



PRS Legislative Research

Annual Policy Review

April 2013 – March 2014

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Preface

For the last two years, PRS Legislative Research has been tracking all the major legislative and policy developments on a monthly basis through the Monthly Policy Review, which is published on the first working day of every month. While the Monthly Policy Review reports events as they happen, it does not provide the complete picture of developments which occur over a few months such as auction of telecom spectrum or passage of a Bill in Parliament.

The PRS Annual Policy Review aims to capture the key legislative and policy developments in India during the fiscal year 2013-14. The objective of this document is to summarise all the major developments in one place with links to original documents for the reader interested in any specific issue. The document is organised into four broad categories : (i) Economy and Finance, (ii) Infrastructure and Transport, (iii) Development, and (iv) Law and Security sectors.

During 2013-14, India's real GDP growth was estimated to be 4.9%. The Indian economy witnessed periods of increasing current account deficit, sliding rupee exchange rate and high inflation. Consequently, certain measures related to trade and monetary policy were taken by the finance ministry and the Reserve Bank of India.

This was also the concluding year of the 15th Lok Sabha. It is well documented that the 15th Lok Sabha was ridden with challenges in its ability to perform its role effectively. This was due to an increase in disruptions, few sittings and even lesser debates, and a significant volume of unfinished legislative business. Despite this some legislative and policy measures were taken across different sectors of the economy.

Significant laws passed by Parliament last year include the Land Acquisition Act, the Food Security Act, the Lokpal Act, the Whistleblowers Act, the Companies Act, and the Pension Act. Parliament also passed an Act to form the 29th state of Telangana through the bifurcation of the state of Andhra Pradesh.

Centrally sponsored schemes were restructured from 147 schemes to a total of 66 schemes across various ministries. The CSS funds will now flow directly to the state governments, rather than through the central government ministry in charge of the scheme. Several policy decisions impacted the energy sector. For example, the Coal Regulatory Authority was established through an executive order; the CERC notified new tariff regulations for 2014-2019 and the government allowed power plants to pass-through higher costs of imported coal to customers. The government also notified the Domestic Natural Gas Pricing Guidelines, 2014 that apply to all natural gas produced domestically.

We hope that Members of Parliament, Members of Legislative Assemblies, policy experts, civil society organisations and other interested readers will find this Review valuable. We welcome any feedback on the Annual Policy Review.

New Delhi

May 2014

Highlights of the Year

Macroeconomic Developments

The increasing current account deficit and a sliding rupee exchange rate dominated the fiscal and monetary policy space for the first half of the financial year, while high inflation dominated the latter half. RBI accepted the use of Consumer Price Inflation as the key measure of inflation for all monetary policy decisions.

Finance and Corporate Affairs

The Cabinet restructured centrally sponsored schemes. Bills were passed to provide statutory powers to the pension fund regulator, and replace the existing Companies Act, to modernise the regulation of corporate structure and governance.

Coal

The government set up the Coal Regulatory Authority through an executive order. It also tweaked the coal distribution policy to address delays faced by power projects and approved the auction of coal blocks through competitive bidding.

Power and Natural Gas

The Cabinet allowed power plants to pass-through higher costs of

imported coal to customers. CERC notified new tariff regulations for 2014-2019 and approved compensatory tariffs for two power projects facing difficulties. The government notified domestic natural gas guidelines, based on recommendations of the Rangarajan Committee.

Telecom

After TRAI released guidelines for the same, the year saw a conclusion of the auction of 1800 and 900 MHz bands of spectrum. Joint Parliamentary Committee and Standing Committee reports were released on allocation and pricing of telecom licenses and spectrum, and norms for the setting up of telecom towers, respectively.

Rural and Urban Development

Parliament passed the Land Acquisition Bill. Key Bills were introduced to address the regulation of the real estate sector and the registration of documents. Central schemes such as the Mahatma Gandhi National Rural Employment Guarantee Scheme and National Rural Livelihoods Mission were modified. A Bill was also passed to regulate urban street vending and ensure a

uniform legal framework to protect rights of street vendors

Environment

The process for environment and forest clearances for hydro projects was streamlined. The Supreme Court directed the centre to establish an environment regulator. A Bill to amend the Wild Life Protection Act was introduced.

Food and Public Distribution

The National Food Security Bill was passed by Parliament. The Cabinet approved the partial decontrol of the sugar sector.

Education

The University Grants Commission notified rules for regulating the entry of foreign universities in India. The Cabinet approved a new centrally sponsored scheme, the Rashtriya Uchhatar Shiksha Abhiyan, with a view to improve enrolment in and quality of existing higher educational institutions.

Home Affairs

A Bill was passed to bifurcate the state of Andhra Pradesh into two states: Andhra Pradesh and Telangana.

Law and Justice

Bills were passed to provide protection

against sexual harassment of women at the workplace, establish the Lokpal, and provide protection to whistleblowers. Amendment Bills were introduced relating to the prevention of corruption, the right to information, and the appointment of judges.

Health

Bills were introduced relating to the Medical Council of India, drugs and medical devices, mental health care and prevention of HIV AIDs. The government also initiated several new schemes, the National Urban Health Mission being one of them.

Social Justice and Empowerment

A Bill was passed to provide stringent measures to prohibit manual scavenging and rehabilitate those engaged in such employment. Bills were introduced to amend the SC and ST (Prevention of Atrocities) Act and amend the Constitution to add new communities to the existing lists of SCs and STs.

Table 1: Legislation passed between April 2013 and March 2014

Title	Sector	Key Objectives
The Criminal Law (Amendment) Act, 2013	Law	Makes sexual assault a gender neutral offence and includes new offences.
The Protection of Women from Sexual Harassment at Workplace Act, 2013	Law	Provides protection against sexual harassment of women at the workplace and creates a mechanism for redressal of complaints.
The Companies Act, 2013	Corporate Affairs	Replaces the Companies Act, 1956 to modernise the regulation of corporate structure and governance.
The National Food Security Act, 2013	Consumer Affairs, Food	Makes the right to food and nutritional security a legal right by providing specific entitlements to certain groups.
The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Rural Development	Replaces the Land Acquisition Act 1894, and provides for rehabilitation and resettlement of persons displaced due to acquisition.
The Lokpal and Lokayuktas Act, 2014	Law	Establishes the Lokpal at the centre and Lokayuktas in the states to inquire into complaints of corruption against certain public servants.
The Andhra Pradesh Reorganisation Act, 2014	Home Affairs	Reconstitutes the existing state of Andhra Pradesh into two separate states: Andhra Pradesh and Telangana.
The Representation of the People (Amendment and Validation) Act, 2013	Law	Permits persons in jail and police custody to contest elections.
The Whistle Blowers Protection Act, 2011	Law	Protects whistleblowers, i.e. persons making a disclosure related to an act of corruption, misuse of power, or criminal offence by a public servant.
The Securities and Exchange Board of India (Amendment) Act, 2013	Finance	Appoints a sitting or retired Judge of a High Court to preside over the Securities Appellate Tribunal.
The Pension Fund Regulatory and Development Authority Act, 2013	Finance	Provides statutory powers to the pension fund regulator.
The Street Vendors (Protection of Livelihood and Regulation of Street Vendors) Act, 2014	Urban Development	Regulates urban street vending and ensures uniform legal framework to protect the rights of street vendors.
The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013	Social Justice	Provides stringent measures to stop manual scavenging and rehabilitate those engaged in such employment.
The National Highways Authority of India (Amendment) Act, 2013	Infrastructure	Increases the number of full-time members of the National Highways Authority from five to six and part-time members from four to six.
The Constitution (Scheduled Tribes) Order (Second Amendment) Act, 2013	Law	Modifies the list of Scheduled Tribes in the states of Kerala and Chhattisgarh.
The Rajiv Gandhi National Aviation University Act, 2013	HRD	Sets up an aviation university at Rae Bareilly, Uttar Pradesh to promote aviation studies, training and research.
The Waqf (Amendment) Act, 2013	Minority Affairs	Gives the Wakf Council powers to regulate the types of transactions on wakf property.
The Parliament (Prevention of Disqualification) Amendment Act, 2013	Law	Excludes the Chairpersons of the National Commission for Scheduled Castes and National Commission for Scheduled Tribes from incurring any disqualification for being a Member of Parliament.
The Governors (Emoluments, Allowances and Privileges) Amendment Act, 2013	Home Affairs	Provides certain other pension and post-retirement benefits to ex-Governors and stipulates their terms and conditions.
The National Institutes of Technology, Science Education and Research (Amendment) Act, 2014	HRD	Converts Bengal Engineering and Science University (BESU) into an Indian Institute of Engineering, Science & Technology (IIST).
The Rani Lakshmi Bai Central Agricultural University Act, 2014	Agriculture	Establishes the Rani Lakshmi Bai Central Agricultural University in Jhansi, Uttar Pradesh.
The Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014	Finance	Amends various provisions related to the sale and purchase of narcotic drugs and enhances penalties for crimes under the Act.

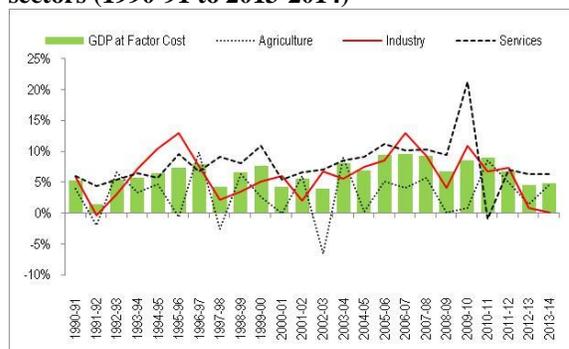
Economy and Finance

Macroeconomic Developments

State of the economy in 2013-14

The Central Statistical Organisation (CSO) has estimated India's real GDP growth to be 4.9% in 2013-14.¹

Figure 1: Annual growth rate of different sectors (1990-91 to 2013-2014)



Sources: RBI; PRS.

