

# Monthly Policy Review

May 2015

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## Highlights of this Issue

### **[Budget Session of Parliament ends, 16 Bills passed by Parliament \(p. 2\)](#)**

These include Bills related to undisclosed foreign income, increasing FDI in insurance companies, allocation of cancelled coal blocks, extension of mining leases, and altering the India-Bangladesh land border.

### **[GDP grows at 7.3% in 2014-15 \(p. 2\)](#)**

The Gross Domestic Product grew at 7.3% in 2014-15. The agriculture, manufacturing and services sectors grew at 0.2%, 6.6% and 9.4% respectively.

### **[Constitution Amendment Bill on GST passed in Lok Sabha, sent to Select Committee \(p. 2\)](#)**

The Bill seeks to replace existing central and state indirect taxes with a Goods and Services Tax. It has been referred to a Select Committee of Rajya Sabha which is to submit its report in the first week of the next session.

### **[Parliament passes Bill related to taxation of undisclosed foreign income and assets \(p. 3\)](#)**

The Bill imposes a 30% tax on undisclosed foreign income and assets, and increases the penalty and criminal liabilities for possession of such undisclosed income and assets.

### **[Land Acquisition Bill, 2015 introduced, referred to JPC; Ordinance re-promulgated \(p. 5\)](#)**

The Bill exempts five types of projects from consent and social impact assessment provisions of the 2013 Act, and has been referred to a JPC. The Land Acquisition Ordinance was promulgated for a third time.

### **[High Level Committees constituted to examine taxation and PPPs \(p. 4, 10\)](#)**

Two High Level Committees were constituted to examine MAT, and public private partnerships in infrastructure.

### **[Draft Labour Code formulated, amendments proposed to the EPF Act \(p. 7, 8\)](#)**

The Draft Labour Code consolidates the Trade Union Act, the Industrial Employment (Standing Orders) Act and the Industrial Disputes Act. The changes to the EPF Act propose to include all establishments with 10 or more workers.

### **[Lok Sabha passes Bills related to whistle blowers, juvenile justice, etc. \(p. 5, 11\)](#)**

The Juvenile Justice Bill addresses children in conflict with law and those in need of care and protection. The Whistle Blowers (Amendment) Bill specifies the grounds under which public interest disclosures may not be made.

### **[Bills related to benami transactions, compensatory afforestation introduced \(p. 3, 12\)](#)**

The Benami Transaction Bill creates authorities and an appellate tribunal to deal with benami transactions. The Compensatory Afforestation Fund Bill establishes funds to collected money for the diversion of forest land.

### **[Parliament Committees submit reports on Electricity Bill, Disabilities Bill \(p. 9, 18\)](#)**

Reports were also tabled on the Registration (Amendment) Bill, Railways (Amendment) Bill, Jawaharlal Nehru National Urban Renewable Mission, National Auto Fuel Policy, ICDS, and rural sanitation schemes.

### **[CAG reports submitted on various issues \(p. 9, 10, 15\)](#)**

These issues include infrastructure development for renewable energy, natural gas, and defence ammunition.

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June 1, 2015

## Parliament

Tanvi Deshpande ([tanvi@prsindia.org](mailto:tanvi@prsindia.org))

### Budget session of Parliament ends

Budget Session of Parliament, which began on February 23, ended on May 13. Lok Sabha sat for 35 days during the Session, while Rajya Sabha had 33 sittings.

A total of 16 Bills were passed in Parliament. Five of these Bills, including the Coal Mines (Special Provisions) Bill, the Mines and Minerals (Development and Regulation) Amendment Bill, and the Insurance Laws (Amendment) Bill replaced Ordinances. Other Bills passed include the Undisclosed Foreign Income and Assets (Imposition of Tax) Bill the Constitution (119<sup>th</sup> Amendment) Bill which enabled settlement of land boundary with Bangladesh, and the Regional Rural Banks (Amendment) Bill.

Bills passed by Lok Sabha include the Constitution 122<sup>nd</sup> Amendment Bill that enables introduction of the goods and services tax, the Juvenile Justice Bill, the Whistle Blowers Protection (Amendment) Bill and the Negotiable Instruments (Amendment) Bill. These Bills are pending in Rajya Sabha. Also, a Bill to amend the land acquisition act (following an Ordinance in December) was passed by Lok Sabha; following a second ordinance, another Bill was introduced, which has been referred to a joint committee of Parliament.

Rajya Sabha passed a private member's Bill that provides rights to transgenders. If it is passed by Lok Sabha, it would be the first private members's Bill passed by Parliament since 1970.

Bills which were introduced in this Session and referred to Standing Committees include the Benami Transactions (Prohibition) Amendment Bill, 2015, the Compensatory Afforestation Fund Bill, 2015, the National Waterways Bill, 2015, and the Micro, Small and Medium Enterprises Development (Amendment) Bill, 2015, and the Homoeopathy Medical Council (Amendment) Bill, 2015.

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

## Macroeconomic Developments

Tanvi Deshpande ([tanvi@prsindia.org](mailto:tanvi@prsindia.org))

### GDP grows at 7.3% in 2014-15

India's real Gross Domestic Product (GDP) grew at 7.3% in 2014-15, compared to 6.9% in 2013-14.<sup>1</sup> Growth in the January to March quarter accelerated to 7.5% over the same quarter of the previous year, compared to 6.6% in the October to December 2014 quarter.

The Gross Value Added at basic prices (GVA, i.e., GDP without considering taxes and subsidies) accelerated to 7.2% in 2014-15 from 6.6% the previous fiscal.

In 2014-15, agriculture grew at 0.2%, manufacturing (including mining) at 6.6% and services (including construction) at 9.4%.

**Table 1: GDP and GVA growth (2014-15)**

Item	2013-14	2014-15
Agriculture	3.7%	0.2%
Manufacturing	5.3%	6.6%
Services	8.1%	9.4%
<b>GVA</b>	<b>6.6%</b>	<b>7.2%</b>
<b>GDP</b>	<b>6.9%</b>	<b>7.3%</b>

Note: Figures in the table are Gross Value Added (GVA) at Basic Prices, at the 2011-12 prices. GDP is GVA plus taxes less subsidies.

Sources: MOSPI; PRS.

## Finance

### Constitution Amendment Bill related to GST passed in Lok Sabha, sent to Select Committee of Rajya Sabha

Prianka Rao ([prianka@prsindia.org](mailto:prianka@prsindia.org))

The Constitution (122<sup>nd</sup> Amendment) Bill, 2014 related to the imposition of the Goods and Services Tax (GST) was passed in Lok Sabha on May 6, 2015. The Bill has been referred to a Select Committee of the Rajya Sabha which is scheduled to submit its report within the first week of the next session.<sup>2</sup>

The Bill seeks to replace central and state indirect taxes currently levied on goods and services, with the GST. Alcohol for human consumption has been exempted from the ambit of GST. With regard to petroleum crude and related products, the GST Council will decide the

date on which GST will be levied on them. The GST Council consists of the union finance minister, the union minister of state for finance, and finance ministers of all states.

The Bill also permits Parliament to provide for compensation to states for any loss of revenue due to the imposition of GST, for up to five years. Further, the centre is to levy an additional tax of up to 1% on inter-state trade, to be given to producer states, for up to two years, or a longer period as determined by the GST Council.

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

### **Parliament passes Bill related to taxation of undisclosed foreign income and assets**

*Prianka Rao (prianka@prsindia.org)*

The Undisclosed Foreign Income and Assets (Imposition of Tax) Bill, 2015 was passed in Lok Sabha on May 11, 2015 and in Rajya Sabha two days later. The Bill was introduced in Lok Sabha on March 20, 2015.<sup>3</sup>

The Bill applies to Indian residents and replaces the Income Tax Act, 1961 in relation to the taxation of undisclosed foreign income and assets. It introduces a 30% tax on undisclosed foreign income and assets, and increases the penalty and criminal liabilities for possession of such undisclosed income and assets.

