

# Monthly Policy Review

July 2015

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## Highlights of this Issue

### [RS Select Committee submits report on the Constitution Amendment Bill on GST \(p. 2\)](#)

The Committee made certain recommendations in relation to the 1% additional tax and compensation provisions. Three Notes of Dissent were also submitted, in relation to the 1% tax and voting pattern of the GST Council.

### [High Level Committee on Railways restructuring submits final report \(p. 5\)](#)

Key recommendations of the Committee include setting up an independent regulatory authority, decentralisation of powers to the division level, introducing commercial accounting, and rationalising its manpower.

### [Draft Land Acquisition Rules, 2015 for acquisition by central government released \(p. 5\)](#)

Provisions of the draft Rules include the limit above which R&R will apply for private purchase of land, details of the process of acquisition, updating land records prior to acquisition, details of R&R scheme, etc.

### [Ministry of Finance invites comments on the revised Indian Financial Code draft Bill \(p. 3\)](#)

The draft Bill revises certain sections of an earlier draft Bill released in 2013, which proposed to establish new institutions for regulating the financial sector, and merger of several existing regulatory bodies.

### [Black Money Rules in relation to one time compliance opportunity notified \(p. 3\)](#)

The Rules specify a period of September 30, 2015 to December 31, 2015 within which previously undisclosed foreign assets may be declared, and tax and penalty on same is to be paid.

### [Draft National Renewable Energy Bill, 2015 released \(p. 7\)](#)

The draft Bill provides for the creation of the National Renewable Energy Fund and State Green Fund. The draft Bill also exempts the suppliers of electricity from renewable energy sources from obtaining a license.

### [Committee under the Department of Telecom invites comments on net neutrality \(p. 6\)](#)

The Committee gave recommendations pertaining to the core principles of net neutrality, regulatory framework for communication and other OTT services, etc.

### [Provisional data of Socio Economic and Caste Census 2011 for rural India released \(p. 8\)](#)

Rural households constitute 73% of the total population. The census enumerates data relating to their housing, land holding, source of employment, education and income level, and is intended to be used for welfare programmes.

### [High Level Committee report released on the status of women in India \(p. 6\)](#)

The Report made recommendations regarding preventing violence against women, measures to promote health and education for women and revising certain laws to enhance protection for women.

### [Standing Committee submits seven reports on environment related issues \(p. 11, 12\)](#)

The Standing Committee recommended that the Report of the High Level Committee which reviewed environment laws (2014) should not be implemented, and infrastructure to deal with e-waste should be improved.

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August 3, 2015

## Macroeconomic Developments

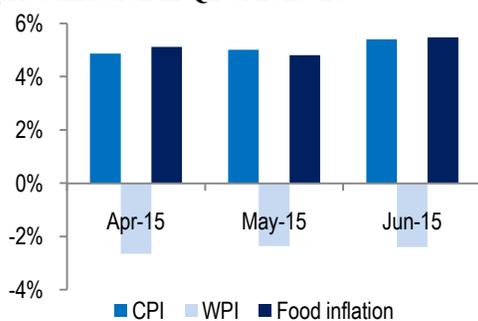
Tanvi Deshpande ([tanvi@prsindia.org](mailto:tanvi@prsindia.org))

### Retail inflation increases by 0.5% over the first quarter of 2015-16

The Consumer Price Index (CPI) inflation increased from 4.9% to 5.4% from April to June 2015, both over the corresponding month last year.<sup>1</sup> Food inflation increased from 5.1% to 5.5% during this period. The increase in CPI inflation was a result of an increase in the inflation of vegetables, pulses and products, as well as housing, education and other miscellaneous services.

The Wholesale Price Index (WPI) had a marginal increase from -2.7% to -2.4% from April to June 2015. This could be attributed to an increase in prices of food products, as well as in fuel prices. The trend in CPI and WPI over the first quarter of 2015 is seen in Figure 1.

**Figure 1: Trend in consumer and wholesale price inflation in Q1 of 2015-16**



Sources: Ministry of Commerce and Industry, Ministry of Statistics and Programme Implementation; PRS.

## Finance

### RS Select Committee submits report on the Constitution Amendment Bill on GST

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

The Select Committee submitted its report to Rajya Sabha on July 22, 2015.<sup>2</sup> The Report contained three Notes of Dissent. The Bill was passed in Lok Sabha on May 5, 2015, and referred to the Select Committee of Rajya Sabha for examination.<sup>3</sup>

The Goods and Services Tax (GST) is an indirect tax system that would subsume various central and state indirect taxes that apply to goods and

services. The Bill amends the Constitution to enable Parliament and state legislatures to frame laws on the imposition of the GST. It also creates a GST Council, which includes representatives from the centre and all states, to make recommendations in relation to GST. Key recommendations of the Select Committee are:

- **Additional tax up to 1%:** The Bill empowers the centre to levy an additional tax, up to 1%, on the supply of goods in inter-state trade. This tax will be given to the state from where the supply of the good originates. The Committee stated that the provision of 1% additional tax is likely to lead to cascading of taxes. Hence, it recommended that the term ‘supply’ be explained to mean “all forms of supply made for a consideration”. This would imply that the tax would be levied at the stage of the sale of the good. Movement of goods across states within a company will not be taxed.
- **Compensation to states:** The Bill permits Parliament to make a law to provide compensation to states for any loss of revenue from the implementation of GST for a period of *up to* five years. The Committee recommended that compensation would be provided to states for a period of five years.
- **Functions of GST Council:** The GST Council will make recommendations on the GST rates, including the bands of GST that may be levied. The Committee recommended that the term ‘bands’ be defined to include the range of GST rates, over the floor rate, within which CGST and SGST may be levied on specific goods or services or classes of goods or services.
- The Committee also made recommendations in relation to the levy of GST on banking services, and the setting up of the back end infrastructure with the GST Network.
- **Dissent Notes:** The Notes of Dissent were in relation to the levy of 1% additional tax, and modifying the voting pattern of the GST Council to give 3/4 weightage of votes to the states, and 1/4 weightage to the centre (the Bill proposes a 2/3-1/3 split).