The following trends marked the GDP growth of India in 2013-14:

- Agriculture, accounting for about 18% of India's GDP, was growing at a diminishing rate since 2010-11. However, in 2013-14, agriculture grew at 4.6% owing to good monsoon conditions.
- Industry accounts for around 17% of India's GDP. The growth rate of industrial output decreased to 0.2% in 2013-14. This was driven by manufacturing output, which registered a *negative* growth of -0.2% in 2013-14.
- Services account for around 65% of India's GDP. Services output has been driving GDP growth rate, growing at 6.3% in 2013-14.

Table 2: GDP growth rate (% increase)

	1990-2000	2001-2011	2011-12	2012-13	2013-14
Agriculture	3.0%	3.0%	5.0%	1.4%	4.6%
Industry	6.0%	7.0%	7.4%	0.9%	0.2%
Services	7.0%	9.0%	7.1%	6.2%	6.3%
GDP	6.0%	8.0%	6.7%	4.5%	4.9%

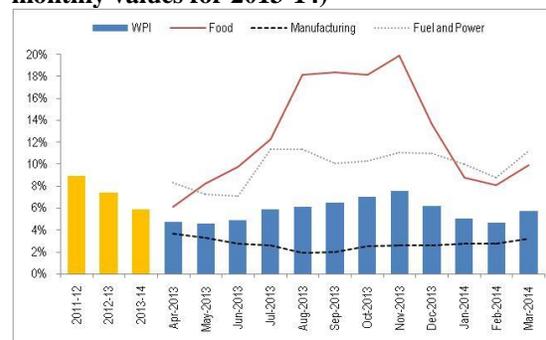
Sources: MOSPI; PRS. Note: In the Table, average growth rate of decade 1990-91 to 1999-00 and 2000-01 to 2010-11 is given.

According to CSO, India's nominal GDP will be Rs 105.4 lakh crore for 2013-14, with per capita income at Rs 74,920.

Price volatility and inflation in 2013-14

The financial year 2013-14 began with declining wholesale price inflation (measured via Wholesale Price Index or WPI) and declining retail price inflation (measured via Consumer Price Inflation or CPI). By May 2013, WPI inflation had fallen to its lowest value in 43 months of 4.7%. However, increase in prices of food articles drove up inflation, with WPI and CPI inflation reaching values of 7.5% and 11.2% by November 2013.^{2,3}

Figure 2: WPI inflation (annual averages and monthly values for 2013-14)



Sources: RBI; PRS. Note: yellow bars denote annual average.

Inflation in 2013-14 was marked by three trends:

- Food inflation increased rapidly in 2013-14, with a monthly average of 13%, and increasing to 20% by November 2013. It was the prime driver of WPI inflation. With a weight of 49% in CPI, it was the main reason for the high CPI inflation values throughout the financial year.
- Manufacturing inflation, on the other hand, fell in the first half of 2013-14, and moderated at around 2.6% for the remaining part of the year. Given its weight in the WPI (around 64%), it is the key reason for the lower WPI values, in spite of the high food inflation.
- Fuel inflation increased till July 2013, and then moderated at 10%. Overall, fuel inflation in 2013-14 stayed the same level as in 2012-13.

WPI and CPI inflation, both decreased for the first time in six months in December 2013, due to drop in food prices.^{4,5} Food prices have risen

again in March 2013, increasing WPI and CPI to 5.7% and 8.3% respectively.

External sector

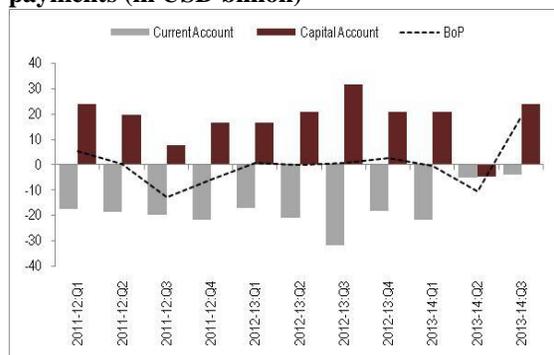
The Balance of Payments account of a country consists of the **current account** (net exports of goods and services, remittances, and net dividend payments) and the **capital account** (the net flow of funds through equity investments and borrowings).

India has traditionally run a current account deficit, except for three years in early 2000s. Falling growth rate of Indian exports, coupled with a sharp rise in imports, especially of crude oil and gold, increased this deficit in 2013-14. Gold imports increased from 6% of total imports in April-June of 2012-13 to 11% in April-June of 2013-14.

Normally, the surplus of the capital account is used to finance the current account deficit (CAD). From January to October 2013, capital inflows fell dramatically, creating a problem of external financing.

In addition, the falling capital inflows and the high CAD also put pressure on the currency exchange rate, which depreciated sharply from May 2013 onwards. The USD/INR exchange rate depreciated 17%, from Rs 53.74 to a dollar in May 2013 to Rs 66.57 to a dollar in August 2013.

Figure 3: India's quarterly balance of payments (in USD billion)



Sources: RBI; PRS.

In August and September 2013, RBI and Ministry of Finance took the following decisions:

- **Controlling trade deficit:** Gold imports were controlled by taking steps such as raising customs duty and additional duty on customs for gold.⁶ In addition, exports were encouraged by increasing allowance for re-

booking of cancelled forward contracts for exporters and importers, etc.⁷

- **Reducing capital outflows:** RBI lowered the limit of outbound investment for Indian entities, and the amount of remittances from India.^{8,9}
- **Attracting capital inflow:** RBI took steps to encourage NRI deposits^{10,11} and increased the current overseas borrowing limit for banks¹². The government liberalized the FDI limits for 12 sectors, including oil and gas¹³, and expanded existing definition of infrastructure sector to include 30 additional sectors for availing External Commercial Borrowing (ECBs).¹⁴

With the trade deficit declining from September 2013 onwards, RBI eased some of these controls.¹⁵

In the third quarter (October-December) of 2013-14, India's CAD contracted to USD 4.2 billion from USD 31.8 billion in the same quarter in 2012-13, reflecting the declining trade deficit. In the third quarter, capital inflows resumed, and the capital account surplus stood at USD 23.8 billion.¹⁶

Monetary Policy decisions

It was a difficult year from the monetary policy perspective, with slowing economic growth, pressures from the external sector and high inflation. The new RBI Governor, Dr. Raghuram Rajan took office on September 4, 2013, and highlighted that RBI's priority is to ensure low and stable inflation expectation.¹⁷

RBI took the following monetary policy decisions in 2013-14:

- Till May 2013, RBI had been cutting the policy repo rate, in response to slowing growth and improved inflation outlook.^{18,19} Between September 2013 and January 2014, RBI increased the policy repo rate three times to 8% on account of high inflation.^{20, 21, 22} The repo rate is the rate at which banks can borrow overnight from RBI against their excess holding of government securities.
- In July 2013, the Marginal Standing Facility (MSF) rate was raised from 8.25% to 10.25%. MSF rate is the rate at which banks can borrow from the RBI for emergency purposes.

- RBI had also curbed the flexibility given to banks in their daily maintenance of Cash Reserve Ratio (CRR).²³

Table 3: RBI repo and MSF rates in 2013-14

Date	Repo rate	MSF rate
March 19, 2013	7.50	8.50
May 3, 2013	7.25	8.25
July 15, 2013	7.25	10.25
September 20, 2013	7.50	9.50
October 7, 2013	7.50	9.00
October 29, 2013	7.75	8.75
January 28, 2014	8.00	9.00
April 1, 2014	8.00	9.00

Sources: RBI; PRS.

From September 2013 onwards, with the rupee exchange rate stabilising and the external environment improving, the RBI eased the exceptional measures taken over the past months. By October 2013, MSF had been brought down to 8.75% from 10.25% in July 2013 and minimum daily maintenance of CRR to 95% from 99%.^{24,25,26}

The RBI has maintained the repo rate at 8%, stating that CPI inflation *excluding food and fuel* remains high.²⁸

Urjit Patel Committee to Revise Monetary Policy Framework submits report

The expert committee constituted to recommend measures to revise and strengthen the current monetary policy framework submitted its report in January 2014.²⁷ The main recommendations are:

- **Choice of nominal anchor:** Currently, RBI uses a 'multiple indicator approach' to draw monetary policy perspective. The Committee made the following recommendations:
 - (i) Inflation, as measured by Consumer Price Index (CPI), should be the nominal anchor for the monetary policy framework.
 - (ii) Nominal anchor will be targeted at 4% with a band of +/- 2%.
 - (iii) Disinflationary path: CPI inflation should be brought down to 8% by January 2015, and 6% by January 2016 before formally adopting the recommended target.

- **Organisational Structure:** Currently, monetary policy decisions are made by the Governor of the RBI, who is accountable to the Government of India. The Committee recommended that:
 - (i) Monetary policy decision making should be vested in a Monetary Policy Committee (MPC).
 - (ii) MPC should be composed of 5 members, including 2 external experts, with the Governor at the head of the MPC. Each member will have one vote, and outcomes will be determined by majority voting.
- **Operating Framework:** The Committee recommended a move towards using term repos instead of overnight repo.