The Bill also provides a one-time voluntary compliance opportunity for a certain period of time. If previously undisclosed income is disclosed within this period, the assessee would attract lower penalty and no criminal liability.

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

### **Benami Transactions (Prohibition) (Amendment) Bill, 2015 introduced**

*Tanvi Deshpande (tanvi@prsindia.org)*

The Benami Transactions (Prohibition) (Amendment) Bill, 2015 was introduced in Lok Sabha on May 13, 2015.<sup>4</sup> The Bill amends the Benami Transactions Act, 1988. The Act prohibits benami transactions and provides for acquiring benami property.

The Bill seeks to amend the definition of benami transactions. It also establishes adjudicating authorities to deal with benami transactions and provides for appeals against orders issued by these authorities.

Key features of the Bill include:

- The Act defines a benami transaction as a transaction where a property is held by or transferred to a person, but has been provided for or paid by another person. The Bill amends this definition to add other transactions which qualify as benami, such as property transactions where: (i) the transaction is made in a fictitious name, (ii) the owner is not aware of or denies knowledge of the ownership the property, or (iii) the person providing the consideration for the property is not traceable.
- Under the Act, an authority to acquire benami properties was to be established under Rules. The Bill seeks to establish the following four authorities to conduct inquiries or investigations regarding benami transactions: (i) Initiating Officer, (ii) Approving Authority, (iii) Administrator and (iv) Adjudicating Authority. These authorities will have the power of discovering, confiscating and managing benami transactions and properties.
- An Appellate Tribunal will be established to hear appeals against orders passed by the Adjudicating Authority. Certain Sessions Courts would be designated as Special Courts for the purpose of trying any offences which are punishable under the Bill.
- Under the Act, the penalty for entering into benami transactions was specified. The Bill: (i) increases the penalty for entering into benami transactions from three years to seven years, and (ii) specifies the penalty for providing false information.

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

### **Negotiable Instruments (Amendment) Bill, 2015 passed by Lok Sabha**

*Tanvi Deshpande (tanvi@prsindia.org)*

The Negotiable Instruments (Amendment) Bill, 2015 was introduced in Lok Sabha on May 6, 2015. It was passed on May 13, 2015 and is currently pending in Rajya Sabha.<sup>5</sup>

The Bill proposes to amend the Negotiable Instruments Act, 1881. The Act aims to encourage the usage of a cheque as a financial instrument, and enhance its credibility so that normal business transactions and settlement of liabilities can be carried out.<sup>6</sup>

Key provisions of the Bill include:

The Act addresses the issue of bouncing of cheques due to insufficient funds. The Bill amends the Act to provide that cases of bounced cheques can be filed only in courts within whose jurisdiction the bank branch of the person issuing the check lies in.

If a complaint against a person issuing a cheque has been filed in the court having appropriation jurisdiction, all subsequent complaints under the same section will be filed in the same court irrespective of whether it is in the relevant jurisdiction area,

If more than one case is filed against the same person before different courts, the court will transfer that case to the court with the appropriate jurisdiction, as per the new scheme of jurisdiction.

The Bills also amends the definition of ‘cheque in the electronic form’. Under the Act, it was defined as a cheque containing the exact mirror image of a paper cheque and generated in a secure system using a digital signature. This has been amended to mean a cheque drawn in electronic medium using any computer resource and which is signed in a secure system with a digital signature, or electronic system.

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

### High Level Committee on Direct Tax Matters constituted

*Tanvi Deshpande (tanvi@prsindia.org)*

The government constituted a High Level Committee on May 20, 2015 to examine minimum alternate tax (MAT) levied on foreign institutional investors (FIIs). Other direct tax matters may also be referred to the Committee. The Committee has a term of one year.<sup>7</sup>

FIIs were exempted from MAT in the Finance Bill, 2015. In a statement issued on May 8, 2015 the Finance Minister had stated that this provision would have a prospective effect.<sup>8</sup> He also stated that a Committee would be constituted for the purpose of examining the issue of levying MAT on FIIs.

The High Level Committee will consist of three members and will be chaired by Justice A.P. Shah. It will examine legal provisions, judicial pronouncements, and other aspects regarding MAT. The Committee has invited comments and suggestions, to be sent by June 22, 2015.<sup>9</sup>

### Government launches two new health insurance schemes, one pension scheme

*Tanvi Deshpande (tanvi@prsindia.org)*

The government launched the Pradhan Mantri Suraksha Bima Yojana, Pradhan Mantri Jeevan Jyoti Beema Yojana and Atal Pension Yojana on May 9, 2015.<sup>10</sup> These schemes were announced in the 2015-16 budget speech of the government. Key provisions of the three schemes are:

#### Pradhan Mantri Suraksha Beema Yojana

- The scheme will be available to savings bank account holders from 18 to 70 years, who agree to join and enable auto-debit on or before May 31. The scheme will be for the period May 31 to June 1 of the next year, and would be renewed every year. The premium for this scheme is Rs 12 per year.
- The scheme will offer a cover of Rs 2 lakh for accidental death/disability, and will be renewed on an annual basis.

#### Pradhan Mantri Jeevan Jyoti Beema Yojana

- The scheme will be available to all savings bank account holders in the 18 to 50 years age group. The premium for this scheme is Rs 330 per year.
- The scheme will offer a cover of Rs 2 lakh for death due to any reason, and will be renewed on an annual basis.

#### Atal Pension Yojana

- The scheme will provide subscribers a fixed minimum pension every month, starting from the age of 60 years, on contributions given since entering the scheme between the ages of 18 to 40 years.
- The fixed minimum pension would be between Rs 1,000 and Rs 5,000 per month.

### Cabinet allows REITs to be eligible for foreign investment under FEMA, 1999

*Joyita Ghose (joyita@prsindia.org)*

The Cabinet has allowed Real Estate Investment Trusts (REITs) to be classified as financial instruments under the Foreign Exchange Management Act, 1999.<sup>11</sup> This will allow REITs that are regulated by the SEBI (Real Estate Investment Trusts) Regulations, 2014 to access foreign investments.<sup>12</sup>

REITs are trusts which collect funds from investors, invest these funds in real estate projects, and distribute the revenue generated to their investors.

## Land

*Joyita Ghose (joyita@prsindia.org)*

### **Land Acquisition (Second Amendment) Bill, 2015 introduced, referred to JPC; Ordinance re-promulgated**

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Bill, 2015 was introduced in Lok Sabha on May 11, 2015 to replace an Ordinance, and was referred to a Joint Committee of Parliament.<sup>13</sup> The Committee is expected to submit its report in the first week of the Monsoon Session 2015. The Ordinance, which was to lapse on June 4, 2015, was re-promulgated on May 30, 2015.<sup>14</sup>

The Bill seeks to exempt five types of projects relating to: (i) defence, (ii) infrastructure, (iii) rural infrastructure, (iv) affordable housing, and (v) industrial corridors (set up by the government), from certain provisions of the Act.

These provisions of the Act deal with: (i) obtaining the consent of 80% of land owners when acquiring land for private projects, and 70% of land owners when acquiring land for public-private partnership projects, (ii) conducting a social impact assessment, and (iii) limits on the acquisition of irrigated and other agricultural land. A notification must be issued to exempt projects from the last two provisions.

The Bill also makes certain other changes relating to return of unutilised land and acquisition of land for private entities.