According to news reports, Cabinet cleared certain amendments to the Bill, on July 29, 2015. However, a copy of the amendments is not available in the public domain.<sup>4</sup>

A PRS analysis on the Bill is available [here](#).

## Revised draft Indian Financial Code released

Vatsal Khullar ([vatsal@prsindia.org](mailto:vatsal@prsindia.org))

The Ministry of Finance released the revised draft of the Indian Financial Code (IFC), 2015 on July 23, 2015.<sup>5</sup> Comments have been invited on the revised draft by August 8, 2015.

An earlier draft Code, along with the report of the Financial Sector Legislative Reforms Commission (FSLRC) was released for comments and suggestions in March 2013.<sup>6</sup>

The draft Code seeks to move away from the current sector-wise regulation to a system where the RBI regulates the banking and payments system and the proposed Financial Agency subsumes the roles of existing regulators like SEBI, IRDA and PFRDA to regulate the rest of the financial sector. It also proposes an appellate tribunal and agencies for consumer protection, resolution of unviable entities, public debt management and ensuring systemic stability. Consequently, it proposes repeal of 19 existing Acts. Table 1 highlights the proposed regulatory framework.

**Table 1: IFC's regulatory framework**

Present	Proposed	Functions
RBI	RBI	Monetary policy; regulation of banks and payments system.
SEBI; FMC; IRDA; PFRDA	Financial Authority	Regulation of non-bank and payments related markets.
Securities Appellate Tribunal	Financial Sector Appellate Tribunal	Hear appeals against RBI, the Financial Authority and FRA.
Deposit Insurance and Credit Guarantee Corporation	Resolution Corporation	Resolution work across the system.
Financial Stability Development Council (FSDC)	FSDC	Statutory agency for systemic risk and development.
New entities	Public Debt Management Agency	Independent debt management agency.
	Financial Redress Agency (FRA)	Consumer Complaints

Sources: FSLRC Report; PRS.

Other important guidelines outlined in the Code are:

- **Consumer protection:** Establish certain basic rights for all consumers, and create a unified Financial Redress Agency (FRA) to serve aggrieved consumers across the sector.
- **Prudential regulation:** Outline a framework for the regulators to follow, in order to monitor and reduce the failure probability of a financial firm.
- **Contracts, trading and market abuse:** Establish the legal framework for regulating contracts, property and securities, and
- **Capital controls:** Entrust the Central Government and the RBI to formulate rules and regulations, in order to control the capital inflow and outflow from the country.

More information about the 2013 draft Code can be found in the PRS Monthly Policy Review for March 2013, [here](#).

## Black Money Rules, 2015 in relation to one time compliance opportunity notified

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

The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Rules, 2015 were notified on July 2, 2015.<sup>7</sup>

The Rules were notified under the Foreign Income and Assets (Imposition of Tax) Bill, 2015 which was passed by Parliament on May 13, 2015.<sup>8</sup> The Act (i) imposes a 30% tax rate on undisclosed foreign income and assets, and (ii) provides for a one-time compliance opportunity to declare previously undisclosed foreign income. Availing of such one-time compliance opportunity would attract a lower penalty (100% of the value of the asset as opposed to 300%) and no criminal prosecution.

Primarily, the Rules provide for: (i) the manner of determination of the fair market value of an undisclosed foreign asset; and (ii) the time period of the one-time compliance opportunity for declaring previously undisclosed foreign assets.

The procedure to be followed in relation to the one time compliance opportunity is as follows<sup>9</sup>:

- The Act states that any person would be permitted to make a declaration in relation to previously undisclosed foreign assets (prior to the assessment year beginning April 2016), on or before a date to be notified by the central government. The Rules specify that this date would be September 30, 2015.

- The Rules also specify that the Commission of Income Tax is required to inform the declarant of any information related to that asset, currently available to them by October 31, 2015.
- The declarant is permitted to submit a revised declaration within 15 days of receiving such information.
- The tax and penalty on the value of undisclosed foreign assets declared is required to be paid by December 31, 2015.

More details on the Bill are available [here](#).

### **RBI constitutes a Committee on Financial Inclusion**

*Vatsal Khullar (vatsal@prsindia.org)*

The Reserve Bank of India (RBI) constituted a Committee on Financial Inclusion on July 15, 2015.<sup>10</sup> The Committee will formulate a five year measurable action plan for financial inclusion. It will be chaired by an executive director of the RBI and will have 13 other members who will include, among others, representatives from the RBI, private and public sector banks, and research institutes. Terms of Reference of the Committee include:

- Review the existing policy of financial inclusion and recommendations made by various committees,
- Formulate the underlying policy and institutional framework covering consumer protection, financial literacy and delivery mechanism of financial inclusion, especially in rural areas,
- Study cross country financial inclusion experiences to identify key learnings, especially in the field of technology-based delivery models, and
- Suggest an action plan for financial inclusion whose components can be monitored. These include payments, deposit, credit, social security transfers and pension and insurance.

The Committee is expected to submit its report within four months after its first meeting.

### **Negotiable Instruments (Amendment) Bill, 2015 introduced in Lok Sabha**

*Vatsal Khullar (vatsal@prsindia.org)*

The Negotiable Instruments (Amendment) Bill, 2015 was introduced in the Lok Sabha on July 27, 2015. The Bill replaces the Negotiable Instruments (Amendment) Ordinance, 2015 that was promulgated on June 15, 2015.<sup>11</sup> It seeks to amend the Negotiable Instruments Act, 1881.<sup>12</sup>

The Bill clarifies the area of jurisdiction of courts for cheque bouncing cases, and provides for the transfer of pending cheque bouncing cases to courts with appropriate jurisdiction.