As of April 2014, the following recommendations of the Committee have been implemented:²⁸

- (i) Recommendations regarding using CPI as inflation indicator and the disinflationary path have been accepted. RBI has also transitioned to bi-monthly monetary policy cycle from April 1, 2014.
- (ii) Term repos for a longer tenor were introduced in October 2013.²⁹ In addition, liquidity provided under term repos was increased, while that under overnight repo was reduced.

Fiscal situation 2013-14

The Finance Minister presented the Interim Budget 2014-15 to Parliament in February 2014.³⁰ This interim budget was a simple vote on account to allow the government to meet its expenditures till June 2014. The newly elected government will have its own regular budget in July 2014. As per the revised estimates for 2013-14:

Receipts: In 2013-14, receipts are expected to fall short of the budgeted target by 4% (or Rs 74, 863 crore), primarily on account of a shortfall in tax revenues. Borrowings are expected to fall short of the budgeted target by 3% (or Rs 17,960 crore).

Expenditure: In 2013-14, expenditure on subsidies and interest payments are expected to increase. Expenditure allocated to central plan and central assistance to state plans is expected to be cut by 15% and 13% respectively.

Revenue deficit: It is the excess of revenue expenditure over revenue receipts. A revenue deficit implies that the recurring receipts of the

government are unable to cover its recurring expenditures. The revised estimates for 2013-14 show that the revenue deficit will be contained, as budgeted, at 3.3% of GDP in 2013-14.

Fiscal deficit: It is an indicator of borrowings by the government for financing its expenditure. India's fiscal deficit will be contained at 4.6% of GDP in 2013-14, as per the revised estimates for 2013-14, performing better than its budgeted target for 4.8%.

Table 4: Revised estimates for 2013-14 (in Rs crore)

Item	BE 2013-2014	RE 2013-2014	% change
Total Receipts	16,65,297	15,90,434	-4%
Receipts (except borrowings)	11,22,798	10,65,895	-5%
<i>of which : Tax Revenue*</i>	8,84,078	8,36,026	-5%
Borrowings	5,42,499	5,24,539	-3%
Total expenditure	16,65,297	15,90,434	-4%
Defence Services	2,03,672	2,03,672	0%
Interest Payments	3,70,684	3,80,066	3%
Subsidies	2,31,084	2,55,516	11%
Other non-plan expenditure	3,04,535	2,75,648	-9%
Central Plan	4,19,068	3,56,493	-15%
Central assistance for State Plans	1,36,254	1,19,039	-13%
Revenue deficit as % GDP	3.30%	3.30%	
Fiscal deficit as % GDP	4.80%	4.60%	

Sources: Interim Budget documents 2014-15; PRS. Note: Tax revenue is excluding amount devolved to states.

Finance

Cabinet restructures centrally sponsored schemes for the Twelfth Five Year Plan

In June 2013, the Cabinet approved the restructuring of the centrally sponsored schemes (CSS).³¹ CSS are schemes, such as the Sarva Shiksha Abhiyan and the National Rural Livelihoods Mission, which are funded fully or partially by the central government, and implemented by states based on guidelines issued by the centre. The restructured schemes are to be implemented for the remaining years of the Twelfth Five Year Plan.

The Cabinet has approved the following changes:

- The existing 147 CSS shall be restructured into 66 schemes, including 17 flagship schemes.
- Schemes may have state specific guidelines. In addition, financial assistance from the centre to states for the implementation of these schemes will be provided through the Consolidated Funds of the states.
- At least ten percent of the outlay of each scheme should be kept as “flexi-funds” to provide flexibility to states to meet local needs and requirements.
- For each new CSS, general category states may contribute at least 25% of the funds, while special category states, may contribute 10% of funds.

Regarding flexi-funds: In January 2014, the Ministry of Finance released guidelines for flexi-funds within the framework of the restructured CSS.³² The key features of the guidelines are:

- Central ministries shall keep at least 10% of their plan budget for each CSS as flexi-funds. In CSS that are jointly funded by the centre and states, flexi-funds will be also be jointly funded.
- Flexi-funds may be released along with the normal releases for CSS, and will be subject to the same audit requirements. They may be monitored online and their evaluation may be done through the existing evaluation process for CSS.

Regarding flow of CSS funds to states: In the Interim Budget 2014-15, the Finance Minister announced the new procedure for release of funds for Centrally Sponsored Schemes.³³ Earlier, the centre would release the CSS funds to the ministry in charge for the scheme, which would then allocate it to states for implementation. Now, the funds will flow directly to consolidated fund of the states (i.e. the state budget) under the central plan.

Independent Evaluation Office launched

In February 2014, the Planning Commission launched an Independent Evaluation Office (IEO).³⁴ IEO can conduct independent evaluation of any programme, including government flagship programmes, which (i) receives public funding, or (ii) has guarantees from the government. IEO will assess the programme for its effectiveness, relevance and

impact, and can make its findings public without interference from the government.

The Cabinet had approved the establishment of the IEO in November 2010.³⁵ The IEO has been set up as an attached office to the Planning Commission, with Dr. Ajay Chhibber as its Director-General.^{36,37}

Pension Fund Regulatory and Development Authority Bill, 2013 passed by Parliament

The Pension Fund Regulatory and Development Authority Bill, 2013 was passed by both the houses in September 2013.³⁸ It subsequently received presidential assent.

The key features of the Pension Fund Regulatory and Development Authority Act, 2013 are:

- The Act gives statutory powers to the interim Pension Fund Regulatory and Development Authority (PFRDA) that was setup in 2003 and defines its powers and duties.
- The New Pension System, which was implemented in January 2004, shifted the pension schemes from the defined benefit system to the defined contribution system. The new system is applicable to all central government employees who started their employment after January 2014. Most state governments have also joined NPS for their employees. Any other person (i.e. not necessarily an employee of the government) may also voluntarily join NPS. The Act alters the name of the New Pension System to National Pension System (NPS).
- NPS is an account which accumulates over the entire period of a person's working career through contributions from his income. Earlier, the accumulated amount could only be withdrawn upon retirement. However, the Act now permits for the withdrawals of up to 25% of the contribution made by the subscriber from the individual pension account before retirement subject to conditions specified by regulations.

For more information, see [here](#).

Nachiket Mor Committee on financial inclusion submits report

The Nachiket Mor Committee on Comprehensive Financial Services for Small Businesses and Low Income Households submitted its final report in December 2013.³⁹

The Reserve Bank of India (RBI) had appointed the Committee in September 2013 to propose measures for achieving financial inclusion and increased access to financial services. The key recommendations of the Committee were:

- Each resident above the age of 18 years should be provided with an individual, full-service electronic bank account. In addition, access to suitable credit, deposit and insurance products to low-income households at reasonable price should be improved.
- Payments banks, whose primary purpose will be to provide payments services and deposit products to small businesses and low income households, should be set up. In addition, wholesale banks, which will lend to corporates and purchase securitised retail and small-business loans, should be setup.
- A unified Financial Redress Agency, which will handle customer grievances across all financial products in coordination with their respective regulators, should be setup.

For more information, see [here](#).

Securities Laws (Amendment) Bill, 2013 introduced in Parliament

The government introduced the Securities Laws (Amendment) Bill, 2013 in the Lok Sabha in August 2013.⁴⁰ The Bill seeks to amend the Securities and Exchange Board of India (SEBI) Act, 1992, with consequential changes in the Securities Contracts Regulation Act, 1956 and the Depositories Act, 1996.

Key amendments include: (i) widening of the definition of Collective Investment Schemes regulated by SEBI, (ii) empowering the SEBI Chairman to authorise search and seizure of documents relevant to an investigation, (iii) providing SEBI with explicit powers to order disgorgement of unfair gains, (iv) permitting SEBI to attach bank accounts and property, and arrest and detain a person for non-compliance with disgorgement orders or non-payment of monetary penalty, and (v) establishment of special courts to try offences under the Act.

The Securities Laws (Amendment) Bill, 2013 was introduced to replace the Securities Laws (Amendment) Ordinance. This Ordinance lapsed and was re-promulgated thrice in the last financial year- in September 2013, January 2014, and March 2014.⁴¹ The Bill is currently pending in Parliament, and will lapse with the dissolution of 15th Lok Sabha.

For more information, see [here](#).

Regional Rural Banks (Amendment) Bill, 2013 introduced in Parliament

The Ministry of Finance introduced the Regional Rural Banks (Amendment) Bill, 2013 in the Lok Sabha in March 2013.⁴² The Bill seeks to amend the Regional Rural Banks Act, 1976 to strengthen the capital base and overall capabilities of Regional Rural Banks (RRBs). RRBs were established to provide credit and other facilities for the development of agriculture, trade, commerce and industry in rural areas. The key features of the amendment Bill are:

- The authorised capital has been increased from Rs 5 crore to Rs 500 crore.
- RRBs can now raise capital from sources other than the central government, the state government, and the sponsor bank (the bank aiding and assisting the RRBs), as long as the combined shareholding of the central government and sponsor bank is maintained above 50%.

For more information, see [here](#).

RBI releases Scheme for Setting up of Wholly Owned Subsidiaries by Foreign Banks

In November 2013, the Reserve Bank of India (RBI) released a Scheme for Setting up of Wholly Owned Subsidiaries by Foreign Banks in India.⁴³ The scheme seeks to promote the expansion of wholly owned subsidiaries of foreign banks by according near-national treatment in opening bank branches.