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

### **Standing Committee submits report on Registration (Amendment) Bill, 2013**

The Standing Committee on Rural Development (Chair: Dr. Ponnusamy Venugopal) submitted its report on the Registration (Amendment) Bill, 2013 on May 8, 2015.<sup>15</sup> The Bill seeks to amend the Registration Act, 1908.<sup>16</sup>

The Act governs the process of registering documents such as those relating to property, wills, etc.<sup>17</sup> It

specifies: (i) the authorities which are responsible for registration, (ii) the process of registration, (iii) documents which will need to be registered, and (iv) penalties for not adhering to provisions of the Act.

The Bill makes changes to the Act to incorporate changes made to the process of registration as a result of the computerisation of land records. It also makes changes to the types of documents which will need to be registered under the Act.

The Committee endorsed the Bill, but made certain observations and recommendations including:

- The Bill seeks to make the registration of those properties which are leased for less than one year (and command a rent of more than Rs 50,000 per month) compulsory. State governments should be allowed to determine the amount of rent above which registration will be compulsory.
- Under the Act, the registration of wills is optional. The Bill also seeks to continue this practice. However, the Committee recommended that the registration of wills should be made compulsory.
- At present, documents relating to land need to be registered at the office of the sub-registrar within whose sub-district the property is located. The Bill permits documents to be registered anywhere in the country. The Committee pointed out that the lack of infrastructural facilities to deal with registration anywhere in the country, might lead to fraudulent registration or create problems for those who wish to register land. However, instead of registration at the sub-district level registration may be allowed at the district level.
- Electronic-registration, which the Bill seeks to permit, should be allowed only when sub-registrar offices are equipped with adequate facilities which allow for the identification of those applying online.

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

## Law and Justice

### The Whistle Blowers Protection (Amendment) Bill, 2015 passed in LS

Prianka Rao ([prianka@prsindia.org](mailto:prianka@prsindia.org))

The Whistle Blowers Protection (Amendment) Bill, 2015 was introduced in Lok Sabha on May 11, 2015 and passed on May 13, 2015.<sup>18</sup> The Bill is currently pending in Rajya Sabha.

The Bill amends the Whistle Blowers Protection Act, 2011. The Act seeks to protect whistleblowers, i.e. persons making a public interest disclosure related to corruption, misuse of power, or criminal offence by a public servant.

The Bill states 10 circumstances under which no public interest disclosure may be made. These include information related to:

- i. the sovereignty of India, relations with a foreign state,
- ii. cabinet papers,
- iii. a court or tribunal, which has been forbidden or may result in contempt,
- iv. a breach of privilege of Parliament or state legislature,
- v. commercial confidence, trade secrets, intellectual property,
- vi. information obtained in a fiduciary capacity,
- vii. information received in confidence from a foreign government,
- viii. the life or physical safety of a person,
- ix. process of investigation, apprehension, or prosecution of offenders, and
- x. information that has no public interest, or if it causes invasion of privacy.

However, if such information is available under the Right to Information Act, 2005, then it may be disclosed.

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

### Two bills related to repealing of laws passed; a third Bill introduced

Prianka Rao ([prianka@prsindia.org](mailto:prianka@prsindia.org))

The Repealing and Amending Bill, 2014 and the Repealing and Amending (Second) Bill were passed by Parliament on May 5, 2015.<sup>19,20</sup>

The first Bill seeks to repeal 36 laws and pass amendments to two laws, while the second Bill repeals 88 laws and corrects minor errors in two laws. These Bills are considered a periodic update of the statute books.

Further a Repealing and Amending (Third) Bill, 2015 was introduced in Lok Sabha on May 13, 2015 which proposes to repeal 187 laws, and make minor changes to two other laws.<sup>21</sup>

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

### Delhi High Court (Amendment) Bill passed in Rajya Sabha

Prianka Rao ([prianka@prsindia.org](mailto:prianka@prsindia.org))

The Delhi High Court (Amendment) Bill, 2014 was passed in Rajya Sabha on May 6, 2015.<sup>22</sup>

The Bill amends the Delhi High Court Act, 1966. The Act stipulates that the pecuniary jurisdiction of the High Court of Delhi is to be Rs 20 lakh. This implies that the Court will hear suits which were valued at Rs 20 lakh and above.

The Bill increases the pecuniary jurisdiction of the Court to hear suits which are above the value of Rs 2 crore.

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

### Supreme Court upholds constitutional validity of NCLT

Prianka Rao ([prianka@prsindia.org](mailto:prianka@prsindia.org))

On May 14, 2015, a Constitution bench of the Supreme Court upheld the constitutional validity of the National Company Law Tribunal (NCLT) and the National Company Law Appellate Tribunal (NCLAT).<sup>23</sup> Both tribunals are created under the Companies Act, 2013.

This was in response to the writ petition that was filed by the Madras Bar Association, challenging the creation of the NCLT and the NCLAT, under the 2013 Act, as unconstitutional.

An earlier petition had been filed in 2004, before the Madras High Court, challenging the validity of the NCLT and the NCLAT under the Companies Act, 1956. The validity was upheld by the Madras High Court and in 2010, in appeal by the Supreme Court as well.

In its 2015 decision, the Supreme Court examined three primary questions: (i) validity of the constitution of NCLT and NCLAT; (ii)

qualifications, term of office and salary etc. of members; and (iii) structure of the Selection Committee for appointment of members.

The Court held that:

- **Validity of tribunals:** The question of validity of the NCLT and the NCLAT was upheld in the 2010 Constitution bench decision and cannot be reopened.
- **Qualifications of members:** The provisions related to qualifications of members (including technical members) were held to be unconstitutional. The judgment stated that the directions laid out in the 2010 judgement on qualifications of members must be followed.
- **Selection Committee:** The provisions related to the selection committee (chaired by the Chief Justice of India or his nominee, Senior Supreme Court judge and three Secretaries of Ministries) were held to be invalid, as the Chairperson did not have a final say in selection. The judgment further held that the directions laid out in the 2010 judgement must be followed. These included giving the Chairperson a casting vote, and restricting the composition to four members in all.

### Law Commission recommends reforms in guardianship and custody laws

Anviti Chaturvedi (anviti@prsindia.org)

The Law Commission submitted its report on 'Reforms in Guardianship and Custody Laws in India' on May 22, 2015.<sup>24</sup> It recommended amendments to the Hindu Minority and Guardianship Act, 1956 and the Guardians and Wards Act, 1890.

- **Hindu Minority and Guardianship Act, 1956:** The 1956 Act states that the natural guardian of a Hindu minor person is the father, and after him the mother. In 1999, the Supreme Court in *Gita Hariharan vs. Reserve Bank of India* held that the mother can become the natural guardian during the lifetime of the father in exceptional circumstances.<sup>25</sup> The Law Commission recommended that this be changed so that both the parents are regarded simultaneously as natural guardians of a minor.
- Further, while the 1956 Act covers the natural guardianship of an adopted son, it does not mention an adopted daughter. The

Law Commission recommended covering natural guardianship in case of adopted daughters within the scope of the law.

- **Guardians and Wards Act, 1890:** The 1890 Act provides for the appointment of the guardian of a minor by the courts. It requires that welfare of a minor will be determined in light of the laws applicable to such minors. The Law Commission recommended that the 1890 Act must be amended to reflect that welfare of the minor must be the paramount consideration in appointing their guardian.
- The 1890 Act also provides for arrest of a ward, if he or she leaves their guardian's custody, if it is in the ward's welfare. The Law Commission recommended that: (i) 'arrest' must be replaced with a requirement to return the ward to the custody of his or her guardian, and (ii) a child of 14 years of age or more must not be returned to the guardian's custody by a court without considering the wishes of the child.
- The Law Commission also recommended that the 1890 Act must cover child custody and child support matters. With regard to child custody, both joint custody and sole custody should be recognised.

