communication made its appearance and, now, internet has carved out a significant share in the media advertising pie for itself.

Brands and companies, which were able to anticipate and prepare for changing trends in the media and advertising world, were able to be ahead of the competition and march ahead in terms of the brand awareness, growth and enhancement of brand equity.

**Anticipating competition:** You can pioneer; you can innovate; you can become the market leader. But to continue to remain the market leader,

You need to keep your eyes open and anticipate from where you are getting your next competitor, even if you do not have a single one now

you need to anticipate. While you may anticipate the consumers' needs, the retail environment, as also the media trends, you need to anticipate competition itself – because, as you grow a category, more people would get attracted to that category, thereby giving birth to a new category of products or services. You are also, through your success, giving birth to competition, which finds that category attractive and lucrative. You need to anticipate competition itself.

Competition could come from your existing rivals entering into that category or maybe from a totally new set of companies, which were not even considered to be direct or indirect competitors. You need to keep your eyes open and anticipate from where you are getting your next competitor, even if you do not have a single one now. This will help you to be ready and prepared and be able to safeguard your market leadership. Brand anticipation is a strategic way of thinking for building brands, and building businesses.

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# ACHIEVING EXCELLENCE IN MARKET DYNAMICS THROUGH COMPETITION



**Pramod Shah**

Executive committee member - CFBP Former Chairman, Institute of Company Secretaries of India (Western region) Vice President, Bombay Management Association (2023-24)

## INTRODUCTION

The Parliament of India passed the Competition Act, 2002, on January 13, 2003, which repealed the Monopolies and Restrictive Trade Practices Act, 1969. It is a tool to execute and uphold competition policy and to prevent and punish anti-competitive business practices by firms and unnecessary Government interference in the market. Competition law is similarly relevant on composed as well as oral agreement, arrangements between the enterprises or persons.

The Competition Act, 2002 was amended by the Competition (Amendment) Act, 2007 and again by the Competition (Amendment) Act, 2009. Comprehensively, the commission's obligation is

- To prohibit the agreements or practices that have or are likely to have an appreciable adverse effect on competition in a market in India, (horizontal and vertical agreements / conduct);
- To prohibit the abuse of dominance in a market;
- To prohibit acquisitions, mergers, amalgamations etc. between enterprises which have or are likely to have an appreciable adverse effect on competition in market(s) in India.

## EVOLUTION AND DEVELOPMENT OF COMPETITION ACT

Today, the entire world is confronting the idea slice competition and to stand 'in'; every nation is attempting to pull their economy up. The globalization and urbanization is likewise assuming a decent part in something very similar. To have a fair and healthy competition, our nation has set up a body – judicial body which is known as the 'competition commission of India' [CCI].

Empire. It is said that the competition act is, an act to provide, keeping in view of the economic development of the country, for the foundation of a commission to prevent practices having adverse effect on competition in the market, to protect the interest of consumers and to ensure freedom of trade carried on by other participants in the markets, in India, and for issues associated there with or coincidental thereto.

### Economic liberalisation and the abolition of the MRTP Act in 1991

In 1991, economic liberalisation was presented, which was a significant defining moment Indian business sectors in the globalized world. With the elimination of trade barriers the country started to confront contest from both within and beyond the country. Thus, to prepare for globalization, India executed a lot of new financial plans, decreased government obstruction, and continuously began opening open doors for industry and worldwide speculation. Among such new provisions, plenty of changes were made to India's competitive system, such as:

Amendment to the Monopolies and Restrictive Trade Practices Act has eliminated-

- the strategy for pre-entry critical examination of venture by MRTP Industries,
- the extent of MRTP in consolidations, acquisitions, and combination, and
- the precondition of government permission for spreading and forming new enterprises.

## ANTI-COMPETITIVE BEHAVIOUR

Anti- competitive practices are business or government practiced that prevent or lessen competition in a market. Competition allows companies to compete in order for products and services to improve; promote innovation; and provide more choices for consumers. To get more prominent benefits, a few huge undertakings exploit market ability to frustrate endurance of new participants.