Foreign banks wishing to establish presence in India can choose to do so either through establishment of branches, or setting up of 100% wholly owned subsidiaries. However, no foreign banks have opted for the wholly owned subsidiaries model so far. The key provisions of the scheme are:

- **Cases in which registration as wholly owned subsidiary is compulsory:** The scheme makes registration as a wholly owned subsidiary compulsory for foreign banks which have commenced business after August 2010 and for those banks meeting certain other conditions. Further, foreign banks beginning operations in India after August 2010 that are systemically important

are required to operate only through the wholly owned subsidiary model.

- **Approval of home regulator and reciprocity:** Setting up of a wholly owned subsidiary by a foreign bank should have the approval of the home country regulatory or supervisor. Further, a foreign bank can only operate in India as a wholly owned subsidiary if this treatment is reciprocated by its home country.
- **Near national treatment for opening branches:** Under the scheme, a wholly owned subsidiary of a foreign bank will be permitted to open branches in Tier 1 to Tier 6 centres without taking prior permission from the Reserve Bank of India. However, it has to adhere to certain conditions pertaining to opening branches in unbanked areas.
- **Checks on expansion of foreign banks:** Prior RBI approval will be required for capital infusion into existing wholly owned subsidiaries in case the capital and reserves of the foreign banks in India exceed 20% of the capital and reserves of the banking system.
- **Other requirement:** The scheme also specifies that the initial minimum paid-up voting equity capital and net-worth of the foreign parent of the wholly owned subsidiary should be Rs 500 crore. The scheme also specifies the modalities for dilution of stake by the wholly owned subsidiary and for mergers and acquisitions.

RBI releases framework and guidelines for revitalising distressed assets in the economy

In January 2014, the Reserve Bank of India (RBI) released the framework for revitalising distressed assets in the economy.⁴⁴ A distressed asset is an asset, usually a loan, whose repayment has been delayed. The key provisions of the framework are:

- **Early identification and centralised reporting:** Before a loan account turns into a non-performing asset (NPA), banks are required to identify prospective stress cases and create a sub-category called Special Mentions Account (SMA). RBI shall set up a Central Repository of Information on Large Credits (CRILC) to collect, store and disseminate credit data to lenders. Banks are required to furnish information to CRILC on

loans in excess of Rs 5 crore and on the SMA status of borrowers.

- **Formation of Joint Lenders' Forum:** As soon as an account is reported to CRILC for delay in repayment anywhere between 61 and 90 days, a committee of lenders must be formed. This committee will be known as the Joint Lenders' Forum (JLF). The JLF is required to prepare a joint corrective action plan for early resolution of stress in the account.

In addition, RBI issued guidelines for the same in February 2014.^{45,46} Key highlights of these guidelines are:

- **Sale of assets and NPAs:** Banks can now sell an asset to a securitisation or reconstruction company before it is classified as NPA, under limited conditions. Banks can now to sell an NPA to another bank, financial institution or Non Banking Financial Company without any minimum holding period requirement.
- **Counter-cyclical/floating provision:** Banks can now utilise part of their countercyclical buffers to account for losses arising from sale of NPAs.
- **JLF:** Lenders to a borrower are required to form a JLF if one of the lenders reports a loan account of the borrower as stressed and their aggregate exposure to the borrower is above the threshold for the level of stress reported. A borrower may also request for formation of a JLF.

Committee on Financial Benchmarks submits final report

The expert committee constituted by the RBI to study various issues relating to financial benchmarks submitted its report in February 2014.⁴⁷

Major global financial benchmarks came under intense public scrutiny after some cases of their manipulation came to the fore. Several international standard setting bodies, national regulators and central banks are coming up with suggestions to reform these benchmarks. The main recommendations of the committee are:

- **Regarding Governance Framework:** The Committee recommended the responsibilities for Benchmark Administrators (like Fixed Income Money Market and Derivatives Association of India or FIMMDA),

Benchmark Calculation Agents, and Benchmark Data Submitter in the process of benchmark calculation.

- **Regarding Regulatory Oversight:** While currently a broader interpretation of the relevant section in the RBI Act 1934 confers requisite power on RBI to regulate financial benchmarks, the Committee felt that suitable amendments should be made to the Act to provide explicit provisions for the same. Pending legislative measure, it suggested that RBI entrust responsibility of benchmark administration of Rupee interest rate benchmarks and foreign exchange benchmarks with FIMMDA and Foreign Exchange Dealers' Association of India (FEDAI) respectively.

For the full report, see [here](#).

Rajan Committee suggests new development index of states

The Raghuram Rajan Committee for Evolving a Composite Development Index submitted its report to the Ministry of Finance in September 2013.⁴⁸ The Committee had been asked to suggest methods to identify backward states and how the criteria may translate into devolution of funds from centre to states.

The Committee came up with a multi-dimensional index of backwardness, which is an average of ten sub-components, including monthly per-capita consumption expenditure, education, household amenities, female literacy, etc. The index varies between 0 and 1, with 1 indicating highest degree of underdevelopment.

In addition, the Committee recommended a method of allocation of funds from centre to states based on the index, taking into account both a state's development need as well as its development performance. The Committee did not recommend a quantum of funds to be allocated, but instead recommended that some funds can be allocated using proposed approach.

Table 5: State-wise comparison of proposed allocation according to Rajan Committee with Finance Commission (in %)

State	Rajan Committee	Finance Commission
Andhra Pradesh	6.85	6.61
Arunachal Pradesh	0.97	0.5
Assam	3.05	3.31
Bihar	12.04	10.06
Chhattisgarh	3.7	2.43
Goa	0.3	0.23
Gujarat	3.69	3.12
Haryana	1.33	1.11
Himachal Pradesh	0.67	1.54
Jammu and Kashmir	1.83	2.51
Jharkhand	3.88	2.77
Karnataka	3.73	4.39
Kerala	0.38	2.45
Madhya Pradesh	9.56	6.72
Maharashtra	3.94	5.28
Manipur	0.5	0.8
Meghalaya	0.65	0.51
Mizoram	0.4	0.5
Nagaland	0.45	0.84
Odisha	6.53	4.83
Punjab	1.07	1.45
Rajasthan	8.42	5.84
Sikkim	0.35	0.35
Tamil Nadu	2.51	5.01
Tripura	0.52	0.81
Uttar Pradesh	16.41	18.16
Uttarakhand	0.79	1.15
West Bengal	5.5	6.72
Total	100	100

Sources: Committee for Evolving a Composite Development Index of States report; PRS.

For more information, see [here](#).

Standing Committee submits report on Micro-Finance Bill, 2012

The Standing Committee on Finance submitted its report on the Micro Finance Institutions (Development and Regulation) Bill, 2012 in February 2014.⁴⁹ The Bill was introduced by the Ministry of Finance in the Lok Sabha and was referred to the Committee in May 2012. The Bill seeks to establish the Reserve Bank of India

(RBI) as the regulator for all entities providing micro finance services.

The Committee stated that the Bill was *unacceptable* in its present form, and urged the Ministry to hold wider consultations and review its fundamental proposals. The Committee felt that since RBI, the proposed regulator was not in concurrence with the Bill, the government could look into the possibility of (i) establishing an independent regulator which will have representatives of all concerned agencies, like RBI, NABARD, etc, or (ii) allowing states to bring unincorporated MFIs under the ambit of state money lending laws. It recommended that the government should consider making the right to bank accounts a statutory right.

The Bill will lapse with the formation of the new Lok Sabha after the general elections.

For more information, see [here](#).

RBI revises interest rate ceiling for micro finance institutions

In April 2014, the Reserve Bank of India (RBI) has revised the ceiling on interest rates that micro finance institutions can charge to their borrowers, with effect from April 1, 2014.⁵⁰ The new ceiling on interest rates is: (i) cost of funds plus an applicable margin (10% for institutions with a loan book larger than Rs 100 crore and 12% for others), or (ii) 2.75 times of the average base rate of the five largest commercial banks, whichever is lower.

The average base rates of the five largest banks, as determined by RBI on the last working day of the quarter, shall determine interest rates for the next quarter. The previous ceiling on interest rate (applicable till March 31, 2014) was cost of funds plus 12% margin for all institutions.

Seventh Central Pay Commission constituted

The Prime Minister approved the constitution of the seventh Central Pay Commission in September 2013.⁵¹ Its recommendations are expected to be implemented from January 1, 2016. The Pay Commission will examine, review, evolve and recommend changes regarding the principles governing emolument of central government employees, including officers and employees of the Supreme Court. The Pay Commission is to work out a framework keeping in mind, among other things, the need to

attract the most suitable talent to government services.⁵²

The composition of the seventh Pay Commission was approved in February 2014.⁵³ It is headed by Mr. Ashok Kumar Mathur, retired judge of the Supreme Court and retired chairman, Armed Force Tribunal.

Aadhaar not mandatory for availing government services

In 2013-14, the Supreme Court issued the following orders with regards to the Unique Identification Authority of India and the Aadhaar project:

- **Aadhaar cannot be mandatory for availing benefits of government schemes:** In September 2013, the Supreme Court passed an interim order stating that Aadhaar cannot be made mandatory for availing government benefit or services. In March 2014, upon receiving complaints of the practice continuing, it directed the centre to withdraw all notifications making Aadhaar mandatory for availing benefits under social security schemes.⁵⁴
- **Aadhaar information cannot be shared without consent:** A lower court in Goa had directed UIDAI to share biometric information with the Central Bureau of Investigation for investigation in a rape case. The Bombay High Court had via an order refused to interfere with this order of the lower court. In March 2014, the Supreme Court issued an interim order staying this Bombay High Court order. It said that UIDAI cannot share Aadhaar information with any agency without the consent of the card holder.⁵⁴

National Skill Development Agency to be set up

In May 2013, the Cabinet approved establishing an autonomous body called the National Skill Development Agency (NSDA) to subsume the Prime Minister's National Council on Skill Development, the National Skill Development Coordination Board and the Office of the Adviser to the PM on Skill Development.⁵⁵

The NSDA will serve as the coordinating agency for the government and the private sector's skill development efforts to meet the targets set out in the 12th Five Year Plan. In addition, the agency will anchor and operationalise the National Skills

Qualifications Framework (NSQF) and act as the nodal agency for different Sector Skills Council. The objective of the NSDA is to boost youth employability.