## Labour

Anviti Chaturvedi (anviti@prsindia.org)

### Draft Labour Code on Industrial Relations published

The Ministry of Labour & Employment published the Draft Labour Code on Industrial Relations on April 27, 2015.<sup>26</sup> The Draft Labour Code aims to consolidate laws relating to registration of trade unions, conditions of employment and settlement of disputes.

It seeks to repeal the Trade Union Act, 1926, the Industrial Employment (Standing Orders) Act, 1946 and the Industrial Disputes Act, 1947. Key provisions of the Draft Code include:

- **Registration of trade unions:** A trade union is eligible to apply for registration if it has a minimum of 10% workers employed in an establishment or at least 100 workers as its members. Also, a registered trade union must have a minimum of 7 members.

Conditions of registration, cancellation of registration, etc. are also specified in the Draft Code.

- **Conditions of employment:** Establishments with 100 or more workers are required to have standing orders regulating classification of workers (permanent, temporary, apprentice, etc.), conditions of service such as hours of work, wage rates, etc. The government may exempt any establishment from the above provisions.
- **Restrictions on layoff, retrenchment, strikes, etc.:** The Bill regulates layoff, retrenchment, closure of industrial establishments, strikes and lockouts. This includes the requirement on industrial units with 300 or more workers to get the permission of the government. Penalties are specified for cases where restrictions related to the above are violated.
- **Dispute resolution:** Dispute resolution methods include arbitration, conciliation or adjudication by tribunals. In addition, works committees and grievance redressal committees with representatives of employer and workers are also provided.

### Draft amendments to the Employees' Provident Fund Act, 1952 published

The Ministry of Labour & Employment published certain draft amendments to the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 on May 20, 2015.<sup>27</sup> The Act establishes a provident fund, pension fund and an insurance scheme for workers employed in certain factories and establishments. Key changes proposed in the amendments include:

- **Applicability of the Act:** The Act is applicable to certain establishments across manufacturing industries. The amendments make the Act applicable to all establishments. The Act is applicable only to establishments employing at least 20 workers. The amendments propose to reduce this limit to 10 workers.
- **New Pension Scheme:** The amendments propose to give a one-time option to members of the provident fund, pension and insurance schemes under the Act to join the New Pension Scheme. A member of the New Pension Scheme will also have a one-time option to shift to the provident fund, pension and insurance schemes under the

Act. Employers cannot force employees to join a particular scheme.

- **PF contributions:** Under the Act, an employer has to pay 10% of the basic wages, dearness allowance, etc. to the provident fund (PF), and this has to be matched by the employee. The amendments seek to increase this to 12% of the contributing wages. Contributing wages are defined under the amendments to exclude travelling allowance, house rent allowance if it does not exceed 20% of the contributing wages, etc. Contributing wages will not be lower than minimum wage.
- **Unorganised sector:** The amendments enable the government to notify a scheme called the Unorganised Workers' Social Security Scheme to provide PF, pension and insurance benefits to the unorganised sector

### Cabinet approves amendments to the Child Labour Amendment Bill, 2012

The Cabinet approved further amendments to the Child Labour (Prohibition & Regulation) Amendment Bill, 2012 which is currently pending in Rajya Sabha.<sup>28</sup>

The Bill amends the Child Labour (Prohibition & Regulation) Act, 1986. The Act prohibits labour by children up to 14 years in hazardous industries. The Bill extends this prohibition to all industries. It also prohibits labour by adolescents (between 14-18 years) in hazardous industries. The Standing Committee submitted its recommendations on the Bill in 2013.<sup>29</sup> The following amendments of the Cabinet incorporate recommendations of the Committee:

- Children working as artists in the audio-visual entertainment industry or engaging in sports (as long as their school education is not affected) are permitted to work. However, the government may prescribe certain conditions and safety measures.
- There will be no punishment for parents or guardians who permit a child to work in violation of the provisions of the Act in case of a first offence. However, a fine up to Rs 10,000 will be imposed in case of a subsequent offence by parents or guardians.
- A fund will be created at the district level to finance rehabilitation of child labourers.

## Energy

### Standing Committee submits report on Electricity (Amendment) Bill, 2104

*Prachee Mishra (prachee@prsindia.org)*

The Standing Committee on Energy (Chair: Dr. Kirit Somaiya) submitted its report on the Electricity (Amendment) Bill, 2014 on May 7, 2015.<sup>30</sup> The Bill seeks to segregate the distribution network from the electricity supply business and introduce multiple supply licensees.

Key observations and recommendations of the Committee include:

- **Segregation of distribution and supply:** More clarity is required on the manner in which segregation of distribution and supply will be carried out. The Committee recommended laying down norms to ensure equitable apportionment of supply of electricity to consumers on the basis of their status and the subsidies paid to them. Areas in which supply licensees could be allowed should be notified in consultation with the stakeholders. The universal supply obligation should be mandatory for all supply licensees in their area of license. In addition to paying a fee, the supply licensees should be accountable for using distribution lines owned by the government.
- **Regulatory Commissions & Appellate Tribunals:** The proposed amendments give Regulatory Commissions the power to provide licenses to transmit, distribute, trade in or supply electricity. The Committee states that such unrestricted powers over the electricity sector may lead to misuse. Commissions should be mandated to act in a transparent manner and be accountable for the functions they are assigned.
- **Promotion of renewable energy:** Since the production of renewable energy is primarily based on climate factors, making production mandatory to a certain percentage may lead to several problems. The minimum obligation for production should be fixed at five percent of the total energy capacity of the plant. This can be increased based on the feasibility of all the related factors.

### Standing Committee submits report on the National Auto Fuel Policy

*Dipesh Suvarna (dipesh@prsindia.org)*

The Standing Committee on Petroleum & Natural Gas (Chair: Mr. Pralhad Joshi) submitted its report to the Parliament on the National Auto Fuel Policy on May 7, 2015.<sup>31</sup>

The Auto Fuel Policy, 2003 aims at addressing issues of vehicular emissions and vehicular technologies by applying fuel quality standards.<sup>32</sup> An Expert Committee under the chairmanship of Mr. Saumitra Chaudhari had reviewed the National Auto Fuel Policy, 2003.<sup>33</sup> The Standing Committee made observations and recommendations on the expert committee report and the Auto Fuel Policy, 2003.

Key recommendations of the Standing Committee include:

- The Ministry needs to create an action plan to implement the recommendations of the Expert Committee. An assessment of the benefits of implementing the Expert Committee recommendations against the expenditure that will be incurred must be undertaken by the Ministry.
- In order to achieve the unified fuel norm the Ministry should implement the less polluting Bharat Stage IV quality of fuel across the country by April, 2017.
- The Ministry should decide on the levy of high sulphur cess on high polluting Bharat Stage III quality fuel. It should also decide on the levy of a special fuel up-gradation cess on all gasoline and diesel sold. The sum collected through the cess must be utilised for fuel up-gradation projects.
- As fossil fuel reserves are depleting, the Ministry must assess the commercial viability of non-conventional fuels.
- To improve air quality, the Ministry must fix an age limit for the retirement of vehicles.

