

Monthly Policy Review

August 2014

Highlights of this Issue

GDP grows by 5.7% in first quarter of 2014-15 (p. 2)

This is an increase of one percentage point from the corresponding quarter in 2013-14. Mining and manufacturing grew at 2.1% and 3.5% respectively.

WTO Meeting closes without adopting the Trade Facilitation Agreement (p. 3)

India did not support the TFA as it held that the adoption of the TFA should be postponed till a permanent solution on food security is reached.

Bills related to the creation of a National Judicial Appointments Commission passed (p. 3)

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Central government permits Foreign Direct Investment in Defence and Railways (p. 5, 6)

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Parliament passed the Securities Laws (Amendment) Bill, 2014, which amends SEBI's powers regarding investigation, adjudication and attachment of property.

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Supreme Court holds that the NBWL is inconsistent with the Wildlife Act (p. 10)

The Court has stated that while the Standing Committee of the National Board for Wildlife may continue to function, it must not give effect to any orders passed by it, till the next Court hearing.

September 1, 2014

Macroeconomic Developments

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Domestic Product grows by 5.7%

India's real Gross Domestic Product (GDP) at factor cost grew at 5.7% in the first quarter (April to June) of 2014-15; an increase of one percentage point over the corresponding period of 2013-14.¹ As can be seen from Table 1, growth in the last quarter (January to March) of 2013-14 was 4.6%. The growth rate of mining at 2.1% was positive after six quarters, and that of manufacturing at 3.5%, after two quarters.

Table 1: GDP growth in first quarter (April-June 2014)

Item	Q1: 2013-14	Q4: 2013-14	Q1: 2014-15
Agriculture	4.0%	6.3%	3.8%
Mining	-3.9%	-0.4%	2.1%
Manufacturing	-1.2%	-1.4%	3.5%
Electricity	3.8%	7.2%	10.2%
Construction	1.1%	0.7%	4.8%
Services	7.2%	6.4%	6.8%
GDP	4.7%	4.6%	5.7%

Sources: MOSPI; PRS. Note: Figures in the table are for GDP at factor cost at constant prices.

RBI reduces SLR by 0.5%

The Reserve Bank of India (RBI) released its Third Bi-Monthly Monetary Policy Statement on August 5, 2014.² The following decisions were announced:

- RBI reduced the Statutory Liquidity Ratio (SLR) of scheduled commercial banks from 22.5% to 22% of their Net Deposit and Time Liabilities (i.e. all deposits). The SLR is the proportion of the banks' funds that have to be held in government securities. The SLR had been reduced from 23% to 22.5% in the last monetary policy review in June 2014.
- No other policy changes were announced. RBI said that the risks to the Consumer Price Index (CPI) inflation remain and hence, a vigilant monetary policy stance will be maintained.

Retail inflation increases to 8% in June

The Wholesale Price Index inflation fell from 5.4% in June 2014 to 5.2% in July 2014, driven by a decline in fuel and power inflation. On the

other hand, the Consumer Price Index inflation increased from 7.3% in June to 8% in July, on account of increasing food prices, primarily vegetable price inflation which increased from 8.7% in June to 16.9% in July.^{3,4}

IIP increases by 3.4% in June 2014

The Index of Industrial Production (IIP) increased by 3.4% in June 2014 (year-on-year), a decline from 5% in May 2014.⁵ Manufacturing production (weight 75%) increased by 1.8% in June, down from 5.1% in May. This was primarily due to increase in production of basic goods and capital goods, even as consumer goods production declined 10%.

Fiscal deficit at 56% of budget estimate by June 2014

In the first quarter (April to June) of financial year 2014-15, the total receipts of the central government are 9% of the final budget estimates for the year, lower than 11% in the corresponding period in previous year. Total expenditure has reached 23% of the annual target, the same as last year.⁶

Table 2: Union government accounts as of end of June 2014

Item	BE 2014-15	Up to June 2014	% of BE	COPPY
Total receipts	12,63,715	1,15,744	9%	11%
Total expenditure	17,94,892	4,13,603	23%	23%
Fiscal deficit	5,31,177	2,97,859	56%	48%
Revenue deficit	3,78,348	2,49,358	66%	55%

Sources: Controller General of Accounts; PRS.

Note: COPPY-corresponding period of previous year, i.e. April to June 2013-14; BE is Budget Estimate.

As of end June 2014, the central government has reached 66% of its budgeted revenue deficit and 56% of its budgeted fiscal deficit for this financial year, higher than in the previous year. The central government targets to have the fiscal deficit at 4.1% of the GDP in 2014-15.

Trade

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Trade Facilitation Agreement not adopted by WTO members

The World Trade Organisation (WTO) held the meeting of the General Council in Geneva from July 24 to July 31, 2014. At the meeting, India did not support the adoption of the Protocol of Amendment for the Trade Facilitation Agreement (TFA). It held that the adoption of the protocol must be postponed until a permanent solution on food security is reached, since they are both part of the Bali decisions from December 2013.⁷ The General Council could not find a solution and was declared closed on July 31, 2014 without adopting the TFA protocol.