Taxation

Standing Committee submits report on the Goods and Services Tax (GST) Bill

The Standing Committee on Finance submitted its report on the Constitution (115th Amendment) Bill, 2011 in August 2013.⁵⁶ The Bill was introduced in Lok Sabha in March 2011, and seeks to amend the Constitution to enable the introduction of the Goods and Services Tax (GST). The Bill will lapse with the dissolution of the 15th Lok Sabha.

The Constitution of India allows both the union and state governments to levy taxes, but there is no concurrent jurisdiction. The amendment Bill seeks to make the required changes to the Constitution to enable both Parliament and state legislatures to frame laws with respect to goods and services. It envisages the harmonisation of the indirect tax regime by subsuming a number of taxes currently levied by the centre and states (such as service tax, state VAT, etc). The existing Central Sales Tax (CST) will be replaced by an Integrated GST, and the centre will have exclusive authority to levy this tax on inter-state trade and imports. Further, the Bill proposes the establishment of a GST Council which will recommend harmonised tax rates, and a GST Dispute Settlement Authority which will look into disputes regarding these rates.

The Committee made the following observations and recommendations:

- **Integrated Goods and Services Tax (IGST):** Instead of the proposed IGST model, the centre and states could jointly identify a nodal bank to receive the collection of the state and centre GST and work as a clearing house. The centre should ensure that the IGST model does not act as a disincentive for manufacturing states.
- **Exempt Goods:** In order to ensure that no unilateral decision is taken by the centre with respect to goods exempted from the GST, the Bill should be amended so that Parliament can specify restrictions and conditions of taxes only "on the recommendation of the GST Council".

- **Flexibility in raising taxes:** Parliament and state legislatures should be given more flexibility in raising taxes in exceptional circumstances, and the centre to levy surcharges and cess when required. Thus, states should be allowed to increase their GST rate within a narrow band with a pre-determined floor rate.
- **Consensus:** The Bill specifies that decisions of the proposed GST Council will be made by consensus of all members. The Committee felt that a consensus is unlikely due to different socio-economic interests of states and recommended adopting majority instead.
- **Delegated legislation:** The Committee was of the opinion that specific aspects related to rates, exemptions, thresholds, etc should not ideally be included in a Constitution (Amendment) Bill. It should be included in the by-laws and rules.

For more information, see [here](#).

Government sets up tax administration reform commission

The Government set up a seven member Tax Administration Reform Commission (TARC) in August 2013 under the chairmanship of Dr. Parthasarathy Shome.⁵⁷ The TARC was proposed in the Union Budget, 2013-14.⁵⁸ The term of the Commission will be 18 months and it will review the application of tax laws and tax policies, and will make recommendations to strengthen the capacity of the Indian tax system.

PAC submitted its report on administration of direct taxes

The PAC submitted its report on Tax Administration to Parliament in August 2013.⁵⁹ The report is based on the report of the Comptroller and Auditor General on Direct Taxes for 2011-12. The Committee made the following observations/recommendations:

- **Tax Revenue and growth in taxpayers:** The Committee noted that: (i) revenue forgone on account of tax exemptions has increased for corporate income tax and personal income tax, and (ii) the increase in the number of tax payers has not kept pace with the growth rate of the economy. It suggested that the Department of Revenue (DoR) re-orient its efforts for widening tax base by bringing in the potential and high net worth assesseees

into the tax net. It urged the government to implement the Direct Taxes Code expeditiously, and in the interim take measures to phase out unwarranted tax exemptions.

- **Operational issues:** The committee noted (i) an increase in the pendency of cases selected for assessment, and in the number of cases pending in the Income Tax Appellate Tribunal, (ii) an increase in the number of cases of uncollected demand has increased, with 45% of such demands pertaining to money laundering and security scams, and (iii) an increase in the number of appeals due to dissatisfaction with the assessment order of Assessing officers. The Committee recommended that DoR should vigorously pursue such cases and apprise the committee of the outcome thereof.
- **Staff shortage:** Staff shortages are affecting the entire administration of revenue collection, and there has also been a delay in the cadre restructuring of DoR by the Department of Personnel and Training (DoPT). The Committee would like to be informed of vacancies filled. DoPT should take up the matter of restructuring of the IT Department vigorously.

Trade

Decisions from World Trade Organisation's conference in Bali

The 9th Ministerial Conference of the World Trade Organisation (WTO) was held in Bali, Indonesia in December. The Ministerial Conference is the top-most decision making body of WTO and comprises of all 159 WTO members.⁶⁰ The Bali Ministerial Conference resumed discussions on the Doha Development Agenda.⁶¹ The following is a list of decisions taken by WTO in Bali:⁶²

- **Agreement on trade facilitation through customs cooperation:** This will be a legally binding multi-lateral deal to simplify and speed up customs procedures. It also includes provisions for goods in transit. According to the WTO, benefits to the world economy from this agreement will be between USD 400 billion and USD 1 trillion. This is the first successful agreement on trade facilitation of the WTO negotiations since 1995.

- **Decision on public stockholding programmes for food security:** Countries run food security programs that involve providing food to consumers at subsidised rates. However, WTO deems it as *support to farmers* if the food procured from farmers for the purpose of such programmes is done at supported prices, and not at market prices.⁶³ WTO limits the support that governments can provide farmers. This is of direct concern to countries such as India that procure food for their food security programs at administered minimum support price.

An *interim* solution was agreed upon in Bali in which developing members are protected from being challenged at WTO on grounds of exceeding their prescribed limit. A permanent solution is to be recommended by the 11th Ministerial Conference. In addition, any developing member of WTO benefiting from this decision must:

- Inform the Committee on Agriculture that it is exceeding or at the risk of exceeding its prescribed limit.
- Provide information for each public stockholding programme; information will be monitored by the Committee on Agriculture. The country is to hold consultations with other members on operation of its programmes.
- Ensure stocks procured under such programmes do not distort trade or adversely affect food security of other member countries. The country can also not use this decision to increase support above the prescribed limit through new programmes other than the existing public stockholding programmes.⁶⁴

Standing Committee submits report on India Trade Promotion Organisation

The Standing Committee on Commerce submitted its report on the Activities and Functioning of India Trade Promotion Organisation in February 2014.⁶⁵

The Committee observed that the efforts made towards trade promotion by ITPO are to general in nature and fail to provide exporters with an edge. It recommended that ITPO (i) be proactive in finding new markets for Indian exports, and hold consultative meetings with industry for trade promotion, and (ii) rationalise its rental

charges for Pragati Maidan, and redress the grievances of the Exhibition Industry.

For more information, see [here](#).

Commerce

Government revises FDI limits in twelve sectors

In July 2013, the government decided to revise the limits on Foreign Direct Investment (FDI) in twelve sectors.⁶⁶ A summary of changes is given below:

Table 6: Revision of FDI limits

Sectors	Previous limits		Revised limits	
	Automatic	FIPB	Automatic	FIPB
Oil and gas	-	49%	49%	-
Commodity exchanges	26%	26-49%	49%	-
Power exchanges	26%	26-49%	49%	-
Stock exchanges	26%	26-49%	49%	-
Asset reconstruction	-	74%	49%	49-100%
Credit Information	49%	-	74%	-
Single brand retail	-	100%	49%	49-100%
Basic/cellular services	49%	49-74%	49%	49-100%
Courier services	-	100%	100%	-
Defence production		26%	-	Above 26%*
Insurance	26%	-	49%	-
Tea plantations	-	100%	49%	49-100%

* To be decided on a case-to-case basis. Sources: Press Information Bureau, Ministry of Commerce and Industry; Livemint; PRS.

While the FDI limit for defence production has been maintained at 26%, the Cabinet Committee on Security (CCS) may approve proposals for FDI beyond 26% if they result in access to state-of-the-art technology. A news report also suggests that FDI up to 49% in the insurance sector will be allowed under the automatic route (against the current limit of 26%), provided the Insurance Laws (Amendment) Bill, 2008 is approved by Parliament.⁶⁷

Cabinet approves changes to the policy on FDI in multi-brand retail

The Cabinet approved the following changes in existing Foreign Direct Investment (FDI) policy in multi-brand retail in August 2013:⁶⁸

- **Sourcing from small industries:** The FDI policy previously mandated sourcing at least 30% of total procurement from 'small industries' - i.e. units whose total investment in plant and machinery was below USD 1 million. The revised policy replaces the term 'small industries' with 'Micro, Small and Medium Enterprises' and raises the investment limit to USD 2 million. Further, the condition of continued adherence to the investment limit has been removed. Sourcing from agricultural and farmers' co-operatives has also been included towards the fulfilment of the 30% mandatory sourcing requirement.
- **Investment in back-end infrastructure:** The FDI policy previously mandated: i) a minimum investment of USD 100 million and ii) investing at least 50% of FDI in back-end infrastructure. This condition was open to interpretation that the required investment in back-end infrastructure could be met over several tranches, with no minimum requirements in each tranche. The revised policy clarifies that at least 50% of the first tranche of investment needs to be invested in back-end infrastructure. Subsequent investments in back-end infrastructure could be made by retailers as per their requirements.
- **Outlets in small cities:** The FDI policy previously stated that in states/union territories not having cities with population above 10 lakh (as per 2011 census), foreign retailers may set up outlets in and around cities of 'their choice', without clarifying the term 'their choice', i.e., whether it would be the choice of the retailer or that of the government. The revised policy clarifies that outlets may be set-up only in and around cities as decided by the respective state governments.