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

### CAG report on performance of IREDA

*Prachee Mishra (prachee@prsindia.org)*

On April 30, 2015 the Comptroller and Auditor General of India (CAG) published a report on the performance of the Indian Renewable Development Agency Limited (IREDA) for the

period from 2008-09 to 2012-13.<sup>34</sup> Key findings and recommendations of the report are:

- **Sanction and disbursement of loans:** IREDA had violated its financing guidelines in some cases by sanctioning loans for projects even before they were registered. It had also sanctioned loans for some projects in a very short time period.
- IREDA should not exceed prescribed credit exposure limits, and must ensure that due diligence is conducted while sanctioning loans. Deviations should be made only in exceptional cases with justification.
- **Subsidies given by IREDA:** It was observed that IREDA did not have any mechanism to monitor the continuation of renewable energy projects in the specified time period. Because of this defaulters continued to receive undue benefits of the subsidies. The audit also found instances where the Ministry of New and Renewable Energy agreed with IREDA to not recover the subsidies when renewable energy projects were discontinued.
- IREDA may develop a mechanism to monitor continuity of projects for a specified period after their commencement. Subsidies should be recalled in all cases where projects do not run for the specified period.

### CAG submits report on infrastructure development for natural gas

Prachee Mishra ([prachee@prsindia.org](mailto:prachee@prsindia.org))

On May 5, 2015 the Comptroller and Auditor General of India (CAG) published a report on the supply and infrastructure development for natural gas.<sup>35</sup> Key observations and recommendations of the report include:

- **Infrastructure development:** The Petroleum and Natural Gas Regulatory Board (PNGRB) was set up in October 2007 and empowered to issue authorisations for new pipelines in July 2010. This delay of 33 months acted as a hindrance in the development of cross-country pipelines. Till PNGRB was established, authorisations given by the Ministry of Petroleum and Natural Gas were given without a definite start and target date for completion. In the absence of a regulatory framework and a mechanism to review the progress of Liquefied Natural Gas (LNG) projects, the

Ministry was not able to monitor the LNG projects for which clearances were given.

- CAG recommended that the Ministry should develop a mechanism, with clearly defined responsibilities to ensure and assess timely completion of gas pipelines and LNG projects across the country.
- **Supply of natural gas:** Power and fertilizer sectors receive about 69% of domestic gas at a price determined by the Administered Price Mechanism (APM), through allocation. As per the Ministry's directions, APM price would be applicable only for those quantities of gas which were used for the generation of electricity. This would be for supply to the grid for distribution to consumers through public utilities. However, there was no mechanism available to ensure compliance with these instructions.
- CAG recommended that the Ministry may work out modalities to implement a control system to detect and prevent mis-utilization of natural gas supplied at regulated price. Gas Authority of India Limited may critically review the natural gas supply contract management system and put in place specific measures to verify end use of natural gas.

## Infrastructure

Apoorva Shankar ([apoorva@prsindia.org](mailto:apoorva@prsindia.org))

### Committee constituted to review PPP model of infrastructure development

During the Union Budget speech 2015-16, the Finance Minister had announced that the public private partnership (PPP) model of infrastructure development had to be reviewed. In light of this announcement a Committee has been set up (Chair: Dr. Vijay Kelkar), to examine the PPP model of infrastructure development.<sup>36</sup> The Committee will address the following:

- Reviewing the current PPP policy, including the variations in different PPP contracts, and any difficulties experienced within these.
- Analysing risks involved in PPP projects in various sectors and the existing framework for sharing such risks between the project developer and the government; and suggesting a risk sharing mechanism.

- Proposing design modifications to the existing PPP contracts, based on international best practices and Indian institutional context.
- Recommending measures to improve capacity building within the government for effective implementation of PPP projects.

The Committee is expected to submit its report by August 26, 2015.

## Industry

*Joyita Ghose (joyita@prsindia.org)*

### Framework for revival and rehabilitation of MSMEs notified

The Ministry of Micro, Small and Medium Enterprises notified a Framework for Revival and Rehabilitation of Micro, Small and Medium Enterprises (MSMEs) on May 29, 2015.<sup>37</sup>

The Framework seeks to assist sick MSMEs in obtaining financial support. The Ministry had released a draft version of this Framework in March 2015. For more information on the draft Framework, please see the March 2015 PRS Monthly Policy Review, [here](#).

## Women and Child Development

*Apoorva Shankar (apoorva@prsindia.org)*

### The Juvenile Justice Bill, 2014 passed by Lok Sabha

The Juvenile Justice (Care and Protection of Children) Bill, 2014 was introduced in Lok Sabha on August 12, 2014.<sup>38</sup> The Standing Committee examining the Bill submitted its report on the same on February 25, 2015.<sup>39</sup> The Bill was passed by Lok Sabha on May 7, 2015 and is currently pending in Rajya Sabha.

The Bill deals with children in conflict with law and children in need of care and protection. It seeks to replace the Juvenile Justice (Care and Protection of Children) Act, 2000.<sup>40</sup> Key changes made by Lok Sabha while passing the Bill include:

- The Bill defines offences as petty (offences attracting up to three years of imprisonment under any given law), serious (between three

to seven years of imprisonment) and heinous (minimum seven years of imprisonment). The Bill provides for the trial of 16-18 year olds committing heinous offences as adults, subject to a preliminary assessment of their mental and physical capacity, etc. Clause 7 of the Bill also allows for the direct trial of a 16-18 year old committing a serious or heinous offence as an adult, if apprehended after 21 years of age. While passing the Bill, Lok Sabha excluded this clause.

- A 16-18 year old committing a heinous offence may be tried as an adult. However, whether he is to be tried as an adult would be determined by a preliminary inquiry (to be conducted within a month) and decision of a Juvenile Justice Board and Children's Court. The period of conducting the preliminary inquiry was enhanced to two months in the Bill when it was passed by Lok Sabha.
- The Bill provides for surrendering a child on account of physical, emotional and social factors beyond the control of the parents. The parents were given one month to reconsider their decision as per the Bill when it was introduced. This period was enhanced in the Bill passed by Lok Sabha.
- The Bill details adoption procedures. The Bill as introduced stated that a child may be declared free for inter-country adoption if he is not adopted by an Indian within 30 days. This period was enhanced to 60 days in the Bill passed by Lok Sabha.

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

### Public Accounts Committee report on ICDS scheme tabled in Parliament

The Public Accounts Committee (PAC) (Chair: Prof. K. V. Thomas) tabled its report on the functioning of the Integrated Child Development Services (ICDS) on April 27, 2015.<sup>41</sup> ICDS is operated by the Ministry of Women and Child Development. The scheme aims to address issues concerning malnutrition, morbidity, reduced learning capacity in young children, and aspects of pre-school non-formal education. Anganwadis have been established at the village level to provide services under the scheme.

Key observations and recommendations of the PAC include:

- **Operationalising anganwadis:** Approximately 14 lakh anganwadis were to

be established under ICDS by 2008, as directed by the Supreme Court during the hearing of a writ petition. The PAC noted that these anganwadis have still not been operationalised. It said that the Ministry needs to prescribe and strictly adhere to the timelines for setting up these anganwadis.

- **Infrastructure:** The PAC noted that out of 2,701 test-checked anganwadis, 866 were at sites other than their own buildings. These included rented premises such as primary schools, open spaces, or incomplete buildings. The Committee stated that lack of quality infrastructure affects parents' motivation to send their children to anganwadis and also exposes children to extreme weather conditions. It recommended that the Ministry should ensure that anganwadi buildings are of good quality and adhere to prescribed standards.
- **Staff vacancies:** The PAC recommended that the Ministry work with state governments to fill vacancies of anganwadi workers, as these vacancies affect the functioning of anganwadis. It also said that these posts should not be filled by giving preference to *ad hoc* or contract workers over dedicated personnel.
- **Monitoring:** The Ministry had released guidelines to set up a five-tier monitoring and reviewing mechanism for ICDS (from the central to anganwadi level) in 2011. The PAC observed a lack of coordination between various levels and departments. It recommended that the Ministry take up the matter with the identified states and ensure compliance. It also suggested that the details of the meetings of monitoring committees be made available online.