Anti-competitive behaviour can be assembled into two classifications. Horizontal restraints regard anti-competitive behaviour that involves competitors at the similar level of the supply chain. These practices include mergers, cartels, collusions, price-fixing, price discrimination and predatory pricing. On the other hand, the second category is vertical restraint which implements restraints against competitors due to anti-competitive practice between firms at different levels of the supply chain e.g. supplier-distributor relationships. These practices include exclusive dealing, refusal to deal/sell, resale price maintenance and more.

### Anti-Competitive Behaviour types:

a) Dumping also known as predatory pricing is a business technique for which an organization sells an item at a forcefully low cost in a competitive market at loss. A company with large market share and the capacity to briefly forfeit selling an item or administration at less than ideal expense can drive contenders out of the market, after which the organization would be allowed to raise costs for a more prominent benefit.

b) Price Fixing where companies collude to set cost, successfully destroying the free market by not taking part in competition with one another. In 2018, travel agency giant, flight center was fined \$12.5 million for empowering a conniving cost fixing plan between 3 international airlines from somewhere in the range of 2005 and 2009.

c) Price Discrimination, when an item or administration is proposed to various purchasers at various costs in different markets. Examples include student and senior discounts for transport, well-packaged books versus paperback editions, differences in the price of lunch and dinner in restaurants, or airfare differences.

**Horizontal mergers :** Horizontal merger alludes to further developing effectiveness by decreasing purchaser bending of firm decision and cost heterogeneity. Horizontal mergers can also easily lead to a monopoly, reducing consumers' choices and indirectly harming consumers' interests. Some horizontal agreements that are precluded under the Competition Act, 2002 are as follows:

- Agreements involving the explicit or implicit setting of the commodity's buying or selling price.
- Contracts that limit or regulate the manufacturing, sales, expenditure, or service provisions for specific goods and numbers.
- Contract related to market sharing.
- Contracts for bid rigging.
- Agreements in the form of cartels:

**Vertical mergers :** A chain of monopolists under can cause costs that extract beyond consumer surplus as wholesalers increase costs, retailers have the ability to move this cost onto the retail cost.

For example, an agreement between a producer and a supplier that has the ability to affect competition in the market can be termed a vertical agreement.

Various vertical agreements permitted under the Competition Act, 2002 are as follows:

- Tie-in agreement
- Exclusive supply agreement
- Exclusive distribution agreement
- Refusal to deal
- Maintenance of resale prices

There is sufficient evidence to conclude that, the utilization of anti-competitive practices can dramatically reduce the phenomenon of black market, hence improves the investment incentives on aggregate demands.

## POSITIONS OF DOMINANCE – THE ABUSES AND RECOURSES

In simple terms 'dominant position' signifies something in a better situation as compared to others based on some factors. Abuse of dominant position includes:

- Imposing unfair condition or price
- Predatory pricing
- Limiting production/market or technical development
- Certain barrier to entry
- Applying dissimilar conditions to similar transactions
- Denying market access
- Using dominant position in one market to gain advantages in another market
- Section 4 of the Competition Act, 2002 provides for prohibition of abuse of dominant position.
- The Act defines 'dominant position' in terms of strength enjoyed by an enterprise, in the relevant market in India, which empowers it to
- Operate independently of the competitive forces prevailing in the relevant market;
- Influences its competitors or consumers or the relevant market in its favour.

Thus, it is the ability of the enterprise to act autonomously of the competitive forces that determines the dominant position.

Dominance isn't viewed as terrible in essence. Its abuse is stated to occur when an enterprise or a group of enterprises uses its dominant position in the relevant market in an exclusionary or/and an exploitative manner. In *Anuj Kumar Bhati v Sony Entertainment Television (SET)*, it was alleged that the opposite parties have duped the participants of T.V. Quiz Show 'Kaun Banega Crorepati-4' (KBC-4) and are indulging in foul play in the selection of contestants. The main allegation was that the opposite parties, being in dominant position, were segregating in choice of the candidates and taking on unreasonable practices in determination of inquiries posed during the show which is in violation of section 4 of the Competition Act.