Standing Committee submits report on impact of FDI in multi-brand retail on MSMEs

The Standing Committee on Industry presented its report on the impact of Foreign Direct Investment (FDI) in multi-brand retail on Micro,

Small and Medium Enterprises (MSMEs) in August 2013.⁶⁹ The Committee was apprehensive of the impact of the FDI policy on MSMEs and called for adequate safeguards to protect their interests. Key observations and recommendations made by the Committee are:

- The Committee recommended that the government commission a survey to assess the impact of previous FDI policies, especially FDI in single brand retail and wholesale, on the MSME sector.
- The Committee raised the issue of confining the 30% sourcing benefit only to units where investment in plant and machinery is below USD 1 million. The Cabinet addressed this issue in its changes to the FDI policy.
- The FDI policy previously stated that in states or union territories which do not have cities with population of more than 10 lakh (as per the 2011 census), foreign retailer outlets may be set up in the cities of 'their choice'. The Committee felt that this provision was ambiguous and may allow foreign retailers to set up outlets even in or around smaller cities. The Cabinet addressed this issue in its changes to the FDI policy.

For more information, see [here](#).

Standing Committee submits report on FDI in pharmaceutical sector

The Standing Committee on Commerce presented its report on Foreign Direct Investment (FDI) in the pharmaceutical sector in August 2013.⁷⁰ Some of the observations and recommendations made by the Committee are as follows:

- **Acquisition of domestic pharmaceutical companies and subsequent pricing:** In India, domestic firms are given the right to produce and market drugs as low price generics after the expiration of the patent of the original branded drug. The Committee advised the Government to keep vigil that the recent spate of acquisitions of domestic pharmaceutical companies by foreign multi nationals does not result in the proliferation of costly branded medicines at the expense of affordable generics.
- **Green field versus brown field investment:** Of the 67 FDI investments in 2011, only one has been in a green field project with the remaining in brown field projects. The Committee noted that these brown field

projects have not added fresh capacity since they involve purchase of an existing production unit. It suggested that a suitable mechanism be established to keep track of the nature of FDIs.

- **Effective procurement of cheap medicines:** The Committee noted that Tamil Nadu and Rajasthan efficiently procure medicines at prices considerably lower than those offered by market leaders. It recommended that the Government suggest a model procurement scheme covering the whole country. It also recommended that the Government bring in legislation making it legally binding on all doctors to prescribe generic equivalents of branded medicines.
- **Regulation of pharmaceutical companies:** The Committee recommended that the Competition Commission of India ought to play a more active role in checking the behaviour of the pharmaceutical companies to ensure that medicines continue to be affordable.

Standing Committee submits report on National Institute of Design Bill, 2013

The Standing Committee on Commerce submitted its report on the National Institute of Design (NID) Bill, 2013 in August 2013.⁷¹

The Bill was introduced in the Rajya Sabha in March 2013 and seeks to declare the NID, Ahmedabad as an 'institution of national importance'.⁷² The Committee made the following observations and recommendations:

- **New NIDs:** The Committee desired that the four new NIDs to be set up under the National Design Policy, 2007 also be conferred the same status as NID, Ahmedabad, by way of an amendment to the NID Bill.
- **Appointment of senior management:** The eligibility conditions for the appointment and removal of the director and members of the institution should be laid down in the Bill. It should also be stated in the Bill that the Chairperson of the Governing Council has to be an academician from the field of design.

For more information, see [here](#).

Corporate Affairs

Companies Bill, 2013 passed by Parliament and sections notified

The Companies Bill 2013 was passed in August 2013. Over the past financial year, the Ministry of Corporate Affairs has notified multiple sections of the Companies Act, 2013.⁷³ It has also released rules related to some of these provisions.⁷⁴ The notified provisions and rules came into effect from April 1, 2014. The subjects covered under these sections and rules include:

- **Definitions:** Terms such as company's accounts, foreign company, independent directors and 'one person company';
- **Incorporation:** Formation of company and its memorandum and articles of association;
- **Allotment of securities:** Private placement of securities, prospectus for such placements and issuance of Global Depository Receipts;
- **Capital structure:** Kinds of share capital, issue of shares, share buy-back, voting rights, debentures and deposits from public;
- **Administration:** Shareholders' register, annual reports, general meetings, voting rights and dividends;
- **Directors and Management:** Appointment, removal and disqualification of directors, duties of directors, board meetings and committees and related party transactions. Appointment of executive directors and managers, managerial remuneration and appointment and functions of the company secretary;
- **Inspection, inquiry and investigation:** Central government's power to conduct inspection, inquiry and investigation into affairs of a company and the establishment, and powers of the Serious Fraud Investigation Office.

Corporate Social Responsibility rules under the Companies Act, 2013 notified

In February 2014, the Ministry of Corporate Affairs notified the Companies (Corporate Social Responsibility Policy) Rules, 2014 under the Companies Act, 2013. The list of permissible Corporate Social Responsibility (CSR) activities in Schedule VII of the Act has also been amended. The Rules, Section 135 and the

amended Schedule VII came into force from April 1, 2014.⁷⁵

Section 135 of the Act mandates every company whose: (i) net worth is above Rs 500 crore, or (ii) turnover is above Rs 1,000 crore, or (iii) net profit is above Rs 5 crore, to spend at least 2% of its average net profits for the last three financial years towards CSR activities. Key highlights of the Rules and the amendments to Schedule VII are:

- **Applicability:** CSR provisions of the Act shall be applicable to every Indian company and every foreign company with a branch or project office in India. It shall not be applicable to a company that does not meet the net worth, turnover or net profit criteria for three consecutive financial years.
- **CSR activities:** The CSR activities now permissible under Schedule VII include: (i) promoting women's empowerment and gender equality, (ii) protecting environment, (iii) welfare of weaker sections and former soldiers, (iv) promotion of arts, culture and sports, (v) rural development and technology incubation projects, and (vi) contributions to the Prime Minister's National Relief Fund or any other fund set up by the central government towards development, relief works and welfare of the weaker sections.
- **CSR Policy:** A company's CSR Policy should include the details of projects or programmes to be undertaken and the monitoring mechanism. The annual report of the company should include a report on CSR in the prescribed format.
- **Excluded activities:** Activities for the exclusive benefit of company's employees, contribution to political parties and normal business activities shall not be considered as CSR activities.
- **Mergers and acquisitions:** The Act mandates CCI approval for mergers or acquisitions above specified thresholds of turnover or assets. The Bill proposes to empower the government to specify thresholds specific to an industry. The Committee suggested that this clause also mandate unambiguous criteria for identification of such a sector and consultation with stakeholders before specifying such a threshold.
- **Consultation with sector regulators:** The Bill seeks to make it mandatory (instead of voluntary) for CCI and other sector regulators to consult each other if any of their decisions contravenes any law related to the other regulator. The Committee recommended that CCI and sector regulators be required to explain the reasons behind any disagreement during such a consultation.
- **Penalty:** The government and CCI should frame guidelines detailing the criteria for determination of penalties imposed for anti-competitive practices.
- **Search and seizure:** The Bill empowers the CCI Chairman to authorise search and seizure operations on a suspected violator's premises. Noting the fact that CCI has never conducted such operations, the Committee recommended that current provisions requiring a First Class Magistrate's approval for search and seizure operations be continued.

For more information, see [here](#).

Agriculture

Amendments to the Multi-State Co-operative Societies (Amendment) Bill approved

The Cabinet approved amendments to the Multi-State Co-operative Societies (Amendment) Bill 2010 in May 2013.⁷⁷ The Bill will lapse with the dissolution of the 15th Lok Sabha.

The Bill amends the Multi-State Co-operative Societies Act, 2002, which regulates multi-state cooperative societies i.e. cooperatives which serve the interest of members in more than one state. It seeks to allow the central registrar to declare any society as "sick" if its net worth has been wiped out and it has made losses in two consecutive years. It permits the government to

Standing Committee submits report on the Competition (Amendment) Bill, 2012

The Standing Committee on Finance presented its report on the Competition (Amendment) Bill, 2012 in February 2014.⁷⁶ The Bill was introduced in Lok Sabha in December 2012 and seeks to amend the Competition Act, 2002, which had established the Competition Commission of India (CCI). The Bill will lapse upon the dissolution of the 15th Lok Sabha. Key recommendations of the Committee are:

constitute interim boards for sick societies. It empowers the Central Registrar to modify bye-laws of societies. The Bill also permits the constitution of an election authority to conduct elections.

The Standing Committee on Agriculture submitted its report on the Bill in December 2012 and was of the opinion that several provisions of the Bill contravened the Constitution. According to the Ministry of Agriculture, the amendments aim to ensure that the provisions of the Bill are in conformity with the provisions of the Constitution (Ninety-Seventh Amendment) Act, 2011, which adds co-operative societies to the Constitution.

For more information, see [here](#).