## Environment

Joyita Ghose ([joyita@prsindia.org](mailto:joyita@prsindia.org))

### Compensatory Afforestation Fund Bill, 2015 introduced in Parliament

The Compensatory Afforestation Fund Bill, 2015 was introduced in Lok Sabha on May 8, 2015.<sup>42</sup> Compensatory afforestation refers to afforestation which is undertaken when forest land is diverted for non-forest use.

The Bill seeks to establish funds at the national and state levels to receive money collected for compensatory afforestation. The Supreme Court had directed the government to create a compensatory afforestation fund in 2002.<sup>43</sup> At present, an *ad hoc* Compensatory Afforestation Fund Management and Planning Authority (CAMPA) has been created to collect money for compensatory afforestation. Key features of the Bill are:

- **Institutions to be established:** The Bill seeks to establish a National Compensatory Afforestation Fund and State Compensatory Afforestation Funds that will be managed by the National and State CAMPAs.
- The National CAMPA will consist of: (i) a governing body, (ii) an executive committee, and (iii) a monitoring group. The governing body will formulate the broad policy framework for the CAMPAs. The executive committee will be responsible for the approval of annual plans of State CAMPAs. The monitoring group will monitor works implemented by states and fund utilisation by the CAMPAs.
- The State CAMPAs will consist of: (i) a governing body, (ii) a steering committee, and (iii) an executive committee. The governing body will formulate the broad policy framework for the State CAMPA, within the overall framework laid out by the National CAMPA. The executive committee will formulate the annual plan of operations, after obtaining the approval of the steering committee.
- **Sources of funds:** The Bill specifies that money with the *ad hoc* National CAMPA will be transferred to the National Fund. 90% of this money will then be transferred to State Funds. Each year, State Funds will collect money for compensatory afforestation. 10% of this amount will be transferred to the National Fund.
- **Utilisation of funds:** The Bill outlines the manner of utilisation of funds collected, including for site-specific compensatory afforestation schemes, forest management, wildlife protection, etc.

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

## Agriculture

*Tanvi Deshpande (tanvi@prsindia.org)*

### 3<sup>rd</sup> advance estimates of food grain production in 2014-15

The 3<sup>rd</sup> advance estimates of food grain production in 2014-15 were released by the Ministry of Agriculture on May 13, 2015.<sup>44</sup> The estimate of total production of food grains decreased by 5.3%, at 251 million tonnes, compared to the final estimate of 265 million tonnes of 2013-14. Table 2 shows the change in 3<sup>rd</sup> advance estimates of 2014-15 as compared to the final estimates of 2013-14.

**Table 2: Estimates of food grain production (in million tonnes)**

Crop	2013-14	2014-15	% change
	Final	3 <sup>rd</sup> advance	
<b>Food grains</b>	<b>265</b>	<b>251</b>	<b>-5.3</b>
Rice	107	103	-3.9
Wheat	96	91	-5.3
Coarse cereals	43	40	-5.3
<b>Pulses</b>	<b>19</b>	<b>17</b>	<b>-9.7</b>
<b>Oilseeds</b>	<b>33</b>	<b>27</b>	<b>-17.0</b>
<b>Cotton*</b>	<b>359</b>	<b>353</b>	<b>-1.6</b>
<b>Sugarcane</b>	<b>352</b>	<b>357</b>	<b>1.3</b>

Note: \*-lakh bales of 170kg each.

Sources: Ministry of Agriculture; PRS.

## Chemicals and Fertilizers

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### New Urea Policy for 2015 approved

Cabinet approved a urea policy for 2015-19 on May 13, 2015.<sup>45</sup> The policy aims to maximise indigenous urea production and increase the energy efficiency of urea units. Key features of the policy include:

- Urea producers are mandated to produce a minimum of 75% of domestic urea as neem coated. According to the government, this is because neem coated urea has a higher efficiency, and thus lesser quantity will be required for higher yields.
- The minimum retail price for urea remains unchanged at Rs 268/bag of 50kgs. An additional cost of Rs 14 per bag will be charged for neem coated urea.

- Urea units at Gorakhpur, Uttar Pradesh; Barauni, Bihar; Talcher area, Odisha; and Ramagundam, Telangana have been revived. These units are expected to increase domestic production by 52 lakh tonnes.
- The existing subsidy rates for phosphatic and potassic (P&K) fertilizers, di-ammonium phosphate and muriate of potash under the current nutrient based subsidy policy remain unchanged.
- Movement of P&K fertilizers has been freed, which will allow companies to sell these fertilizers in any part of the country. Fertilizers will also be provided with a rail freight subsidy, to reduce transport costs.
- Subsidies on fertilizers will be payable to suppliers only after the receipt of the fertilizers. State governments will give quality certificates on the fertilizers within six months of receipt. Subsidies will not be given on sub-standard fertilizers.

## Health

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### The Homoeopathy Central Council (Amendment) Bill, 2015 introduced in Rajya Sabha

The Homoeopathy Central Council (Amendment) Bill, 2015 was introduced in Rajya Sabha on May 6, 2015.<sup>46</sup> The Bill amends the Homoeopathy Central Council Act, 1973.<sup>47</sup> The Act establishes the Homoeopathy Central Council to regulate and enforce standards with regard to homoeopathy colleges and homoeopathy practitioners. The Bill seeks to prohibit admissions in colleges that do not conform to the prescribed educational standards.

The key features of the Bill are:

- Under the Act homoeopathy medical colleges are required to obtain permission from the central government to introduce new courses and increase admissions in any course of study or training. The Bill adds that prior permission of the central government will also be required to admit a new batch of students in any course of study or training.
- Such permission for admitting a new batch of students will be valid for five years.

- The Bill seeks to add an additional ground for non-recognition of homoeopathy medical colleges. In case, any medical college admits a new batch of students without prior permission of the central government, then the medical qualification will not be recognised.

The Bill was referred to the Standing Committee on Health and Family Welfare on May 8, 2015 and the report is expected within two months.

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

## Rural Development

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### Estimates Committee submits report on sanitation programmes in rural areas

The Committee on Estimates (Chair: Dr. Murli Manohar Joshi) submitted a report on sanitation programmes in rural areas on April 29, 2015.<sup>48</sup> Key observations and recommendations of the Committee include:

- **Sanitation coverage:** Out of 75 crore rural households, roughly 50 crore do not have individual toilets. According to the Committee low fund utilisation for rural sanitation schemes has been a major factor in low levels of achievement in rural sanitation. It also pointed out that the low growth in the number of public toilets has largely been due to poor maintenance and management of these toilets.
- **Sanitation in schools:** At present, 22.5% of schools in the country have tap water facilities. The Ministry of Drinking Water and Sanitation should draw up an action plan to provide tap water to all schools.
- **Solid Waste Management:** There has been a decline in establishing infrastructure for solid waste management in rural areas. 2,729 gram panchayats constructed solid waste management infrastructure in 2011-12. This declined to 1,624 in 2012-13, and 1,250 in 2013-14.
- **Funds for Swachh Bharat Mission (Gramin):** The central government is expected to contribute Rs 1,00,447 crore from 2014-15 to 2018-19 for Swachh Bharat Mission (Gramin). The central outlay for rural sanitation from 2014-2017 is Rs 34,885

crore. The balance (Rs 65,561 crore) is to be met through: (i) the Swachh Bharat Kosh, (ii) Corporate Social Responsibility funds, and (iii) budgetary allocations in the first two years of the 13<sup>th</sup> Five Year Plan (2017-18 and 2018-19).