Background: The Ninth WTO Ministerial Conference, held in Bali in December 2013, issued one declaration and ten decisions.⁸ The two decisions of importance to India are the decisions on trade facilitation and public stockholding.

- The Trade Facilitation Agreement (TFA), endorsed by India at Bali, aims at greater transparency and simplification of customs procedure. The TFA was to be added to the WTO Agreement via a Protocol of Amendment. The protocol had to be adopted by the WTO General Council before July 31, 2014, after which, it had to be ratified by two-thirds of the member countries by Jul 31, 2015, for it to enter into force.
- Public stockholding programmes are deemed as *support to farmers* if the food procured for the purpose of such a programme is done at supported prices, and not at market prices. WTO limits the support that governments can provide farmers to 10% of the value of production of the food in question. An interim solution was agreed upon in which developing members, like India, are protected from being challenged in WTO on grounds of exceeding their limit. A permanent solution had to be reached by the 11th Ministerial Conference in 2017.

Law and Justice

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Bills constituting a National Judicial Appointments Commission passed by Parliament

The Constitution (121st Amendment) Bill, 2014 and the National Judicial Appointments Commission Bill, 2014 were passed by Parliament on August 14, 2014.^{9,10} The Constitution Amendment Bill has to be ratified by at least 15 (of the 29) state legislatures before it is sent to the President for his assent.

The Constitution (121st Amendment) Bill, 2014 amends the provisions of the Constitution related to the appointment of Supreme Court (SC) and High Court (HC) judges, and the transfer of HC judges.

Currently, the Constitution provides that the President would make such appointments after consulting with SC and HC judges, as he considers necessary.

This has been interpreted by the SC to imply that the President will act on the recommendation of a collegium consisting of the Chief Justice of India and four senior most SC judges.

The Bill modifies this process by creating a body called National Judicial Appointments Commission (NJAC) that will make recommendations to the President for such appointments.

The NJAC will consist of the following six members:

- (i) Chief Justice of India (CJI) (Chairperson)
- (ii) Two senior most SC Judges
- (iii) Union Minister of Law and Justice
- (iv) Two eminent persons (to be nominated by the CJI, Prime Minister of India and the Leader of Opposition in the Lok Sabha).

Of the two eminent persons, one person would be from the SC/ST/OBC/minority communities or be a woman. The eminent persons shall be nominated for a period of three years and shall not be eligible for re-nomination.

The NJAC Bill, 2014 provides for the procedure to be followed by the NJAC in recommending persons for appointment as CJI, other SC judges and for the appointment and transfer of HC judges.

In making such appointments, the NJAC shall not recommend a person if any two of its members do not agree to such recommendation. Further, the Bill also empowers the President to require reconsideration of a candidate nominated by the NJAC.

For more details on the two Bills, please see [here](#) and [here](#).

Repealing and Amending Bill, 2014 introduced in the Lok Sabha

The Repealing and Amending Bill, 2014 was introduced in the Lok Sabha on August 11, 2014 by the Minister of Law and Justice, Mr. Ravi Shankar Prasad.¹¹

The Bill seeks to repeal 36 Acts and amend two Acts. These include four Acts that are being repealed entirely. The remaining 32 Acts are amendment Acts and the changes have been incorporated into the principal Acts. Two Acts are being amended to rectify minor errors.

For a PRS Bill Summary, please see [here](#).

Further, the Prime Minister has approved the setting up of a Committee that will identify obsolete laws.¹² This new Committee is to revisit the recommendations of the Committee on Review of Administrative Laws set up in 1998 and has to submit a report within three months.

Law Commission submits report on Amendments to the Arbitration and Conciliation Act, 1996

The Law Commission of India submitted its report on Amendments to the Arbitration and Conciliation Act, 1996 to the Law Ministry on August 7, 2014.¹³ The Arbitration and Conciliation Act, 1996 deals with domestic arbitration and conciliation, international commercial arbitration and the enforcement of foreign arbitral awards.

The Law Commission noted that there are certain problems with the current law. These include: (i) delays in and huge costs associated with the arbitration process, (ii) arbitration related litigation which remain pending before the courts, and (iii) a challenge to an arbitral award is made before the Courts and remains pending for several years.

The Law Commission has suggested that the following issues be addressed:

- **Encouraging institutionalised arbitration:** Courts must encourage parties to refer their disputes to institutionalised arbitration. The centre may also consider the formation of the Arbitral Commission of India.
- **Conduct of arbitral proceedings:** The practice of frequent and baseless adjournments must be discouraged. Continuous sittings of the arbitral tribunal for the purposes of recording evidence and for arguments must be ensured.
- **Delays in courts, and before the tribunal:**
 - (i) The issue of frivolous complaints must be addressed by implementing actual costs on the party.
 - (ii) The High Courts must have the power of making appointments of arbitrators. This function may be delegated to specialized, external persons or institutions.
 - (iii) International commercial arbitrations, involving foreign parties, must be heard expeditiously and by judges at the High Court level.