Key provisions of the bill include:

- The Act does not specify the jurisdiction of courts, under which cases of cheque bouncing can be filed. The Bill amends the Act to provide that cases of cheque bouncing may be filed in courts with jurisdiction over the area, where either the payee or the drawer maintains an account. This area will depend on the mode of presentation of the cheque for collection.
- If a complaint against the person issuing a cheque has been filed in the court having appropriate jurisdiction, all subsequent complaints against the person, under the same section of the Act, 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 appropriate jurisdiction,
- The Bill also amends the definition of 'cheque in 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 digital signature. This definition has been amended to mean a cheque drawn in electronic medium using any computer source and signed in a secure system using digital signature, or electronic system.

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

## Transport

*Prachee Mishra (prachee@prsindia.org)*

### Expert Committee on Railways restructuring submits final report

The Committee for Mobilization of Resources for Major Railway Projects and Restructuring of Railway Ministry and Railway Board (Chairperson: Mr. Bibek Debroy) submitted its report in June 2015.<sup>13</sup>

The Committee was constituted in September 2014 to make recommendations for the mobilization of resources for major railway projects and restructuring of the Railway Ministry and Board. The Committee had submitted an interim report in March 2015.<sup>14</sup>

Key recommendations of the Committee include:

- The Committee recommends setting up an independent regulator, the Railways Regulatory Authority of India. The authority will regulate tariff, safety, provide for licensing, and set technical standards.
- Indian Railways also undertakes other peripheral activities such as running hospitals and schools, manufacturing locomotives, catering, etc. Railways should not conduct these peripheral activities and instead focus on its core function, which is of running trains.
- The Railway divisions must be treated as independent business units. Decision making powers must be decentralised from the level of the general manager down to the division level.
- Railways accounting practices are not in the same band of commercial accounting as followed by other international railway systems. A responsive and transparent accounting system must be established.
- Employee costs including pension constitute the largest component of the railways expenses and hence it must rationalise its manpower. A performance assessment system should be implemented to rationally differentiate between the performance and aptitude of employees.

## Land Acquisition

*Prachee Mishra (prachee@prsindia.org)*

### Draft Land Acquisition (Compensation, R&R, and Development Plan) Rules published

On July 8, 2015, the Ministry of Rural Development published the draft Rules to give effect to provisions related to compensation, rehabilitation and rehabilitation of the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013.<sup>15</sup> These Rules will be applicable for acquisition by the central government under the Act. Comments are invited on the draft Rules till August 27, 2015.

Key provisions of the draft Rules include:

- **Process for acquisition:** The acquisition request will be submitted to the District Collector. The Collector will examine the request against certain conditions such as whether the proposed acquisition serves public purpose. After issuing the preliminary notification for acquisition, the Collector will update relevant land records.
- **Rehabilitation and resettlement in case of purchase of land:** The Act stated that if a private company purchases land, equal to or more than the limit specified by the government, through private negotiation, then the rehabilitation and resettlement provisions of the Act would apply. The draft Rules set this limit at 50 acres in urban areas and 200 acres in rural areas.
- **Exemption from consent and SIA:** The Land Acquisition Bill, 2015, currently pending in Parliament, allows five categories of projects to be exempted from certain provisions of the Act, including the requirement of consent of land owners and a social impact assessment. The draft Rules state that the power to issue notifications to exempt projects from these requirements will lie with the Joint Secretary of the concerned department of the central government or the Secretary to the Revenue department in a union territory.
- The draft Rules also specify: (i) the powers, duties and responsibilities of the Administrator for R&R and the Land Acquisition and R&R Authority, and (ii) the manner of awarding R&R compensation.

## Information Technology

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

### Department of Telecom invites comments on Committee report on net neutrality

The Department of Telecommunications constituted a committee chaired by Mr. A. K. Bhargava (member of Telecom Commission) on January 19, 2015 to examine the issue of net neutrality. The Committee submitted its report in May 2015 and has invited comments on it till August 15, 2015.<sup>16</sup> Net neutrality relates to equal and non-discriminatory access to the internet, for consumers. Some of the key recommendations of the Committee are:

- The core principles of net neutrality should be adhered to. International best practices need to be considered while formulating an India specific net neutrality approach. OTT services enhance consumer welfare and increase productivity. These services should be actively encouraged.
- There should be a separation of the application layer (OTT services) from the network layer (Telecom Service Providers or TSPs) as application services are delivered over a licensed framework. Regulatory instruments should not be used to interfere with specific OTT communication services which deal with messaging.
- A liberal approach may be adopted regarding international voice-over-internet telephony (VoIP) calling services. However, in case of domestic calls, TSP and OTT communication services may be treated similarly for regulatory purposes. For other OTT services there is no case for prescribing regulatory oversight.
- Legitimate traffic management by TSPs should be allowed but tested against the core principles of net neutrality. Application-agnostic congestion control cannot be considered to be against net neutrality.
- The core principles of net neutrality should be made part of license conditions. Tariff will be regulated by TRAI and a cell in the Department of Telecom should be set up to deal with net neutrality related issues.

## Women and Child Development

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

### High Level Committee Report on the Status of Women in India released

A High Level Committee constituted by the Ministry of Women and Child Development in May 2013 submitted its report on the status of women in India in July 2015.<sup>17</sup>

The recommendations of the Committee ranged across parameters such as socio-economic status, violence against women, health and education, etc. Key recommendations include:

- **Implementation of existing Acts:** Laws such as the Pre-Conception and Pre-Natal Diagnostic Techniques Act, Dowry Prohibition Act, Hindu Succession (Amendment) Act, Prevention of Child Marriage Act, Prevention of Sexual Harassment at Workplace, etc, should be effectively implemented and monitored.
- **Criminal laws:** The budget for the implementation of the Protection of Women from Domestic Violence Act, 2005 is insufficient for effective implementation. This allocation needs to be increased.
- Marital rape should be made an offence and age of consent, which is currently 18 years, should be revised.
- **Other laws:** Under the Hindu law, irretrievable breakdown of marriage should not be a ground for divorce, as it is at present. Under the Muslim law, a complete ban should be imposed on oral, unilateral and triple divorce (*talaq*). The Maternity Benefit Act, 1961 should be amended to make it illegal to preferentially employ women based on marital status and pregnancy. Specific provisions regarding women workers should be included in the Unorganised Workers Social Security Act, 2008.
- A national level monitoring agency should be set up to collect data on gender every five years. A national policy on sex ratio should also be devised.