Minimum Support Prices for Kharif and Rabi crops

The central government increased the minimum support prices (MSPs) of most Kharif crops that were marketed in the 2013-14 season and that of Rabi crops of the 2013-14 season to be marketed in 2014-15.⁷⁸ The central government fixes MSPs based on recommendations by the Commission for Agricultural Costs and Prices. Tables Table 7 and Table 8 indicate the MSPs of Kharif and Rabi crops of the 2013-14 season compared to the previous year and to the average rate of increase per year between 2008-09 and 2013-14.

Table 7: MSPs of Kharif crops of the 2013-14 season (Rs/qttl)

Kharif Crops	MSP (2013-14)	MSP (2012-13)	% change over 2012-13	2008-09 to 2013-14 CAGR
Paddy (Common)	1310	1250	4.80%	7.80%
Jowar	1500	1500	0.00%	12.30%
Bajra	1250	1175	6.38%	8.27%
Maize	1310	1445	-9.34%	9.29%
Arhar	4300	3950	8.86%	16.54%
Groundnut	4000	3700	8.11%	13.75%
Cotton (long staple)	4000	3900	2.56%	5.92%

Sources: Press Information Bureau; PRS.

Table 8: MSPs of Rabi crops of the 2013-14 season (Rs/qttl)

Rabi Crops	MSP (2014-15)	MSP (2013-14)	% change over 2013-14	2008-09 to 2013-14 CAGR
Wheat	1400	1350	3.7	6.2%
Barley	1100	980	12.2	8.6%
Gram	3100	3000	3.3	13.4%
Lentil	2950	2900	1.7	11.3%
Rapeseed/ Mustard	3050	3000	1.7	10.8%
Safflower	3000	2800	7.1	11.2%
TD-5 grade jute	2400	2300	4.3	13.0%
Sugarcane	220	210	4.8	20.9%

* indicates Fair and Remunerative Price of sugarcane
Sources: Press Information Bureau; PRS.

Standing Committee submits report on the Agricultural Biosecurity Bill, 2013

The Standing Committee on Agriculture presented its report on the Agricultural Biosecurity Bill, 2013 in December 2013.⁷⁹ The Bill was introduced in Lok Sabha in March 2013 and will lapse with the dissolution of the 15th Lok Sabha.

The Bill aims to establish the Agricultural Biosecurity Authority of India (ABAI) covering plant, animal and marine issues to combat threats of bio-terrorism from pests and weeds. The Bill repeals the Destructive Insects and Pests Act, 1914 and the Livestock Importation Act, 1898.

Key recommendations of the Standing Committee were:

- Consultation with states:** The Committee noted the lack of consultation with state governments prior to the introduction of the Bill, despite the fact that 'agriculture' is a subject in the State List of the Constitution. It felt that the government should hold wider consultations with all relevant stakeholders before the introduction of a Bill in Parliament, particularly in matters that fall in the State List.
- Bar of jurisdiction of civil courts:** Under the Bill, civil courts do not have jurisdiction on matters under the purview of ABAI or the central government. The Committee noted that this provision may be unconstitutional in its current form and recommended amending the Bill to allow for

courts to intervene on all matters except technical decisions of ABAI.

For more information, see [here](#).

Rani Lakshmi Bai Central Agricultural University Bill, 2012 passed by Parliament

The Rani Lakshmi Bai Central Agricultural University Bill, 2012 was passed by Parliament in February 2014.⁸⁰

The Bill proposes the setting up of a central agricultural university at Jhansi, in the Bundelkhand region. The purpose of this university is to develop the region through research and education in agriculture and to enhance employment opportunities.

For more information, see [here](#).

Cabinet approves continuation of agricultural schemes for the Twelfth Plan

The Cabinet Committee on Economic Affairs (CCEA) approved the implementation of a number of agricultural schemes for the Twelfth Five Year Plan. The schemes are as follows:⁸¹

- **Integrated Mission for Development of Horticulture (MIDH):** Implemented as a centrally sponsored scheme, MIDH is expected to facilitate growth in the horticulture sector, as well as generate skilled and unskilled employment opportunities in rural and urban areas.
- **Integrated Scheme on Agriculture Cooperation:** The central sector scheme aims to streamline the cooperative marketing structure and improve capacity building of cooperatives to undertake value addition.
- **Integrated Scheme on Agriculture Census, Economics and Statistics:** The scheme provides information and statistical data on land use, cropping pattern, irrigation status, and livestock.
- **Livestock Health and Disease Control Scheme:** The scheme seeks to tackle issues of livestock health and strengthen existing efforts to manage animal diseases, which may have adverse effects on the economy.
- **National Crop Insurance Program:** A new scheme, it seeks to provide farmers with assistance to help maintain production, employment and economic growth.

- **National Scheme of Welfare of Fishermen:** The objectives of the scheme are to provide better living standards, social and economic security for fishermen and their families.
- **National Mission for Sustainable Agriculture:** The scheme aims to promote sustainable agriculture practices by focusing on 10 key dimensions, that include seeds, pest, nutrient, and farming practices.

Standing Committee submits report on National Agricultural Research System

The Standing Committee on Agriculture submitted a report on the evaluation of the National Agricultural Research System in February 2014.⁸² The National Agricultural Research System comprises the Indian Council of Agricultural Research (ICAR), other central research institutes, and national research centres set up by it.

The Committee's key recommendations were:

- **Investment in agricultural research:** The Committee recommended that the Department of Agriculture prepare an action plan to attract investment in agricultural research. This would reduce dependency on imports and add to the export capacity of the country. The Department should also approach the Ministry of Finance to provide monetary and fiscal incentives for such investment.
- **Representation of states in Regional Committees:** The Committee noted that the Governing Body of ICAR has constituted eight Regional Committees for the eight different agro-ecological regions of the country. These committees analyse and recommend solutions for problems of agriculture, animal husbandry, fisheries and forestry that are particular to the region. The Committee recommended that these committees meet annually instead of biennially and provide adequate representation to states.

For more information, see [here](#).

PAC submits report on implementation of the Agricultural Debt Scheme

The Public Accounts Committee (PAC) submitted a report on the implementation of the Agricultural Debt Waiver and Debt Relief

Scheme, 2008 in February 2014.⁸³ The Comptroller and Auditor General (CAG) had audited the scheme and presented its report in May 2013.⁸⁴

The scheme was launched in May 2008 to address the financial indebtedness of farmers. Farmers were provided debt waiver and relief packages for their loans and were issued fresh loans.

The CAG found that the scheme did not achieve its objectives due to: (i) errors of inclusion and exclusion at the beneficiary level, (ii) poor and inadequate documentation, and (iii) ineffective monitoring of the scheme. Please see [here](#) for a PRS summary of the CAG performance audit of the scheme.

The PAC recommended that the Ministry of Finance rectify the irregularities in the scheme and take stringent penal action against responsible individuals. It also recommended that the government expedite the recovery of funds from ineligible beneficiaries and extend benefits to eligible beneficiaries in a timely manner, and ensure proper monitoring of the scheme by the nodal agencies.

Chemicals and Fertilisers

Standing Committee submits report on pricing of fertilisers

The Standing Committee on Chemicals and Fertilisers submitted its report on the pricing of fertilisers in August 2013.⁸⁵ In its report, the Committee examined the various causes for the rise in prices of fertilisers and the impact of various fertiliser policies and schemes on prices.

Some of the Committee's key recommendations are:

- **Efficacy of Nutrient Based Subsidy (NBS) Policy:** The Committee noted that under the NBS policy, a fixed amount of subsidy per kg, decided on an annual basis, is provided on each grade of subsidised fertiliser depending on its nutrient contents. Fertiliser manufacturers are allowed to fix the Maximum Retail Price (MRP) at reasonable rates.

The Committee noted that after the introduction of the NBS policy, the prices of phosphorus and potassium (P&K) fertilisers have escalated by almost three or

four times. It recommended that the Department of Fertilisers conduct a comprehensive study on the impact of the NBS policy on prices of fertilisers, such that corrective measures can be taken to contain their escalating prices.

- **Reasonability of MRPs:** The Committee recommended that an effective mechanism be put in place to examine the reasonableness of the MRP fixed by fertiliser companies. Fertiliser companies should also be asked to mandatorily submit information about the cost of fertilisers on which they are claiming subsidy, as well as the justification for the MRP fixed by them.
- **New Investment Policy, 2012:** This policy was notified by the government in January 2013 to facilitate fresh investments in urea manufacturing and reduce import dependency. It encourages investments by Indian industry in resource rich countries. The Committee recommended formulating an action plan to implement the New Investment Policy expeditiously and effectively.

PAC submits report on fertiliser subsidy

The Public Accounts Committee (PAC) submitted a report on the fertiliser subsidy and its effect on the annual production of fertilisers in April 2013.⁸⁶ The Comptroller and Auditor General submitted its report on the same topic in August 2011.⁸⁷ Fertilisers such as urea are controlled and subject to controls on price distribution. Complex fertilisers such as Di-Ammonium Phosphate (DAP) and Nitrogen, Phosphate and Potash (NPK) are decontrolled, although their costs are subsidised to enable access to farmers.

The PAC found that both controlled and decontrolled fertilisers are subject to implicit control by the government. This is done to ensure a uniform sale price for farmers, which is substantially lower than the cost of production/import, and to ensure proper targeting of the subsidy. Key findings are as follows:

- The subsidy on imported fertilisers during the years 1998-99 to 2008-09 increased from three percent to 47 percent of the total subsidy. While the assessed requirement of fertilizers increased by more than 70 percent during this period, the total production increased by only 11 percent. The Committee observed certain incongruities

between expenditure and production: (i) a huge gap between demand and supply, (ii) failure to incentivise an increase in the domestic production of fertilisers, particularly with the introduction of the new pricing scheme (NPS), and (iii) a virtual stagnation in the production of urea during the last five years.