### Consequences of Abuse of Dominance:

The Competition Commission, after an inquiry into the abuse of dominant position, may pass all or any of the following orders under section 27 of the Competition Act:

- direct an enterprise with dominant position involved in abuse of such dominant position to discontinue such abuse;
- impose penalty not exceeding ten percent of the average of the turnover for the last three preceding financial years, upon each of such person or enterprises which are parties to such abuse;
- direct the enterprises concerned to abide by such other orders as the Commission may pass and comply with the directions, including payment of cost, if any.
- In addition to the aforesaid orders, the Competition Commission has the power to order division of enterprise enjoying dominant position to ensure that it does not abuse its dominant position under section 28 of the Competition Act.

Hence with the rising utilization of dominant position, our implementation of statutory laws relating to the Competition Act also became relevant.

### NEED FOR COMPETITION STANDARDS:

India's competition law has just been in force for around 14 years. But, in these couple of years, the Competition Commission of India (CCI) has had to address complex cases involving anti-competitive conduct in a wide range of businesses, including tech markets. Amendments to India's competition law are supposed to go through in practically no time, which will probably present new apparatuses in the CCI's arsenal to effectively intervene in markets. There are likewise equal conversations to present a digital competition law, which would introduce rules by which tech platforms function in India – along the lines of the EU's Digital Markets Act.

### COMPETITION LAW: ROLE OF COMPANY SECRETARY:

In Easter days the leading companies plays a predominant situation to do the business it prompts impeding of numerous contenders inside the Indian Market. In Order to monitor the restrictive trade practices in India Law has been passes as MRTP Act (Monopoly Restrictive Trade Practise) to avoid the Monopoly trade practice in India.

The provisions of the Competition Act relating to anti-competitive agreements and abuse of dominant position were notified on May 20, 2009. Combination Regulations, 2011 introduced and explained "Combinations", which is emphasize on following aspects: Regular acquisition of Person Regular Merger& Acquisition The above three aspects plays a Vital role in Combination of entities:

- Regular Acquisition: When a Company Shares, Voting Right, Assets were acquired were known fall into Combination.
- Acquisition of Person: When a Person acquires Control over the Enterprises which engage in Competition.
- If a person able to control the affairs of the company.
- Defacto Control

Regular Merger & Acquisition: When a Regular Merger& Acquisition quantitative threshold need to consider to ensure the Combination is regular.

The Competition Act plays a vital role in Horizontal, Vertical, Coglomarte Mergers and Acquisitions. In the recent amendment of the Competition Act, 2019, describes Combination and impacts within India and Outside India.

Company Secretary having a certificate of practice can show up before Competition Commission of India and ensuring all compliances under the Act. Company Secretary is the best suited professional to be appointed as "Compliance Officer" under the Competition Compliance Program.

### Role of Company Secretaries in compliances:

- a) Section 35 authorizes a company secretary holding a certificate of practice under Section 6(1) of the Company Secretaries Act, 1980 to appear before CCI.
- b) Company Secretary is liable or guaranteeing all lawful compliances including compliance of all statues.
- c) Clause 49 of the Listing agreement of SEBI includes compliance of Competition Act, 2002.
- d) It turns into an obligation of a company secretary to advise the Company to comply with provisions of the Competition Act, 2002.
- e) Company Secretary is the most appropriate to be selected as "Compliance Officer" under the Competition Compliance Program (CCP).

### RELEVANCE OF COMPETITION LAW IN THE DIGITAL ERA:

The usage of digital platforms has expanded during the beyond couple of years. Under the Competition Act, 2002, CCI has implemented aggressive regulating procedures made a proactive move against digital platforms engaged in anti-competitive activities. CCI examines network effects, internet privacy, data manipulation, data collection, incorporation, and exchange to enhance competition regulation in digital markets. While competition laws successfully regulate digital markets, there is an opportunity for competitive markets to be strengthened through proper modifications to keep up with the intricacies of evolving technologies. The future of antitrust regulation of digital marketplaces looks to be bright.

### CONCLUSION:

The Competition Act of India is quite broad and was intended to satisfy the necessities of development in the economy and overall monetary patterns concerning competition law. Thus, the competition law of 2002 is recognised as a historic law. This regulation doesn't permit misuse of power. However the whole regulation has still not been executed, the reception of the entire Act will undoubtedly increase market competitiveness on a national and worldwide scale.