### Guidelines Governing Adoption of Children notified

The Ministry of Women and Child Development notified the Guidelines Governing Adoption of

Children, 2015 issued by the Central Adoption Resource Authority, on July 17, 2015.<sup>18,19</sup> These replace the 2011 Guidelines and will be effective from August 1, 2015. The Guidelines provide for the regulation of adoption of orphan, abandoned or surrendered children.

Salient features of the 2015 Guidelines include:

- **Eligibility criteria:** Any orphan, abandoned or surrendered child is eligible for adoption, once legally declared free for adoption by the Child Welfare Committee. The eligibility criteria for a prospective adoptive parent (PAP) includes: (i) physically, emotionally, financially stable, etc., (ii) a single male cannot adopt a girl child; however, a single female can adopt a child of any gender, (iii) a couple must have two years of stable marital relationship, (iv) minimum age difference between the child and either of the PAPs should not be more than 25 years.
- **Procedures for adoption:** Ways to maintain information related to the child and the timelines to be followed for adoption by the Specialised Adoption Agency and Child Welfare Committee (both bodies established in each district), has been provided.
- **In-country and inter-country adoption:** All Specialised Adoption Agencies have been authorised to conduct in-country and inter-country adoption. Non-resident Indian PAPs will be treated at par with resident Indian PAPs. No permission is required from the State Adoption Resource Agency (one in each state) for domestic adoption from another state.
- Adoption expenses for different categories of PAPs have been prescribed.

## Energy

*Dipesh Suvarna (dipesh@prsindia.org)*

### Draft National Renewable Energy Bill, 2015 released

The Ministry of New and Renewable Energy released the draft National Renewable Energy Bill, 2015 on July 14, 2015.<sup>20</sup> Presently, the Electricity Act, 2003 regulates the renewable energy sector.<sup>21</sup> The draft Bill provides for a framework to facilitate and promote the use of renewable energy. In addition, the draft Bill

aims to address issues that are not adequately covered in the Electricity Act, 2003, such as principles of grid planning and operation.

Key features of the draft Bill include:

- **Creation of the National Renewable Energy Fund and State Green fund:** These funds will be operated by the central and state governments respectively. The National Renewable Energy Fund will obtain revenue from the National Clean Energy Fund. The Bill does not mention the percentage of annual proceeds which will be routed to this fund. The State Green Fund will obtain a corpus from the National Renewable Energy Fund. Both of these funds would provide for meeting the expenses of implementing the National Renewable Energy Policy and National Renewable Energy Plan.
- **Licenses and Accreditation:** Under the Electricity Act, 2003 supply of electricity requires a license. However, under the draft Bill, no license would be required to supply electricity from a renewable energy source. The Ministry will be responsible for setting up an accreditation program for renewable energy manufacturers, system integrators and others.
- **Committees:** The draft Bill provides for the creation of the National Renewable Energy Committee. The Committee would review the implementation of the National Renewable Energy Policy and National Renewable Energy Plan. The Committee would also enable inter ministerial coordination and coordinate matters on grid integration of renewable energy. A grid is a high voltage backbone system of inter-connecting transmission lines, sub-stations and generating plants.

The National Renewable Energy Advisory Group is also established under the draft Bill. The group would keep track of the latest developments in technology. The group would also advise the central government on the utilisation of the National Renewable Energy Fund.

## Statistics

### Ministries of Rural Development and Finance jointly release the SECC data

*Roopal Suhag (roopal@prsindia.org)*

On July 3, 2015, the Ministries of Rural Development and Finance jointly released the Socio Economic and Caste Census (SECC) data-2011.<sup>22</sup> It involved enumeration of data from 640 districts in the country and is intended to be used for programmes related to MGNREGS, National Food Security Act, Housing for All, etc. with regard to targeting of households.

Key findings of the data include:<sup>23</sup>

- There are 179 million rural households and 65 million urban households in the country. This implies that 73% of all the households are rural.
- **Source of Income:** Manual casual labour is the main source of income for 51% of the rural households across the country except the UTs. It is the highest in East India where 62% of the households are engaged in this profession. Cultivation is the second highest contributor to household income, with 30% of the households drawing their main income from it.
- **Income:** 10% of rural households have a member with a salaried job. 5% of households pay income or professional tax. In 74% of the rural households across the country, the highest earning member of the household has a monthly income of less than Rs. 5,000 per month. 17% households have a member who earns between Rs 5,000 and Rs 10,000 and 8% have a member who earns more than Rs 10,000 a month.
- **Landholdings:** In the country, 56% of the rural households are landless. 65% of the households in the Eastern and Southern states have no land holdings. In comparison, about 50% of the households in the Northern, Central and Western states have no land holdings.
- **Education:** 36% of the total rural population is illiterate. Less than 10% of the population has studied up to the higher secondary level or a higher level.
- In the country, 18% of the rural households belong to the Scheduled Castes and 11% to the Scheduled Tribes. The share of SC

households is highest in the Northern region at 26% while 29% of the households in the North East are STs.