Service rules related to the conduct of civil servants amended

The centre has amended the All India Services (Conduct) Rules, 1968.¹⁴ These rules of conduct are applicable to the three All India Services- Indian Administrative Service, Indian Police Service and Indian Forest Service.

The amendments require civil servants to maintain high ethical standards, integrity and honesty, and political neutrality. They are also required to promote principles of merit, fairness and impartiality, accountability and transparency, responsiveness to the public.

Further, the amendments also specify:

- Upholding the supremacy of the Constitution and democratic values;
- Defending the sovereignty and integrity of India, public order and morality;
- Taking decisions solely in public interest and using public resources efficiently;
- Declaring any private interests relating to public duties and taking steps to resolve any conflicts in a way that protects the public interest;

- Not placing himself under any financial or other obligations which may influence him in the performance of his official duties;
- Acting with fairness and impartiality and not discriminating against anyone, particularly the under-privileged sections of society;
- Refraining from doing anything which is or may be contrary to any law, rules, regulations and established practices.

Women and Child Development

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The Juvenile Justice (Care and Protection of Children) Bill, 2014 introduced in Lok Sabha

The Juvenile Justice (Care and Protection of Children) Bill, 2014 was introduced in the Lok Sabha on August 12, 2014. It replaces the Juvenile Justice (Care and Protection of Children) Act, 2000.¹⁵

The Bill seeks to address the objectives of the United Nations Convention on the Rights of Children that was ratified by India on December 11, 1992. It specifies procedures to be followed in cases of children in conflict with law and those in need of care and protection and seeks to address challenges in the existing Act.

Some of the key features of the Bill are:

- **Coverage:** A child is defined as anyone who is less than 18 years of age. However, a special provision has been inserted where 16-18 year old children may be tried for committing heinous offences, as adults. A heinous offence is an offence for which the minimum punishment is seven years.
- **Juvenile Justice Boards (JJBs):** These are constituted for dealing with children in conflict with law and are to be established in every district of states. JJBs are composed of a Metropolitan or Judicial Magistrate and two social workers.
- **Children's Court:** These courts will try 16-18 year olds that commit heinous offences, after confirming that they are fit to be tried as adults.
- **Child Welfare Committees (CWCs):** CWCs are constituted for dealing with children in need of care and protection such as orphans, abandoned children and sexually abused children. CWCs are composed of a Chairperson and four other members, with experience in relevant fields, as appointed by the state government.
- **Adoption:** Eligibility of prospective adoptive parents has been specified.

For a PRS summary of the Bill, please see [here](#).

Defence

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FDI policy in defence revised

The Department of Industrial Policy & Promotion (DIPP) of the Ministry of Commerce & Industry made several changes to the policy on Foreign Direct Investment (FDI) in defence on August 26, 2014.¹⁶

FDI cap: The FDI cap in the defence industry has been raised to 49% of equity, from the initial cap of 26%. FDI above 49% will be permissible only with the approval of the Cabinet Committee on Security on a case-to-case basis depending on the likelihood of access to modern and state-of-art technology.

Portfolio investment permitted: FDI limit of 49% would be inclusive of all kinds of foreign investment (eg. Foreign Direct Investment, investments by Foreign Institutional Investors, Foreign Portfolio Investors, Non Resident Indians, etc.). Portfolio investment by investors however cannot exceed 24% of the total equity of the investee/joint venture company.

Other changes:

- License applications will be considered and given by the DIPP in consultation with the Ministry of Defence and Ministry of External Affairs.
- The Chief Security Officer of the investee/ Joint Venture Company should be a resident Indian citizen.
- The investee/joint venture company should be self-sufficient in areas of product design and development.
- FDI in defence was previously subject to a three year lock-in-period for transfer of equity from one non-resident investor to

another non-resident investor, and such transfers also needed a prior approval of the government. These requirements have been removed.

Transport

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Central government permits FDI in Railways in select activities

The central government decided to permit Foreign Direct Investment (FDI) in Railways in select activities on August 22, 2014.¹⁷ Earlier, FDI was prohibited in all Railways transport except mass rapid transit. This has been changed to allow 100% FDI in activities such as: (i) suburban corridor projects through Public Private Partnerships, (ii) high speed train projects, (iii) dedicated freight lines, (iv) rolling stock, (v) passenger terminals, (vi) mass rapid transit systems, etc.

The equity cap for FDI is approved at 100% and the entry route is automatic (pre-approved). However, it will be subject to sectoral guidelines of the Ministry of Railways. In addition, FDI beyond 49% in sensitive areas with respect to security will be considered separately by the Cabinet Committee on Security.

