

Privacy Protected, Except From State

ET Editorials



All concepts of privacy and data protection are circumscribed by the sociological tensions inherent in the relationship between an individual and the society in which she lives. Total protection of privacy could, for example, block investigation of acts by an individual that cause harm to others. Thus, privacy is inherently limited by the requirements of public interest. What constitutes the public interest in every possible situation is impossible to define in the law. Therefore, laws must provide some leeway for discretion by statutory authorities in determining the public interest and the degree of intrusion into personal privacy that is warranted. Only a robust system of governance in which

transparency and accountability accompany all actions of the state can protect the citizen from harm by the state.

The principal shortcoming of the Justice Srikrishna Committee report on data protection is that it does not detail a legal framework for regulating state infringement of privacy. It calls for a separate law to regulate intelligence agencies and their working. Arms of the state apart from intelligence agencies are potential transgressors of privacy. The committee's recommendations on departures from fiduciary responsibility by arms of the state in holding or processing data are weak and need to be strengthened. Its recommendations on amending the Aadhaar law bear a similar flaw. The stress on making data available for training artificial intelligence algorithms is welcome, as is the recommendation for local storage and processing of all data while not prohibiting copies of purely non-critical data to be transmitted abroad on broadly standardised terms. Provisions for extraterritorial control of Indian data must become stronger.

That a data subject should not suffer harm from anyone accessing her data is the implicit principle guiding the report. This is sound. But those who seek a slice of the monetised value of data for data subjects will be disappointed. Total ownership of data from which a right to erasure would devolve is not needed for such sharing.

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Who's Afraid of Walmart-Flipkart?

Rajneesh Kumar, [The writer is senior vice-president of Walmart India.]



Goliaths are scary. But they are vulnerable to Davids. What if a Goliath adds David-like agility and speed to his mass and reach? This is a worry echoed in the many concerns raised over Walmart's acquisition of Flipkart and its implications for India's countless small retail outlets, kirana stores and Indian businesses, whose margins will be — if one believes this narrative — pulverised by the giant retailer, once these become its vendors.

Science advances by creating hypotheses that can be proved true or false. The proposition that Walmart harms Indian retailers and small businesses can be put to the validation test, unlike, say, a statement such as 'the colour red is superior to a goal by Cristiano Ronaldo'. If facts prove this 'Walmart is harmful' claim to be false, we should accept that criticism as groundless, and move on. What we move on to would be the exciting prospect of the world's largest physical retailer acquiring India's leading online retail platform to integrate its physical business in India with new online capabilities to enhance its engagement with Indian suppliers, retailers and global consumers. All within the limits of regulation, of course.

Let us look at the experience of Walmart's engagement with Indian kiranas and small businesses since the company opened its first cash-and-carry store in India in 2009. Walmart India has served more than one million members, with a keen focus on kiranas and other small businesses. One key driver for the business has been creating value for members, small farmers, local and regional suppliers, associates and women-owned businesses.

Walmart's stakeholders — including its cash-and-carry members — are watching the company they spend their time and money with more closely than ever. They will learn that, together with Flipkart, Walmart would be able to help kiranas modernise their businesses through an expanded supply chain, sharing best practices in retail and technological advances. At the same time, the partnership, along with increased focus on agricultural supply chain investment, will help rural farms generate more incomparticularly, for small farmers — mainly due to improvement in farming techniques, increased access to markets, and less food waste in the value chain from farm to fork.

Meanwhile, these stronger supply chains will be an essential part of driving economic growth. Through investments to make the supply chain safer and to improve food storage capabilities, Walmart can make a meaningful impact in the reduction of food waste. Advances in packaging, shelf storage and inventory management will permit stores to minimise wastage of food after it reaches the retailer. Additionally, these investments will also help elevate India's global presence in the export market. With improvements in storage and supply chain capabilities, the opportunity to export India-made merchandise to the Walmart markets across the globe will increase dramatically.

There are examples of how this concept of 'creating shared value' has contributed significantly to growth of various partner members at Walmart India. Take the case of Vinay Kotra of Hyderabad, who, in March 2017, was venturing into retail through 'SKS Daily Needs' for the first time. A Walmart Best Price store team got involved helping Vinay with the design concept, store layout, margin benefits, payment solutions, customer service, delivery solutions, assortment mix and other retail operations nuances. Spurred by success in the first venture, he now plans to open more of such stores.

Deepti Chauhan from Lucknow quit her job two years ago and went back to her farm at Bassi Ka Talaab, 30 km away from the Walmart Best Price store in Lucknow. Walmart onboarded her as its supplier in 2016 and started sourcing exotic vegetables. Gauging her potential and willingness to scale up and

experiment, Walmart strengthened her understanding of food safety compliance guidelines for packed produce. They guided her through various methods of packaging and supported her in extending her supply chain so that she could cater to stores in Meerut and Agra.

On the vendor development front, the case of Annkoot Agro Food, a papad manufacturer from Jodhpur, Rajasthan, stands out. In 2008, it began supplying to three of Walmart India's Best Price stores with a turnover of Rs 3 lakh a month. Annkoot has now grown to be a multi-crore enterprise employing over 150 people, 40% of them women.

The country is growing at a phenomenal pace, with e-commerce growing at an even faster rate. Flipkart brings a passion for customers, combined with an ability to innovate and solve the challenges that can get in the way of a great customer experience. By working together, Walmart and Flipkart will drive job creation, small business growth, expand markets for rural farmers and continue to lead the way in creating opportunities for women entrepreneurs.