### Draft Collection of Statistics (Amendment) Bill, 2015 released

*Tanvi Deshpande (tanvi@prsindia.org)*

The Ministry of Statistics and Programme Implementation released a draft Collection of Statistics (Amendment) Bill, 2015 on July 28, 2015.<sup>24</sup> It has invited comments on the draft Bill by August 31, 2015. The draft Bill seeks to amend the Collection of Statistics Act, 2008. The Act facilitates the collection of statistics in various sectors, allows governments to appoint statistics officers to collect information, and lays out penalties under the Act.

Key features of the draft Bill include:

- Currently the Act is not applicable to the state of Jammu and Kashmir. The Jammu and Kashmir Collection of Statistics Act, 2010 allows the state legislature to enact laws on statistics relating to all subjects except those under the Union List. The draft Bill seeks to enable the centre to conduct surveys in Jammu and Kashmir on statistical subjects falling under the Union list.
- The Bill provides for the central government and each state government to designate one of its officers in the Ministry or Department of Statistics, as nodal officers. The nodal officers will co-ordinate and supervise all statistical activity conducted by the central and state governments.
- The Bill also modifies the central government's power to make rules under the Act, and allows it to make rules regarding: (i) the manner in which personal information collected through surveys may be used by the agency collecting information, and (ii) the procedure to be followed in dealing with offences under the Act.

## Agriculture

Tanvi Deshpande (*tanvi@prsindia.org*)

### Central sector scheme for promotion of National Agricultural Market approved

The Cabinet Committee on Economic Affairs approved a central sector scheme for the promotion of a National Agricultural Market through the Agri-Tech Infrastructure Fund on July 2, 2015.<sup>25</sup> The scheme will be set up through the Small Farmers Agribusiness Consortium by creating a common electronic platform for farmers.

The scheme, among other things aims to: (i) promote reform in the agriculture marketing sector, (ii) promote the free-flow of agricultural commodities across the country, (iii) improve access to market related information and better price discovery through a more efficient and competitive marketing platform, and (iv) increase access to markets through warehouse based sales.

The scheme has been allocated Rs 200 crore for the period 2015-16 to 2017-18. It aims to cover 585 regulated markets across the country in this period. In addition, the Department of Agriculture and Co-operation will give a one-time grant of Rs 30 lakh per mandi for the purpose of setting up equipment and infrastructure under the scheme. Big private mandis will also be allowed to participate in the scheme, but will not be supported by such grants.

States and union territories are mandated to undertake the following reforms in order to be eligible to receive funds for the scheme: (i) create a single license which will be valid across the state, (ii) a single point levy of market fee, and (iii) provide for electronic auctions to enable price discovery.

### Draft operational guidelines for Pradhan Mantri Krishi Sinchayee Yojana

The Ministry of Agriculture released draft operational guidelines for the Pradhan Mantri Krishi Sinchayee Yojana (PMKSY) on July 14, 2015.<sup>26</sup> The scheme will focus on providing solutions regarding water sources, distribution systems, efficient farm level applications, and extension services on new technologies and information, etc.

Key features of PMKSY include:

- **Objectives:** (i) Improve physical access to water on farms and expand cultivable area under irrigation, (iii) integrate water sources and distribution, and improve the efficiency of water use, (iv) enhance the adoption of precision-irrigation, and introduce sustainable water conservation practices, (v) promote activities relating to water harvesting, management and crop alignment for farmers, and (vi) attract greater private investment in irrigation, etc.
- **Programme components:** (i) focusing on the faster completion of ongoing major and medium irrigation projects, (ii) creating new water sources, repairing and renovating water bodies, and improving water management and distribution, (iii) program management, preparing state and district irrigation plans, monitoring, etc, and (iv) managing run-off water effectively and improving soil conservation activities; converging with MGNREGS.
- **Funding pattern:** States will receive funds for PMKSY according to the new funding pattern for centrally sponsored schemes, as decided by the government.
- **District and State Irrigation Plans:** States will only be eligible to receive funds from PMKSY if they have prepared District and State Irrigation Plans. District Irrigation Plans (DIPs) will identify gaps in irrigation infrastructure based on the district agriculture plans formed under the Rashtriya Krishi Vikas Yojana. DIPs will consist of medium and long term development plans regarding water sources, distribution network and various uses of water such as domestic, irrigation and industrial uses. State Irrigation Plans will consolidate DIPs and prioritize resources and outline annual action plans for each state.

## Consumer Affairs

Tanvi Deshpande (*tanvi@prsindia.org*)

### Cabinet approves the Consumer Protection Bill, 2015 for introduction

According to news reports, Cabinet approved the Consumer Protection Bill, 2015 on July 29, 2015.<sup>27</sup> The Bill seeks to repeal the Consumer Protection Act, 1986. The Act establishes consumer councils and other authorities to settle

consumer disputes. The Bill proposes to establish a central authority for consumer protection, introduce consumer mediation in order to expedite disposal of cases and enable consumer to file complaints electronically, among other things.

According to new reports the new Bill, among other things seeks to:

- Establish a Central Consumer Protection Authority to protect and enforce consumer rights through recall, refund and return of products;
- Introduce a provision for product liability, under which the manufacturer would be held responsible for injury, property damage or death due to the use of products or services;
- Set up Consumer Mediation Cells to act as an alternate dispute redressal mechanism as well as to provide for the speedy disposal of consumer disputes; and
- Enable consumers to file complaints electronically and in consumer courts that have jurisdiction over the complainant's place of residence.

The Ministry of Consumer Affairs, Food and Public Distribution had released amendments to the Consumer Protection Act, 1986 in November 2014.<sup>28</sup> For a summary of the proposed amendments, please see the PRS Monthly Policy Review for December 2014 [here](#).

## Infrastructure

*Prachee Mishra (prachee@prsindia.org)*

### Cabinet approves National Investment and Infrastructure Fund

Cabinet approved setting up of the National Investment and Infrastructure Fund (NIIF) on July 29, 2015.<sup>29, 30</sup> The Minister of Finance had announced setting up of a NIIF in his budget speech in February 2015.<sup>31</sup> The fund will have a corpus of Rs 20,000 crore.