Finance

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Securities Laws (Amendment) Act, 2014 notified

The Securities Laws (Amendment) Act, 2014 was notified by the government on August 25, 2014.¹⁸ The Act was passed by Parliament on August 12, 2014.¹⁹ The Act amends the Securities and Exchange Board of India Act, 1992 (the SEBI Act) and makes consequential amendments to the Securities Contracts (Regulation) Act, 1956 and the Depositories Act, 1996.

The key amendments are:

- **Collective Investment Schemes (CIS):** The definition of CIS has been expanded to include all pooling of funds of Rs 100 crore or above, that are not regulated by any law.

- **Search and seizure:** The SEBI Act allowed the Securities and Exchange Board of India (SEBI) to conduct search and seizure operations on a suspected violator's premises after obtaining permission from a First Class Judicial Magistrate. The Act amends this provision, requiring SEBI to obtain permission from the Magistrate or Judge of a court in Mumbai (as designated by the government).
- **Consent settlement and disgorgement:** The Act explicitly permits SEBI to: (i) enter into a consent settlement with a person against whom proceedings have been initiated, and (ii) order disgorgement of unfair gains made by a market participant.
- **Attachment of property:** The Act permits SEBI to attach bank accounts and property, and arrest and detain a person for his failure to comply with disgorgement orders or pay any monetary penalty.
- **Special courts:** The Act provides for the establishment of special courts to try offences under the SEBI Act.

For more details on the Act, please see [here](#).

Insurance Laws (Amendment) Bill, 2008 referred to Select Committee

The government has proposed some amendments to the Insurance Laws (Amendment) Bill, 2008 on July 30, 2014.²⁰ The Bill, currently pending in Rajya Sabha, was introduced on December 22, 2008. It proposes to amend the Insurance Act, 1938, the General Insurance Business (Nationalisation) Act, 1972 and the Insurance Regulatory and Development Authority Act, 1999. The Standing Committee on Finance submitted its recommendations regarding the Bill on December 13, 2011.

The Bill has been referred to a Select Committee of the Rajya Sabha for examination. The report is expected in the first week of the next Parliament session.

The new amendments include the following:

- **Foreign shareholding:** The Bill permits a foreign company to hold up to 49% stake (vs. 26% in the Insurance Act) in an Indian insurer. The new amendments permit foreign investors (including Foreign Institutional Investors) to hold up to 49% stake in an Indian insurance company, which

is Indian owned and controlled as per the prescribed manner.

- **Shareholding of Indian promoters:** The Insurance Act mandates Indian promoters to reduce their shareholding in insurance companies to 26% within 10 years. The government or Insurance Regulatory and Development Authority (IRDA) can make rules/regulations regarding such excess shareholding. The Bill proposed to delete the provision regarding reduction of shareholding. The new amendments seek to also delete the government/IRDA's power to make rules/regulations. Instead, the government will have the power to make rules regarding the manner of ownership and control of an Indian insurance company.
- **Collector nominee:** The Bill defines a collector nominee as a nominee other than a beneficiary nominee who is liable to pay the benefits of a policy to the beneficiary nominee or legal heirs of policy-holders or their representatives. Such payments have to be made in accordance with IRDA regulations. The new amendments remove the stipulation regarding compliance with IRDA regulations.

For a comparison between the Insurance Act, the Bill, Standing Committee recommendations and the proposed amendments, please see [here](#).

Government launches the Pradhan Mantri Jan Dhan Yojana

The government launched the Pradhan Mantri Jan Dhan Yojana (PMJDY) on August 28, 2014.²¹ PMJDY aims to promote financial inclusion by providing each household with a bank account.

Key features of PMJDY are:

- **Access:** The programme aims to provide each household with banking facility either through a bank branch or a fixed point business correspondent within a reasonable distance. The programme aims to provide every household with at least one bank account within one year of its launch; it is expected to cover 7.5 crore households.^{22,23}
- **Facilities:** Every account holder will be provided a debit card with Rs one lakh accident cover. An overdraft facility up to Rs 5,000 will also be permitted to Aadhaar enabled accounts after six months of satisfactory operation of accounts.

- **Benefits transfer:** PMJDY proposes to channel all central, state and local government benefits to the beneficiaries through these bank accounts.
- **Timeline:** The first phase of PMJDY will focus on providing all households with banking facilities and will be concluded by August 2015. The second phase (to be concluded by August 2018) will focus on: (i) provision of accident cover, (ii) offering pension schemes for unorganised sector workers (like the Swavalamban scheme), and (iii) creation of a Credit Guarantee Fund for defaults in accounts availing the overdraft facility.

Composition of the Expenditure Management Commission

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The composition of the Expenditure Management Commission has been approved by the Prime Minister.²⁴ It will be headed by Dr. Bimal Jalan, and will consist of Mr Sumit Bose and Dr. Subir Gokarn as members. In addition, the Additional Secretary of the Department of Expenditure and a Member-Secretary will also be part of the Commission.