Any business operated in India, they should have the information on the different regulations and related rules and guidelines and furthermore the execution of the equivalent. Competition in the global market is a huge challenge in current situation and needs to be dealt with very carefully. Here, it is vital to all organizations to understand that in spite of the fact that opposition brings success, flourishing and endeavouring, will be a constant cycle.

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# TIME TO THINK AND ACT

P. K. BASU, EX. SECRETARY TO GOI

Friends and Countrymen!

As an IAS officer I have always kept myself equidistant from all political parties.

My allegiance was ONLY to the Constitution of India and my Conscience. In the course of my career I have seen several political parties and their leaders. In my allotted state Bihar, I have seen Karpoori Thakur, Jagganath Mishra, Chandrashekhar Singh, Bindeshwari Dubey, Bhagwat Jha Azad, Sachidanand Singh, Lalu Prasad Yadav and Nitish Kumar as Chief Ministers. At the centre I had Kalpnath Rai, N K P Salve, Venugopala Chari, Y K Alagh, Arun Shourie, P Chidambaram and Sharad Pawar as my Ministers.

Apart from this, I had to face ministers like Pranab Mukherjee, Jaswant Singh, Arun Jaitley as well. Of course, I do not expect anyone of them to remember me. I also saw from close quarters Devi Gawda,

R K Gujral, Narasimha Rao, Atal Bihari Vajpayee and Manmohan Singh as Prime Ministers. I retired as Agriculture Secretary in May 2012. The above would indicate that, statistically speaking, I have a reasonable sample size to draw conclusions.

I have been keenly observing the functioning of the present Prime Minister since he came to power. In fact, after I retired as Member, Central Administrative Tribunal, I had this desire to meet him because I saw a heavy Nationalistic Fervour in the man, of the kind shown by great leaders such as Subhash Chandra Bose, Lokamanya Bal Gangadhar Tilak, Sardar Vallabhbhai Patel, which I had not seen in anyone so far.

I asked PMO for an appointment, after I retired from CAT in May, 2017.

I got an appointment once I clarified that I am not trying to meet him to seek a post-retirement job. I met him on the appointed date and time on 22nd July 2017.

He rose from his seat to welcome me and shook both my hands, the Indian way. He spent about 15-20 minutes with me, with me doing most of the talking. He listened to me very very attentively and asked relevant and pointed questions.

When I left, he again got up and shook both hands. All along he was

extremely courteous and polite. I had NOT got such dignified treatment earlier. I never felt that here was the Prime Minister of India talking to an ordinary citizen!

Well friends, I have seen it all in my long career. This man is 'sui generis'.

He is here to give India its pride of place in the world. His first and last priority is the Nation.

Look at how his close family members still live. Look at how hardworking he is. Look at the bold, long pending, decisions he has taken - against corrupt tycoons, GST, Bankruptcy law, Swacch Bharat campaign, the Ayushman Scheme, Farmers' Insurance Scheme, DBT, crores of houses for the poor, Rural Electrification, roads to each nook and corner of the country, the drubbing to belligerent Pakistan, taming the aggressive Dragon, Infrastructure Galore, strengthening our Defence, high image of India in the world.

The list is unending.

Let me also share another thing. Corrupt ministers and bureaucrats are scared to ask for bribes now. You can trust me on that. You may be wondering why I chose to write this. The reason is simple. Elections are near. From my experience I can assure you that this is the last chance for India to reach heights of development and power.

PLEASE, PLEASE DO NOT SQUANDER IT!!

You will leave a much much better India for your children and grandchildren. I have seen all parties. They are more or less the same. BJP also has its share of corrupt, unprincipled and self serving leaders. In fact, I hear rumours that many stalwarts in BJP want him out.

Friends, trust me, this PM is different. He is not the 'NETA' we have seen till now. We should not let him go. It is not relevant which party he belongs to. In fact, if a Prime Minister could be directly voted to power, it would have been better.

But in our democracy a political party is a must. So we have to vote him through a party.

I hope you will heed to my appeal. I assure you, you will be proud one day.

Jai Hind!

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