According to the Budget speech, the fund will be used to raise debt and in turn invest it as equity in infrastructure finance companies such as the Indian Railway Finance Corporation and National Housing Board. The fund is expected to help infrastructure companies meet their capital needs. According to news reports, the

fund will be used for investments in both commercially viable and stalled projects. Government contribution to the fund will not exceed 49% of the subscribed capital of the fund.

## Law and Justice

*Prianka Rao (prianka@prsindia.org)*

### A fourth Bill on repealing and amending of certain laws introduced in Lok Sabha

The Repealing and Amending (Fourth) Bill, 2015 was introduced in Lok Sabha on July 16, 2015. This Bill seeks to repeal 295 laws.<sup>32</sup> This includes the repeal of 293 laws and minor amendments to two laws.

According to the Statement of Objects and Reasons of the Bill, this is to update the statute books by repealing obsolete and redundant laws.

Further, the Repealing and Amending (Third) Bill, 2015, which was pending in Lok Sabha was withdrawn on July 23, 2015.<sup>33</sup>

## Home Affairs

*Anviti Chaturvedi (anviti@prsindia.org)*

### Amendments to the Anti-Hijacking Bill, 2014 cleared by Cabinet

According to news reports, Cabinet cleared amendments to the Anti-Hijacking Bill, 2014 on July 29, 2015.<sup>34</sup> The Bill was introduced in Rajya Sabha on December 17, 2014.<sup>35</sup>

The Bill repeals the Anti-Hijacking Act, 1982. Key aspects of the Bill include: (i) expands definition of aircraft hijacking (for example, by covering hijacking by technological means); (ii) includes related offences (like threatening/organising a aircraft hijacking) within the definition of hijacking; and (iii) provides capital punishment in cases where the offence results in death of a hostage or security personnel.

The Standing Committee recommendations included: (i) acts like preparing for hijacking and making false complaints regarding hijacking ('hoax calls') should be made punishable, (ii) capital punishment must be provided in cases where death of *any person* is caused as a consequence of hijacking, (iii) provision for

compensation to victims of hijacking must be made in the Bill.<sup>36</sup>

The Cabinet has accepted the Standing Committee recommendation regarding the capital punishment provision in the Bill.<sup>34</sup>

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

### Guidelines for Border Area Development Programme modified

The Ministry of Home Affairs issued modified guidelines for the Border Area Development Programme (BADP) on June 29, 2015.<sup>37</sup> The BADP is a 100% centrally funded program which seeks to meet essential infrastructure like roads, schools, health services, electricity etc. of border areas. In 2015-16, its budget allocation was Rs 990 crore.

Modifications introduced in the BADP include:

- **Coverage:** Earlier, the BADP covered villages in 362 border blocks located along the international border. Now the BADP will cover 381 border blocks. In the 381 border blocks, the modified guidelines provide that villages identified by the border guarding forces will get maximum priority.
- **Permissible schemes:** BADP funds are used for carrying out infrastructure or development related work under permissible schemes. The schemes for which BADP funds may be utilised have been expanded to include Swachh Bharat Abhiyaan, Skill Development programmes, construction of helipads in hilly and inaccessible areas, etc.
- **Budget allocation to states:** Earlier, funds were allocated to states on the basis of: (i) length of international border (ii) population, and (iii) area. In addition to these criteria, 40% of the total budget will now be allocated to the eight north east states.
- **Third Party Inspection:** Modified guidelines require appointment of independent monitoring agencies, called National Quality Monitors, for random inspections of the BADP schemes.

### National Cyclone Risk Mitigation Project to be implemented in five more states

The Cabinet approved Phase II of the National Cyclone Risk Mitigation Project on July 16,

2015.<sup>38</sup> This phase will be implemented in Goa, Karnataka, Kerala, Maharashtra and West Bengal. It will be financed through a World Bank loan of Rs 2,361 crore.

The National Cyclone Risk Mitigation Project aims to create infrastructure (such as cyclone shelters, underground cabling) to provide for cyclone risk mitigation, forecasting, warning and capacity building in areas which are vulnerable to cyclones. Phase I of the project was implemented in Andhra Pradesh and Odisha.<sup>39</sup>

## Environment

Anviti Chaturvedi ([anviti@prsindia.org](mailto:anviti@prsindia.org))

### Standing Committee submits report on the High Level Committee Report which reviewed environment laws

The Standing Committee on Science & Technology, Environment & Forests submitted a report on the recommendations of the High Level Committee (Chairperson: Mr. TSR Subramaniam) on July 22, 2015.<sup>40</sup> The High Level Committee (HLC) was constituted to review six environment laws (such as Environment (Protection) Act, 1986 and Forest (Conservation) Act, 1980). It submitted its report on November 18, 2014.

Recommendations of the HLC include: (i) enactment of a new law, the Environment (Laws) Management Act, to create national and state level authorities, (ii) creation a single window clearance system for procuring environmental approvals under the new authorities, etc.<sup>41</sup>

The Standing Committee invited comments from various stakeholders on the recommendations of the HLC Report. On the basis of the objections raised by these stakeholders, the Standing Committee noted that:

- The three months allotted to the HLC for reviewing environmental laws was too short a time period;
- There was no reason to hurry with the report without consulting all stakeholders;
- Some of the essential recommendations of the HLC would result in dilution of the existing environmental law and policy framework; and

- If the government wishes to review environment laws, it may appoint another committee with experts who should be given adequate time to conduct consultations (as was not done with the HLC).

Some of the objections raised by stakeholders against the HLC were: (i) it did not have any experts in the fields of wildlife and environment; (ii) it held inadequate public consultations; and (iii) its recommendations will result in multiplicity of laws and institutions with little strength or capacity.

For a summary of the HLC Report, see [here](#).