The constitution of the Expenditure Management Commission was announced in the final budget 2014-15 in July 2014. The Commission is expected to submit its interim report before the Budget 2015-16, and the final report before the Budget 2016-17.

RBI releases charter of consumer rights

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The RBI has released a draft charter of consumer rights for public comments.²⁵ Comments on the same are requested on or before September 2, 2014.

The five consumer rights will be applicable to entities regulated by the RBI (such as banks, non-banking financial entities, etc) and are as follows:

- **Right to fair treatment:** There can be no discrimination on the grounds of age, sex, physical disability, etc. If certain special products discriminate between consumers, the reasons for the same must be given by financial service provider when asked for.

- **Right to transparency, fair and honest dealings:** The financial service provider must provide information related to contracts in an easy to understand language. Disclosure of the product's price and associated risks should be made.
- **Right to suitability:** Products offered should be appropriate to the needs of the customers.
- **Right to privacy:** The customer's personal information should be kept confidential, unless they have offered specific consent to the financial service provider or such information is required by law.
- **Right to grievance redressal and compensation:** The customer has a right to hold the financial services provider accountable for the products offered and to have a clear and easy way for grievance redressal.

Labour

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The Factories (Amendment) Bill, 2014 introduced in Lok Sabha

The Factories (Amendment) Bill, 2014 was introduced in Lok Sabha on August 7, 2014.²⁶ The Bill proposes to amend the Factories Act, 1948. The Act aims to ensure adequate safety measures and promote the health and welfare of the workers employed in factories.

Key changes proposed in the Bill include:

- **Definition of factory:** The Act defines a factory as any premises (with certain exceptions) where manufacturing was undertaken and at least 10 people were employed during the last 12 months if power was used in manufacturing (20 or more people if no power was used). The Bill specifies that the state government may raise the minimum number of workers employed in the definition to 20 (if power is used) and 40 (if power is not used).
- **Power to make Rules:** The Act permits the state government to make Rules regarding any matter which: (i) is covered by the Act or may be prescribed, or (ii) is appropriate to give effect to the purposes of the Act. The

Bill states that the state government's power to make Rules will be restricted to matters where the central government does not have such powers. The central government may frame Rules in consultation with state governments, to bring uniformity in the areas of occupational safety, health or any other matter.

- **Employment of women:** The Act prohibits women from working: (i) on certain machines in motion, (ii) near cotton-openers, and (iii) between 7:00 PM and 6:00 AM. The Bill seeks to remove the first two restrictions. It proposes to empower the state government to allow women to work during night hours in a factory or group of factories if: (i) there are adequate safeguards for safety, health and comfort of women (including night crèches, ladies' toilets and transportation from the factory to their residence), and (ii) it has held due consultations with and obtained the consent of the women workers, the employer and the representative organisations of the employers and workers.

For a PRS summary of the Bill, please see [here](#).

The Apprentices (Amendment) Bill, 2014 passed in Lok Sabha

The Apprentices (Amendment) Bill, 2014 was passed by Lok Sabha on August 14, 2014.²⁷ The Bill was introduced on August 7, 2014 and proposes to amend the Apprentices Act, 1961. The Act regulates the training of apprentices in the industry. The key amendments proposed in the Bill include:

- **Appropriate government:** The Bill amends the definition of appropriate government so that any establishment which is operating in four or more states will be regulated by the central government.
- **Number of apprentices:** The Act says that the central government, after consulting the Central Apprenticeship Council (CAC) established under the Act, shall determine the ratio of trade apprentices to workers (except unskilled workers) for each designated trade. The Bill states that the central government shall prescribe the number of apprentices to be engaged by an employer for designated and optional trades.
- **Offences and penalties:** The Act specifies certain offences which are punishable with

imprisonment up to six months or with a fine (quantum unspecified) or both. The Bill specifies the amount/maximum amount of the fine and removes the provision for imprisonment for such offences.

For a PRS summary of the Bill, please see [here](#).

Proposed amendments to the Labour Laws Bill, 2011

The government circulated amendments to the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment Bill, 2011 on August 6, 2014.²⁸ The Bill, currently pending in Rajya Sabha, was introduced on March 23, 2011.

The Bill seeks to amend the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988. The Act exempts establishments employing up to 19 persons from maintaining certain registers under nine labour laws mentioned in the First Schedule of the Act. The Bill proposes to extend these exemptions to establishments employing up to 40 persons and add seven labour laws to the First Schedule.

The Bill was referred to the Standing Committee on Labour, which submitted its report on December 20, 2011. The amendments incorporate the following Standing Committee recommendations:

- **Nomenclature:** The name of the Act will be changed to “The Labour Laws (Simplification of Procedure for Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988”.
- **Electronic maintenance and furnishing of records:** Small Establishments (employing 10-19/10-40 people according to the Act/Bill) and Very Small Establishments (employing less than 10 people) will be allowed to maintain and furnish records and returns either in electronic or physical form.
- **Annual return:** An annexure for providing the names and addresses of the employees/workers will be added to the annual return form. The date of submission of annual returns will be changed to March 31 of every year from January 31 as specified in the Bill.