- The Committee pointed out that while the government has fixed a timeline for accomplishing the Mission, it has not finalised fund availability. According to the Committee this may create uncertainty in the implementation of the scheme. It therefore recommended that the government expedite the identification of funds for the Mission.

## Water resources

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### Standing Committee submits report on flood management

The Standing Committee on Water Resources (Chair: Mr. Hukum Singh) submitted its report on issues relating to flood management on May 13, 2015.<sup>49</sup> Key recommendations of the Committee are:

- **Role of central government in flood management:** The central government should play more than a technical and advisory role in flood management, as is the current practice. ‘Water’ is in the State List of the Seventh Schedule of the Constitution. This implies that state legislatures can make laws on the subject. It should be brought into the Concurrent List, to allow both the centre and states to legislate on the subject.
- **Completion of projects:** 517 projects were approved under the Flood Management programme in the Eleventh and Twelfth Five Year Plans (till March 2012). However, only 252 projects were completed till this date. Additionally, of the Rs 12,243 crore allocated for these projects, only Rs 4,432 crore was released in the same time period.
- **Relief and rehabilitation:** The National Resettlement and Rehabilitation Policy, 2007 must be implemented effectively. Guidelines must be formulated in 2015 to ensure that families affected by water resources projects receive compensation.

- **Flood forecasting:** Flood forecasting infrastructure needs to be modernised and broadened to also include areas which are not flood prone.
- **Use of sand:** Farmers should be given the right to use and dispose off sand accumulated on their land after a flood. This can be done through amending the Mines and Minerals Development and Regulation Act, 1957.

## Defence

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### CAG Report on Ammunition Management in the country

The Comptroller and Auditor General of India (CAG) published a report reviewing Ammunition Management in Army from 2008-09 to 2012-13.<sup>50</sup> Ammunition management refers to holding adequate stocks of ammunition. Key findings of the CAG include:

- **Provisioning:** According to government policy, the requirement of ammunition is meant to be calculated annually. It is calculated on the basis of the army's ammunition needs for 40 days of intense conflict. However, the CAG found that provisioning of ammunition was being done on the basis of 20 days of 'intense conflict'. Further, 74% of the ammunitions did not have sufficient stocks for even 20 days of intense conflict.
- The CAG also observed that ammunition availability of the army has decreased over the years. In 2009, 15% of the ammunition stocks were at critically low levels (that is, they would last for less than 10 days). By 2013, 50% of ammunition stocks were at critically low levels.
- **Manufacture:** The Ordnance Factory Board meets the largest share of the army's ammunition requirement (about 90%). Though targets (for ammunition production) on a five year basis were fixed in consultation with the Ordnance Factory Board, the CAG observed that the Ordnance Factory Board did not demand adequate funds from the government. Therefore, the Ordnance Factory Board failed to supply the targeted quantity of ammunition, with shortfalls up to 73% in some cases.
- **Quality control:** Ordnance factories manufacturing ammunition are required to carry out checks for quality of the stores manufactured by them. The CAG observed that ordnance factories did not carry out effective quality controls, and consequently finished products were rejected at the final stage. Even products which were accepted at the final stage were found not up to the mark. Consequently ammunition worth Rs 1,618 crore was lying unused in depots due to manufacturing defects.

### CAG Report on Light Combat Aircraft

The Comptroller and Auditor General of India (CAG) submitted a report on design, development, manufacture and induction of Light Combat Aircraft on May 8, 2015.<sup>51</sup> The Light Combat Aircraft programme was sanctioned in 1983 to replace the MIG-21 aircraft fleet. While the Light Combat Aircraft fleet was to be inducted into the Indian Air Force by 1994, the programme is still in progress (as on January 2015). Key observations of the CAG report include:

- **Deficiencies in design and development:** Decisions of the Aeronautical Development Agency (set up to manage this aircraft programme) to accelerate the project caused the prototype aircraft to be deficient in certain critical ways. For example, these aircraft have compromised electronic warfare capabilities because they do not have self-protection jammers and a fully-functional radar warning receivers.
- **Trainer aircraft:** Production of trainer aircraft (used for pilot training) at Hindustan Aeronautics Limited is currently not possible because necessary clearances for these aircrafts have not been obtained. In these circumstances, if the Indian Air Force is constrained to induct fighter Light Combat Aircraft without the trainer models, it will negatively affect pilot training.
- **Involvement of user agency:** There is a need for a liaison group between the Indian Air Force Head Quarters and the Aeronautical Development Agency to ensure closer interaction between the design team and the user. This was recommended in 1989 by a review committee, but no liaison group has been formed.

- **Indigenous content:** In 1993, though the government emphasized on increasing the indigenous content in the Light Combat Aircraft, no roadmap for indigenisation was made. Consequently, while indigenous content in these aircraft is meant to be about 70% according to the Aeronautical Development Agency, it is currently found to be about 35%.

## Transport

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### National Waterways Bill, 2015 introduced in Lok Sabha

The National Waterways Bill, 2015 was introduced in Lok Sabha on May 5, 2015.<sup>52</sup> The Constitution enables the central government to make laws on shipping and navigation on inland waterways that are classified as national waterways, by law.

- The Bill identifies 101 additional waterways as national waterways. The Schedule of the Bill also specifies the extent of development to be undertaken on each waterway.
- Currently there are five inland waterways that are declared as national waterways under five different National Waterways Acts. The Bill repeals these five Acts, and these national waterways are now being brought under the purview of the Bill.

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

### Standing Committee submits report on Railways (Amendment) Bill, 2014

The Standing Committee on Railways (Chair: Mr. Dinesh Trivedi) submitted its report on the Railways (Amendment) Bill, 2014 on May 5, 2015.<sup>53</sup> The Bill amends the Railways Act, 1989 and seeks to prevent people from filing multiple claims from the Railways in case of accidents.<sup>54</sup>

The Committee referred the Bill back to the government, to re-introduce the Bill in Parliament, with certain changes. Key recommendations of the Committee include:

- The Bill defines accidental falling to exclude cases of falling from a moving train when entering a train, standing near train door, on foot board/ rooftop, or endangering safety of others wilfully, or through neglect.

The Committee recommended that such definition could be effected only when deficiencies in the Railway premises and property are rectified and passenger safety is ensured.

- The Bill states that in cases of accidental falling due to passenger negligence, the passenger has to prove he took reasonable care to avoid the accident. The Committee observed that shifting the burden of proof in these cases, from the Railways to the claimant, will lead to victims being denied compensation in such cases.
- Under the Bill the railways administration where the accident occurred will be made a party before the Claims Tribunal for all cases. The Committee recommended that the railways zone where the accident occurred should not be a party to the case. The Centre for Railway Information Systems should improve its software to register accidents and make it fool-proof.
- Duplicate claims constitute about 0.5% of the total number of cases of compensation claims filed over the last 10 years. Till date, no loss to the government exchequer has been reported by the Railways on account of compensation given in duplicate/ fraudulent cases.
- Though the proposed amendments involve public interest, they have been proposed without any consultation with important stakeholders. If this Bill is passed by Parliament, the Railway users alone will be the most affected at the ground level. The Committee recommended that various stakeholders should be consulted before major policy changes are affected by the Railway administration.

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

## External Affairs

*Anviti Chaturvedi (anviti@prsindia.org)*

### Constitution (119<sup>th</sup> Amendment) Bill, 2013 passed

The Constitution (119<sup>th</sup> Amendment) Bill, 2013 was passed by Parliament on May 7, 2015.<sup>55</sup>

The Bill amends the First Schedule of the Constitution to give effect to an agreement

entered into between India and Bangladesh in 1974 and its protocol. The agreement and the protocol allow for the transfer of certain territories between India and Bangladesh. The First Schedule of the Constitution defines the area of each state and union territory which together constitute India. The Bill alters the boundaries of Assam, West Bengal, Meghalaya and Tripura.