### Standing Committee submits report on e-waste and e-radiation

The Standing Committee on Science & Technology, Environment & Forests submitted its report to Parliament on e-waste and e-radiation on July 21, 2015.<sup>42</sup>

E-waste means wastes from electrical and electronic equipment, or rejects from their manufacturing and repair processes, which are intended to be discarded (like TVs, mobiles). E-waste contains toxic substances such as lead, mercury and cadmium which may have adverse effects on human health or the environment.

E-radiation refers to the electromagnetic radiation which emanates from natural sources (like the sun) and man-made sources (like fixed and mobile radio communication). Currently the Department of Telecommunications is conducting studies to assess the long term effect of e-radiation on human health, flora and fauna. However, precautionary exposure limits have been prescribed by the Department.<sup>42</sup>

In light of the above, the Standing Committee recommended the following:

- Current infrastructure to deal with e-waste is inadequate, and must be increased. Presently, there are 126 e-waste recyclers and dismantlers to deal with about 8 lakh tonnes of e-waste across the country.
- Extended producer's responsibility should cover more producers of e-waste, and should be enforced. Extended producer's responsibility means the producers are responsible for the equipment they produce after the end of its life.
- Comprehensive scientific studies should be undertaken to establish level of risks of e-radiation from mobile towers. Regulations should be established regarding location and inspection of mobile towers.

### Standing Committee submits two reports on disasters (and other environmental issues) in J&K and Uttarakhand

The Standing Committee on Science & Technology, Environment & Forests submitted two reports on July 23, 2015, on: (i) floods and environmental issues in parts of Jammu & Kashmir (J&K), and (ii) the earthquake in Uttarakhand.<sup>43,44</sup> Key recommendations of the Standing Committee include:

- Dredging or de-silting of water bodies must be conducted, and the drainage system of Srinagar must be replaced to prevent floods;
- Some environmental issues must be addressed in Leh including solid waste management (for example, through setting up a landfill), air and water pollution (by setting up monitoring stations); and
- In light of the earthquake early warning system in Uttarakhand (which can communicate a warning to Delhi within a minute of an earthquake in the Himalayas), government ministries should (i) coordinate to make the information public in real time, and (ii) educate people about steps to be taken before/ during/ after an earthquake.

### Standing Committee submits three reports on pollution in specific cities, and around the Taj Mahal

The Standing Committee on Science & Technology, Environment & Forests submitted three reports on July 21, 2015 on pollution: (i) in coastal cities (Mumbai and Vishakhapatnam), (ii) in tier-II cities (Ludhiana and Amritsar), and (iii) around the Taj Mahal.<sup>45,46,47</sup> Key recommendations of the Committee include:

- In light of the decreasing mangrove cover in Mumbai, mangrove forests must be protected from further encroachment and garbage dumping;
- In context of the polluted *Buddha Nallah* in Ludhiana, the Committee recommended that (i) untreated sewage must not be allowed inside it, (ii) it may be covered and (iii) green belts may be developed around it; and
- The Taj Trapezium Zone Authority, which was set up in 1999 to protect Taj Mahal from environment pollution, must be

provided necessary support (personnel, financial, infrastructure). Currently, it functions without supporting staff or budget.

## Education

*Apoorva Shankar (apoorva@prsindia.org)*

### Committee constituted to recommend measures for recruitment of teachers in universities

The Ministry of Human Resource Development constituted a Committee (Chair: Prof. Arun Nigavekar, former chairman of University Grants Commission) to suggest measures to attract and retain quality teachers and academic staff in universities and colleges, on July 24, 2015. The Committee is required to submit its report within two months.<sup>48</sup>

The Terms of Reference of the Committee include:

- Evaluating the Academic Performance Indicator scheme (score given to academic staff on performance basis) and suggest suitable improvements or alternatives,
- Evaluating qualifications required for entry of teachers and accordingly suggest a policy for their selection,
- Consider issues related to ad-hoc and contractual appointments of teachers in central universities and recommend ways to resolve them.

## Telecom

*Apoorva Shankar (apoorva@prsindia.org)*

### TRAI invites comments on its consultation paper on tariff issues of commercial subscribers

The Telecom Regulatory Authority of India (TRAI) released a consultation paper on tariff issues related to commercial subscribers on July 15, 2015. Comments are invited on the paper till July 31, 2015 and counter comments by August 7, 2015.<sup>49</sup>

TRAI had notified the Telecommunication (Broadcasting and Cable) Services (Second) Tariff (12<sup>th</sup> Amendment) Order and the

Telecommunication (Broadcasting and Cable) Services (Fourth) (Addressable Systems) Tariff (Fourth Amendment) Order on July 16, 2014. The amendments prohibited broadcasters from providing channels directly to subscribers and also brought for uniform cable television rates for commercial as well as ordinary subscribers.

The two amendment Orders were subsequently challenged before the Telecom Disputes Settlement and Appellate Tribunal, which struck them down on March 9, 2015, calling them arbitrary and unreasonable. TRAI appealed this decision to the Supreme Court. The Court had also ordered TRAI to come up with a new tariff dispensation, in line with the Tribunal's decision, on April 16, 2014. In light of this, TRAI has issued a consultation paper and the issues for consultation include:

- The need to classify subscribers of television services into ordinary and commercial categories, and
- In cases where subscribers are required to be categorised into such categories: (i) various criteria for classification of subscribers of television services, (ii) the need for differential tariffs amongst different subscriber categories, (iii) which agency should prescribe tariffs for different categories, and (iv) adequacy of the present framework to ensure transparency and accountability.

### E-Auction of the first batch of private FM radio Phase III channels, commences

The e-auction of private FM radio channels (Phase III) began on July 27, 2015.<sup>50</sup> The auction is a Simultaneous Multiple Round Ascending e-auction. In these auctions, the seller quotes the minimum price and buyers bid amounts higher than the minimum price. The bidding is closed when there are no more bids and the highest bidder wins.