For more details on the Bill, please see [here](#).

Energy

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Supreme Court rules that the allocation of coal blocks was illegal

On August 25, 2014, the Supreme Court held as illegal all coal block allocations made by the central government from 1993.²⁹

The Supreme Court examined the following three questions:

- Whether allocation of coal blocks from 1993 should have been done by way of public auctions;
- Whether the procedure followed by the Screening Committee in making recommendations for allocation of coal blocks was arbitrary and lacked transparency;
- Whether allocation of coal blocks made by way of government dispensation route (i.e. by Ministry of Coal) is inconsistent with constitutional principles.

The Supreme Court held that the allocation via public auctions was an administrative decision of the central government and does not warrant judicial review.

In addition, it held that the process of allocation of coal mines on the recommendation of the screening committee is arbitrary as no objective criterion was used to determine the selection of companies.

Further, the blocks allocated through the government dispensation route to State Public Sector Units was not permissible under the Coal Mines Nationalisation Act, 1973.

Thus, all coal blocks allocated from 1993 are illegal. However, the allocation to Ultra Mega Power Projects, which was done via competitive bidding for lowest tariffs, was not declared illegal. The court will decide separately the fate of the illegal coal blocks.

Environment

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Supreme Court holds that the National Board for Wildlife is inconsistent with the Wildlife (Protection) Act, 1972

The Supreme Court, in an order issued on August 25, 2014, has ‘tentatively’ held that the recent reconstitution of the National Board for Wildlife (NBWL) is not in consonance with the Wildlife (Protection) Act, 1972.³⁰

The NBWL was constituted in 2003, under the Wildlife (Protection) Act, 1972 and functions under the Ministry of Environment, Forests and Climate Change.³¹ The Act specifies the composition of the NBWL and states that the NBWL may appoint a Standing Committee. The Standing Committee of the NBWL provides clearances to projects that pass through or are located near protected areas.

The NBWL and its Standing Committee were recently reconstituted in July 2014.³² The NBWL’s composition differs from that specified in the Act in the following ways:

- The Act requires that the NBWL, chaired by the Prime Minister, also include five persons from non-governmental organisations, 10 environmentalists/conservationists, and one representative each from 10 states and union territories, among others.
- The reconstituted NBWL’s composition includes one person from an organisation affiliated with a state government, two environmentalists, representatives from five states and union territories.

The Court has stated that the Standing Committee of the NBWL may continue to function, but must not give effect to any orders passed by it, till the next Court hearing.

Guidelines for environmental clearance for expansion of coal mining projects

The Ministry of Environment, Forests and Climate Change has issued guidelines to allow coal mines with an annual capacity of more than 16 million tonnes, a one-time capacity expansion without holding a public hearing, under certain conditions.³³

The Expert Appraisal Committee may consider exempting public hearings, after due diligence, if the additional production will not be more than

five million tonnes annually, and if the transportation of the additional coal is by a conveyor and/or rail transport. The grant of exemption would also depend on the satisfactory compliance with environmental clearances issued in the past.

The Ministry had earlier exempted coal mines with smaller annual capacities from holding public hearings under certain conditions.

The Ministry has constituted Expert Appraisal Committees for various sectors such as mining projects, thermal projects, industrial projects, etc. These Committees evaluate the environmental impact of projects.³⁴

Agriculture

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Monsoon rainfall 17% below normal; Kharif sowing declines 3.2% vs. 2013

The India Meteorological Department forecasts monsoon rainfall in 2014-15 to be 13% below normal levels (against its June 2014 forecast of 7% deficit).³⁵ The monsoon rainfall till August 31, 2014 has been 17% below normal.³⁶

Table 3: Level of rainfall by meteorological subdivisions (as of August 31, 2014)

Level of rainfall	Meteorological subdivisions
Excess (at least 20% above normal)	South Interior Karnataka
Normal (+19% to -19% of normal)	East Rajasthan, West MP, Saurashtra-Kutch-Diu, Madhya Maharashtra, Konkan-Goa, Coastal Karnataka, North Interior Karnataka, Lakshadweep, Kerala, Tamil Nadu-Pondicherry, Rayalaseema, Chhattisgarh, Orissa, Jharkhand, Bihar, Gangetic West Bengal, Sikkim-Himalayan West Bengal, Assam-Meghalaya, Arunachal Pradesh, Andaman & Nicobar
Deficient (-20% to -59% of normal)	J&K, Himachal Pradesh, Uttarakhand, West UP, East UP, East MP, Vidarbha, Marathwada, Telangana, Coastal Andhra Pradesh, West Rajasthan, Gujarat Region-Dadra-Nagar Haveli-Daman, Nagaland-Manipur-Mizoram-Tripura
Scanty (-60 to -99% of normal)	Punjab, Haryana-Chandigarh-Delhi

Sources: India Meteorological Department; PRS.