### Prime Minister visits China, Mongolia and South Korea

Prime Minister Narendra Modi visited China, Mongolia and Republic of Korea (South Korea) in May 2015.

**China (May 14-16):** During the visit, 24 agreements and memoranda of understanding (MoUs) were signed between India and China on various issues including: (i) cooperation between NITI Aayog and China's Development Research Centre regarding macroeconomic and policy issues; (ii) speed raising on existing railway routes in India, establishing high speed rail, and railway station re-development; (iii) establishing a States/Provincial Leaders' Forum for state/provincial and city/municipality level exchanges; and (iv) establishing consulates in Chengdu and Chennai. At the India-China Business Forum, business agreements and MoUs were signed valued at USD 22 billion.<sup>56</sup>

**Mongolia (May 17-18):** India extended USD1 billion line of credit to Mongolia for expansion of their economic capacity and infrastructure. Both countries signed 12 agreements and MoUs on various matters including transfer of sentenced prisoners of Indian and Mongolian nationality, establishment of a Cyber Security Training Centre in Mongolia, intelligence cooperation and medicine.<sup>57</sup>

**Republic of Korea (May 18-19):** The Double Taxation Avoidance Convention, signed in 1985 by India and Republic of Korea, was revised during the visit. Six more agreements and MoUs were signed on cooperation between the National Security Council structures of both countries, electric power development, road and marine transport, etc.<sup>58</sup>

## Home Affairs

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### Draft amendments to the Prevention of Damage to Public Property Act, 1984

The Ministry of Home Affairs published draft amendments to the Prevention of Damage to Public Property Act, 1984 on May 20, 2015.<sup>59</sup> Comments have been invited on these draft amendments till July 20, 2015.

The Supreme Court had set up a committee under the chairmanship of Justice K.T. Thomas to examine the Act in 2007.<sup>60</sup> The Committee made recommendations to amend this law. The draft amendments give effect to recommendations of this Committee. Key features of the draft amendments include:

- Office-bearers of an organisation calling for a bandh, demonstration, etc. will be responsible for damage to public property caused in such an exercise. However, if an officer-bearer had no knowledge of the damage caused or acted to prevent it, he shall not be considered guilty.
- An officer-in-charge of a police station has to make arrangements for videography in an area where a bandh or demonstration has been called, if there is likelihood of damage to public property.
- An accused person will be presumed guilty if an act in which he participated results in damage to public property.
- The fine imposed under the Act must be the same as the market value of the public property damaged.

## Urban Development

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### Public Accounts Committee submits report on JNNURM

The Public Accounts Committee (Chair: Prof. K.V. Thomas) submitted its audit report on the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) on April 29, 2015.<sup>61</sup>

JNNURM is implemented by the Ministry of Urban Development and Ministry of Housing and Urban Poverty Alleviation. It consists of

two sub-missions: (i) the Urban Infrastructure and Governance (implemented by Ministry of Urban Development) and the Basic Services to the Urban Poor (implemented by Ministry of Housing and Urban Poverty Alleviation) for 65 identified mission cities.

Key observations and recommendations of the Committee include:

- **Additional Central Assistance (ACA):** The Committee observed that there had been huge shortfalls in allocation and release of ACA by the central government. It recommended that both ministries: (i) find and remove stumbling blocks both at the central and state levels, (ii) take strict action against the defaulting states, and (iii) ensure proper utilization of sanctioned funds and timely release of subsequent instalments.
- **Completion of projects:** Only 253 projects consisting 8.98% of the total 2,482 JNNURM projects approved up to 31 March, 2009 could be completed within the average period of completion of two years. Both ministries could not complete their projects despite deadlines being extended till March 2015.
- **Non-completion of projects:** The impact of non-completion of projects includes cost escalation in view of time overrun, stagnation of the service delivery levels, and inconvenience to general public. The Mission was launched without assessing the states' ability to implement the reforms which caused the delay in completing the projects and consequent cost escalation.
- **Establishment of Project Management Units and Project Implementation Units:** Both the units that were to assist the states in implementing the programmes were not established in nine states. In states where they were established, they were not performing all the functions assigned to them and were found to be assigned tasks other than those in their scope of work.

## Social Justice

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### Standing Committee submits report on the Rights of Persons with Disabilities Bill, 2014

The Rights of Persons with Disabilities Bill, 2014 was introduced in Rajya Sabha on February 7, 2014.<sup>62</sup> The Standing Committee on Social Justice and Empowerment submitted its report on the Bill on May 7, 2015.<sup>63</sup>

The Bill addresses rights and entitlements for disabled persons. It classifies 19 conditions as disabilities and allows the central government to notify any other condition as a disability. It seeks to replace the existing Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

Key recommendations of the Committee include:

- The Committee recommended including special kidney failure, blood cancer and diabetes type I as disabilities, as they are long term and incurable. It also recommended separating dwarfism as a disability from locomotor disability.
- The United Nations Convention on the Rights of Persons with Disabilities, ratified by India in 2007, defines discrimination as any exclusion on the basis of disability which has the effect of impairing the exercise of fundamental freedoms by a person. The Committee recommended that this definition be included in the Bill.
- The Bill provides for two types of guardianship for mentally ill persons. The Committee said that there was a need to revisit the guardianship provision. It noted that this provision may violate the right to equality guaranteed by the Constitution and non-discrimination provisions of the Bill. However, it did not give specific reasons for such violations.
- The Bill requires all existing public buildings to be made accessible for persons with disability, within five years of the date of notification. The Committee observed that while the time period of five years would suffice for small infrastructure buildings, larger infrastructures may require extensions on a case by case basis.

- Notwithstanding anything in the Right to Education Act, 2009 the Bill mandates free and compulsory education for all disabled children between six to 18 years. The Committee recommended increasing the upper age limit of free and compulsory education to 21 years.

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

## Corporate Affairs

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### Companies (Amendment) Bill, 2014 passed by Parliament

The Companies (Amendment) Bill, 2014 was passed by Parliament on May 13, 2015 with some changes.<sup>64</sup> The Bill amends the Companies Act, 2013 in relation to related party transactions, fraud reporting by auditors, making common seal optional, jurisdiction of special courts to try certain offences, etc. The changes made to the 2014 Bill include:<sup>65</sup>

- Under the Act, before starting a business a company must file a declaration stating that: (i) every subscriber to their memorandum has paid for their shares, and (ii) paid-up share capital of the company is above a specified threshold. Failure to file the declaration is punishable with a fine. The Bill as passed removes this requirement.
- Under the Act, the Registrar may remove the name of a company from the register of companies in three circumstances. This includes a situation in which the company's subscribers do not pay for their shares and the company does not make a declaration stating the same. The Bill as passed removes this ground.

More information on the Bill is available [here](#).

## Youth Affairs and Sports

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### Ministry identifies conditions for recognising National Sports Federations

The Ministry of Youth Affairs and Sports has identified certain conditions required to be fulfilled by a sports federation of indigenous

sports to be recognised as a Regional Sports Federation (RSF).

This is in light of various sports federations in the country requesting the status of National Sports Federations. However, most requests pertained to indigenous or hybrid form of sport disciplines. The Ministry stated that federations of indigenous sports may be recognised as RSFs if they meet the following conditions:<sup>66</sup>

- The sport must be played in one or more states. The sport should have been played in the region at least for the previous 10 years.
- In case there exists an international body for the sport, recognition must be provided by that body to the relevant RSF.
- There shall be only one RSF for each sport.

For sports federations of other sports, the present guidelines for granting recognition to National Sports Federations will continue.

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