On the first day of the auction, four rounds of bidding took place. 135 FM channels in 69 existing cities of Phase II have been put on auction in the first batch.

Phase I policy was notified in July 1999 and Phase II in July 2005. Currently, there are 243 private FM channels in operation in 86 cities.

## Skill Development

*Apoorva Shankar (apoorva@prsindia.org)*

### Ministry launches National Skill Development Mission and Policy

The Ministry of Skill Development and Entrepreneurship launched the National Mission for Skill Development and the National Policy for Skill Development and Entrepreneurship on July 15, 2015.<sup>51</sup> The Policy aims to provide an umbrella framework to all skilling activities being carried out in the country.<sup>52</sup>

Key features of the Mission and Policy include:<sup>53</sup>

- **Objectives of the Policy and Mission include:** (i) Make available quality vocational training to benefit the youth as well as employers, (ii) focus on an outcome-based approach to improve livelihoods, (iii) increase capacity and quality of training infrastructure and trainers, (iv) establish an IT based information system to match demand with supply of skilled workforce, (v) ensure that the skilling needs of the socially and geographically and marginalised groups, as well as women, are taken care of, and (vi) encourage entrepreneurship as a career option, etc.
- **Implementation:** The objectives of the policy will be achieved through advocacy, a quality assurance framework, strengthening of existing sector skills councils, a demand-driven curriculum framework, enhancing employability skills, placements, improving access to finance and through the usage of information and communication technology.

The National Mission for skill development will be the vehicle for implementing the policy in mission mode. The National Skill Development Agency will be the nodal agency for implementation. States will also have state skill development missions.

A Policy Implementation Unit will be responsible for monitoring and evaluation.

- **Financing:** The National Skill Development Fund will be used for funding skilling activities.

## Youth Affairs and Sports

*Apoorva Shankar (apoorva@prsindia.org)*

### Working Group constituted to re-draft National Sports Development Code

The Ministry of Youth Affairs and Sports constituted a Working Group to re-draft the National Sports Development Code (NSDC) of India (Chair: C. K. Mahajan, a former judge of the Delhi High Court) on July 28, 2015.<sup>54</sup>

The NSDC, 2011 deals with transparency and good governance in various sports federations. It lays down the federations' areas of responsibility and the conditions for eligibility to receive government recognition and grants.<sup>55</sup>

Terms of reference of the Working Group include:

- To examine the existing NSDC, 2011 through the lens of sports governance and legal framework, and
- To make recommendations on streamlining of state/district sports bodies, etc.

The Group is expected to submit a revised draft of the Code within three months.

### Ministry of Youth Affairs and Sports constitutes All India Council of Sports

The Ministry of Youth Affairs and Sports constituted the All India Council of Sports on July 24, 2015.<sup>56</sup> The Council will be an advisory body for the Ministry and may organise conferences and seminars for the promotion of sports in the country.

The Council will be headed by a Minister of State and other members will include Members of Parliament, sports personalities, Ministry officials, coaches and experts, etc. The Council is required to meet at least once in a quarter. The objectives of the Council include:

- Popularising sports and increasing its reach to rural and tribal areas, areas affected by left wing extremism, the North East and Jammu and Kashmir,
- Implementing policies related to promotion of sports, preventing drug abuse and sexual harassment in sports, and enhancing transparency in functioning of National Sports Federations,

- Improving sports infrastructure and promoting indigenous games, and
- Improving welfare measures for sportspersons and addressing issues arising out of match fixing and other malpractices.

### Expert Committee set up to review the status of SAI training centres

The Ministry of Youth Affairs and Sports constituted an Expert Committee to study the status of Sports Authority of India (SAI) training centres on July 8, 2015.<sup>57</sup>

The Committee has been constituted in light of the attempted suicide case by four trainee sportswomen resulting in one trainee's death. The incident occurred at the SAI water sports centre in Alappuzha, Kerala in May, 2015.

The Committee will be chaired by Ms. Ashwini Nachappa and is required to visit one or two centres in the North, South, East and West regions of the country, each. The main objectives of the Committee will be to give recommendations on:

- Issues of athletes at the training centres and how to resolve them in terms of: (i) management of their stress levels, (ii) quality of food served, (iii) timely availability of dietary supplements, (iv) cleanliness, (v) recreational facilities, (vi) athlete grievance redressal, and (vii) anti-sexual harassment measures, etc.
- Any other recommendations relating to the training centres.

The Committee is expected to submit its report within three months of being constituted.

## External Affairs

Anviti Chaturvedi ([anviti@prsindia.org](mailto:anviti@prsindia.org))

### Prime Minister visits Russia and five Central Asian countries

The Prime Minister visited Russia, Uzbekistan, Kazakhstan, Turkmenistan, Kyrgyz Republic and Tajikistan between July 6 and 13, 2015.<sup>58</sup>

**Visit to the five Central Asian countries:** 20 agreements and memoranda of understanding were signed on various issues including defence, supply of uranium, railways, administration of elections, agriculture and tourism.<sup>59,60,61,62,63</sup>

**Visit to Russia:** The Prime Minister attended the seventh BRICS (Brazil, Russia, India, China, South Africa) Summit and the 14<sup>th</sup> Shanghai Cooperation Organisation Summit in Russia.<sup>64</sup> The Shanghai Cooperation Organisation is a six member regional group consisting of China, Russia, Kazakhstan, Kyrgyz Republic, Tajikistan and Uzbekistan. During the visit, India was accepted (along with Pakistan) as a member of the Shanghai Cooperation Organisation.<sup>65,66</sup>

The Prime Minister also conducted a bilateral meeting with the Prime Minister of Pakistan in Russia.<sup>67</sup> At the meeting, it was decided that India and Pakistan will: (i) be prepared to discuss all outstanding issues, (ii) cooperate on terrorism-related issues, (iii) release the other country's captured fishermen within 15 days, etc.

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