The kharif sowing area as on August 29, 2014 stood at 966.3 lakh hectares, a decline of 3.2% versus 2013 and 0.6% above normal levels.³⁷

Table 4: Progress in kharif sowing - by crop (as of August 29, 2014)

(in lakh ha)	2014 sowing	2014 sowing vs. 2013	2014 sowing vs. normal
Rice	350.0	0.1%	5.5%
Pulses	95.4	-5.2%	-5.8%
Coarse Cereals	170.8	-10.4%	-13.2%
Oilseeds	172.2	-7.8%	2.3%
Sugarcane	47.2	-6.3%	1.0%
Cotton	122.5	9.7%	14.6%
Jute & Mesta	8.1	-2.4%	-9.9%
Total	966.3	-3.2%	0.6%

Sources: Ministry of Agriculture; PRS.

The storage level in 85 important reservoirs stood at 66% of their capacity (as on August 28, 2014), against 80% last year and 66% average level during the last 10 years.³⁸

Table 5: Storage levels of major reservoirs in India (as on August 29, 2014)

Region	Storage level (bcm)	Storage level as % of capacity		
		Aug '14	Aug '13	10 yr avg
Northern	13.9	77%	91%	73%
Eastern	12.0	64%	70%	61%
Western	15.1	62%	74%	68%
Central	30.6	72%	83%	56%
Southern	31.2	61%	78%	73%
All India	102.7	66%	80%	66%

Source: Ministry of Water Resources, PRS.

Rural Development

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RURBAN Mission launched

The Dr Shyama Prasad Mukherji RURBAN Mission to provide urban amenities to rural areas was launched on August 8, 2014.³⁹ The scheme, under the Ministry of Rural Development, will be modelled on the best practices of an earlier scheme, Provision of Urban Amenities to Rural Areas (PURA).

PURA was launched in 2009 and implemented through public-private partnerships between Gram Panchayats and private sector developers on a pilot basis in certain states including Andhra Pradesh, Kerala, Maharashtra, Rajasthan, and Uttarakhand. Private sector developers could select Gram Panchayats, based on certain identified criteria, and were responsible for the provision and management of basic infrastructure and amenities in the selected area for 10 years.⁴⁰

Types of amenities provided under PURA included: (i) water and sewerage, (ii) construction and maintenance of village streets, (iii) drainage, and (iv) solid waste management. In addition, skill development was also included as an activity under PURA.

In the first phase of the RURBAN scheme, Rs 100 crore will be provided for three projects in: (i) Warangal, Andhra Pradesh, (ii) Sangli, Maharashtra, and (iii) Buldhana, Maharashtra.

Media

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TRAI releases recommendations on media ownership

The Telecom Regulatory Authority of India (TRAI) released its recommendations on issues related to media ownership on August 12, 2014.⁴¹

The matter of cross-media holding and its implications first came under consideration of the TRAI on the reference of the Ministry of Information and Broadcasting in 2008 and again in 2012. TRAI recommended that restrictions should be imposed on cross-media ownership/control across telecom/media sectors.

The Parliamentary Standing Committee on Information Technology's report on May 6, 2013 on issues related to paid news, addressed similar issues.⁴²

Some of the recent recommendations include:

- **Cross-media ownership:** The relevant product market should be characterized by genres (news, entertainment, etc) and segments (TV, radio, etc). With reference to plurality and diversity of viewpoints, news and current affairs should be considered the relevant genre in the product market, for formulating cross-media ownership rules. TV and print (only daily newspapers) should be considered as the relevant segments.
- **Choosing a metric:** Three metrics can be used to measure the influence that a media entity has in the relevant market: (i) volume of consumption; (ii) reach, and (iii) revenue. TRAI recommended that a combination of reach and volume metrics should be used for computing market share for TV and only reach for print.

- **Vertical integration:** Vertical integration means cross-holding. Broadcasters and Distribution Platform Operators (DPOs) should be separate legal entities. Vertically integrated broadcasters or DPOs should be subject to an additional set of regulations and restrictions.
- **Internal plurality:** Political, religious and government entities should be barred from entering into broadcasting and TV channel distribution sectors. Liability to be on both parties to a transaction, in case of paid news. A media regulator to deal with paid news, private treaties, etc. should be appointed.

Education

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The Indian Institutes of Information Technology Bill, 2014 introduced

The Indian Institutes of Information Technology (IIIT) Bill, 2014 was introduced in the Lok Sabha on August 12, 2014.⁴³

The Bill seeks to provide four existing IIITs independent statutory status. These are situated in Uttar Pradesh, Tamil Nadu and two in Madhya Pradesh. It proposes to declare them as institutes of national importance, to enable them to grant degrees to their students.

For a PRS Summary of the Bill, please see [here](#).

The Central Universities (Amendment) Bill, 2014 introduced

The Central Universities (Amendment) Bill, 2014 was introduced in the Lok Sabha on August 14, 2014.⁴⁴

The Bill proposes to amend the Central Universities Act, 2009 by setting up a central university in Bihar, in addition to the existing one.

The existing Central University of Bihar will be renamed Central University of South Bihar. The new university will be called Mahatma Gandhi Central University.

For a PRS summary of the Bill, please see [here](#).

Social Justice

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Bill to modify the list of Scheduled Castes in certain states introduced in Parliament

The Constitution (Scheduled Castes) Orders (Amendment) Bill, 2014 was introduced in the Lok Sabha on August 11, 2014.⁴⁵

The Bill seeks to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Sikkim) Scheduled Castes Order, 1978 to modify the list of Scheduled Castes in certain states.

The Bill includes the following communities in the list of Scheduled Castes:

- Kerala: Pulluvan, Thachar (other than ‘Carpenter’)
- Madhya Pradesh: Dahiya
- Odisha: Amata, Amath, Bajia, Jaggili, Jagli, Buna Pano
- Tripura: Chamar-Rohidas, Chamar-Ravidas, Dhobi, Jhalo-Malo

The Bill removes the Majhi (Nepali) community from the list of Scheduled Castes in Sikkim.

For a PRS Summary of the Bill, please see [here](#).

Home Affairs

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Scheme for Mainstreaming Civil Defence in Disaster Risk Reduction launched

A scheme for Mainstreaming Civil Defence in Disaster Risk Reduction was launched on August 20, 2014 by the Ministry of Home Affairs.⁴⁶ It aims to strengthen the civil defence organisation in the country, and to enhance the community’s capability to respond to natural and man-made disasters.⁴⁷

Civil defence includes any measures, not amounting to actual combat, that provide protection to any person, property, place or thing in India against any hostile attack.⁴⁸ It also includes mitigation measures taken during or after such attack.

The objectives of the scheme include⁴⁹:

- Strengthening existing civil defence organization in the states, and creating civil

defence organizations in such districts/states where they are non-existent;

- Ensuring that civil defence volunteers are available in 240 districts that are most vulnerable to disasters for participation in disaster risk reduction and disaster management activities at the community level;
- Generating public awareness about civil defence activities and the role of civil defence in disaster management.

The scheme will be implemented in 32 states and union territories during the 12th Five Year Plan with an outlay of Rs 291 crore. The Directorate General Fire Services, Civil Defence and Home Guards will implement and monitor the scheme through a National level Project Monitoring Unit.

Mining

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CCEA approves revision in royalty rates and dead rent for certain minerals

The Cabinet Committee on Economic Affairs (CCEA) has approved revision in rates of royalty and dead rent of all major minerals except coal, lignite and sand.⁵⁰ The government expects the decision to result in 41% rise in royalty received by mineral rich states to Rs 13,274 crore. CCEA has also approved the application of these rates to all states and union territories, including West Bengal. West Bengal has not benefitted from the revision in royalty rates since 1987, as it levies a cess on mineral bearing lands.

A mine leaseholder has to pay a royalty linked to the quantity of the minerals extracted. If no production is being carried out, the leaseholder has to pay a dead rent linked to the area of the lease. The central government decides the rates of royalty and dead rent for the minerals listed in the second schedule of the Mines and Minerals (Development and Regulation) Act, 1957.

According to news reports, the royalty rate on iron ore and chromite will be raised to 15% of the value (currently 10%) and for manganese ore to 5.0% (from 4.2%).⁵¹ The royalty rate for aluminium, copper and zinc ores (chargeable on the value of metal contained in the ore) will be increased to 0.6% (from 0.5%), 4.62% (from

4.20%) and 9.5% (from 8.0%) respectively. The royalty on limestone will be raised to Rs 80-90/tonne (Rs 63-72/tonne currently).

Tribal Affairs

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Van Bandhu Kalyan Yojana launched

The Ministry of Tribal Affairs launched the Van Bandhu Kalyan Yojana in July 2014.⁵² The objectives of the scheme include providing employment to Scheduled Tribes and improving infrastructure, education, health, and the quality of life of Scheduled Tribes in tribal areas.

The scheme will be implemented in close to 350 administrative blocks in Fifth Schedule areas, where more than 50% of the population consists of Scheduled Tribes, as ‘model blocks’.⁵³

Under the Fifth Schedule of the Constitution, the President can declare certain areas as Scheduled Areas based on criteria such as a high population of Scheduled Tribes and low socio-economic development.⁵⁴ These areas have special provisions relating to administration.

In the year 2014-15, a pilot project for the scheme will be implemented in one block in each of the states in Fifth Schedule areas, and possibly one block outside of the Fifth Schedule, with a high population of Scheduled Tribes and low human development indicators. Rs 10 crore will be allocated for each of these blocks, with a total allocation of Rs 100 crore for the scheme in 2014-15. Blocks will be chosen in consultation with the state governments.

A Project Implementation Cell will be set up in the Tribal Welfare Department of each state to implement and monitor the scheme.

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