- The PAC found that there was no monitoring mechanism in place to ensure that states were assessing the requirement of fertilisers in a scientific manner. The requirement was generally enhanced by five to ten percent over the previous season's/year's consumption without a proper assessment of the need for fertilisers.

Standing Committee submits report on production and availability of pesticides

The Standing Committee on Chemicals and Fertilisers submitted its report on the production and availability of pesticides in August 2013.⁸⁸ The Committee examined the availability of safe and effective pesticides and their judicious use by the farming community in order to ensure a sustained increase in agricultural production. It made the following recommendations:

- **Need for legislation on pesticides:** The Pesticides Management Bill replacing the Insecticides Act, 1968 has been pending in Rajya Sabha since October 2008. The Committee was concerned about the long delay in considering the Bill. It recommended that the Departments of Chemicals and Petrochemicals (DCPC) and Agriculture (DAC) coordinate with the concerned authorities to bring out a comprehensive legislation to govern all issues relating to pesticides. For a PRS Legislative Brief of the Bill, see [here](#).
- **Mechanism to regulate prices of pesticides:** The Committee noted that the Insecticides Act contains significant provisions which facilitate the registration of a large number of pesticides manufacturers and formulators, thereby enhancing competition in production and prices. However, there is no Act or legal provision for controlling the price of pesticides. DCPC should put in place a mechanism to regulate and monitor the prices of pesticides to enable them to supply the same to farmers at affordable prices.
- **Pesticide testing laboratories:** DCPC admitted that a large scale usage of spurious

pesticides is an issue of concern, which is a result of an inadequate number of accredited pesticides testing laboratories. The Committee found that there are a total of 71 laboratories in the country, with some states like Jharkhand and Meghalaya having no facility at all. It recommended that the Department initiate appropriate action to establish well equipped pesticides testing laboratories in adequate numbers in each state across the country.

For more information, see [here](#).

Science and Technology

Biotechnology Regulatory Authority of India Bill, 2013 introduced

The Bill was introduced in Lok Sabha in April 2013.⁸⁹ It aims to promote the safe use of modern biotechnology by enhancing the effectiveness and efficiency of regulatory procedures. The Bill will lapse with the dissolution of the 15th Lok Sabha.

Some of the key features of the Bill are:

- The Bill establishes the Biotechnology Regulatory Authority of India (BRAI). The functions of BRAI shall include regulating the research, transport, import, manufacture and use of organisms and products of modern biotechnology. A Biotechnology Regulatory Appellate Tribunal will hear appeals against the decisions of BRAI.
- Field trials for certain organisms or products cannot be conducted unless BRAI recognises them as aiding the development of modern biotechnology. These include genetically engineered plants, animals used in food or any animal clones that can be applied in agriculture, fisheries or food products. The Bill will not apply to the clinical trials of drugs, under the Drugs and Cosmetics Act, 1940, and food or food additives or any material under the Food Safety and Standards Act, 2006.
- An Inter-Ministerial Governance Board will oversee the performance of BRAI. A Biotechnology Advisory Council will render strategic advice to BRAI regarding developments in modern biotechnology and their implications in India.

For more information, see [here](#).

Supreme Court Technical Committee report on GM Crops

According to news reports, the Supreme Court-appointed Technical Expert Committee (TEC) submitted its final report on genetically-modified (GM) crops to the Supreme Court in July 2013.⁹⁰ In August 2013, the central government approved field trials for certain GM crops such as rice, cotton, and wheat.⁹¹ However, it specified that applicants of field trials also have to receive No Objection Certificates from state governments before conducting field trials. The Committee has reiterated the recommendations made in its interim report of October 2012.

The TEC has recommended the following:

- **Field trials:** A moratorium on open field trials of GM crops until: (i) definitive studies are available on the long term safety of Bt in food crops, and (ii) a proper regulatory and safety mechanism is in place. The moratorium seems to apply to food crops intended for commercialisation and not for research.
- **Current regulatory system:** Gaps in the current regulatory system need to be addressed. A deeper understanding of the process of risk assessment is needed within the regulatory system to meet the needs of a comprehensive bio-safety evaluation.
- **Proposed regulator:** A secretariat comprising dedicated scientists with biotechnology and bio-safety expertise should be set up. The regulator should be under the environment and health ministries.

The Supreme Court is hearing a public interest litigation (PIL) pleading for a moratorium on open field trials of GM crops. During the PIL, the Court appointed the TEC to examine issues related to GM crops. The TEC is a five member panel of scientists, with two nominated by the government.

of an existing drug (non crystalline version of Imatinib Mesylate). Some of the key aspects of the Court's judgment are:

- Section 3(d) of the Indian Patents Act, 1970 curbs ever-greening, i.e., preventing the grant of a patent for new forms of known substances, unless the applicant can establish increased efficacy of the substance in its new form. In case of a medicine to cure a disease, the Court held that the test of efficacy is therapeutic efficacy. However, the exact scope of therapeutic efficacy was not defined.
- The Supreme Court followed the sequence of innovation leading to the claimed invention and held that Imatinib Mesylate (non-crystalline) was: (i) the substance immediately preceding the beta crystalline form of Imatinib Meyslate, and (ii) a known substance in existing scientific literature.
- Novartis had claimed that while there were no new medicinal benefits, the new drug stored better and was easier to process. The Court held that since there was no increase in the therapeutic efficacy of the medicine, the drug did not satisfy the test of increased efficacy.

The Court thus rejected the patent filed by Novartis stating that it did not satisfy the standard of inventiveness required under Indian patent law. However, the Court cautioned that this judgment should not be interpreted to bar patent protection for all incremental inventions of chemical and pharmaceutical substances.

Pharmaceuticals

Supreme Court decision on the Novartis patent

In April 2013, the Supreme Court upheld the rejection of the patent application filed by Novartis for Glivec in 1998.⁹² Novartis' patent claim was for the beta crystalline form of Imatinib Meyslate (Glivec), a modified version

Infrastructure and Transport

Coal

Government to set-up CRAI through an executive order

The Coal Regulatory Authority Bill, 2013 which seeks to establish the Coal Regulatory Authority of India (CRAI) was introduced in Lok Sabha in December, 2013.⁹³ This Bill will lapse with dissolution of 15th Lok Sabha. In the interim, the government decided to constitute CRAI under the administrative control of the Ministry of Coal.⁹⁴

Key features of the Bill are:

- **Composition:** CRAI shall consist of a Chairperson and four members with expertise in legal, financial, technical and consumer interest. They shall hold office for a period of five years, or till the age of 65 years, whichever is earlier.
- **Advisory functions:** CRAI shall advise the central government regarding the policies for determination of coal prices. Its other functions include: (i) formulation of policies in the coal sector, including allotment or earmarking of coal blocks, (ii) promotion of competition, efficiency and economy in activities of the coal industry, (iii) promotion of investment in the coal industry, and (iv) development of various mining technologies and beneficiation methods.
- **Dispute resolution:** CRAI shall adjudicate disputes relating to grading, quality, testing, pricing, supply and sampling of coal.
- **Appellate Tribunal:** The Appellate Tribunal for Electricity established under the Electricity Act, 2003, will hear appeals against decisions of CRAI.

For more information, see [here](#).

The notification maintains the composition of CRAI but limits the term of the Chairman and other members till CRAI is set up as a statutory authority or the age of 65 years, whichever is earlier. It maintains the advisory functions of CRAI as proposed in the Bill. The provisions regarding dispute resolution and appellate tribunal have not been included.

Standing Committee report on allotment, and development of coal blocks

The Standing Committee on Coal and Steel in its April 2013 report on allotment, development and performance of coal and lignite blocks made the following observations:⁹⁵

- **Allotment:** Coal blocks were distributed between 1993 and 2010 without a transparent process or generating any revenue for the central government. The Committee recommended that the central government frame a policy for allocating coal blocks to private parties. Further, public sector undertakings should get priority in allotment.
- **Development:** Most of the coal block allottees have failed to start production, indicating that allotment was made without considering the feasibility of the end use projects, past track record of the allottees and their technical and financial capabilities. The Committee recommended that the government review all the allocations and report on the action taken on the defaulter allottees.

For more information, see [here](#).

Standing Committee report on coal pricing and royalty

In its February 2014 report on coal pricing and royalty, the Standing Committee on Coal and Steel made the following recommendations:⁹⁶

- **Price hikes:** Coal India Ltd. should try to ensure that coal price hikes are only to the extent of increases in costs and should not aim only at profit maximisation.
- **Royalty:** The Ministry should devise a simpler formula for calculating the rates of royalty on coal. The rates of royalty should be uniform across all states.
- **Need for regulator:** The central government should constitute a coal pricing regulatory committee with representation from all stakeholders.
- **Imported coal:** The government should review its decision to allow power producers to pass on the burden of costlier imported

coal to consumers since it only helps private sector power producers.

For more information, see [here](#).

CCI imposes Rs 1,773 crore fine on Coal India for anti-competitive behaviour

The Competition Commission of India (CCI) imposed a fine of Rs 1,773 crore on Coal India Ltd. (CIL) for anti-competitive behaviour.⁹⁷ In 2012, Maharashtra and Gujarat state electricity utilities filed three separate cases against CIL and its subsidiaries. They alleged that CIL imposed unfair terms and conditions in its Fuel Supply Agreements with power producers. In its December 2013 order, CCI found that the following terms and conditions of CIL's Fuel Supply Agreements are in contravention of the Section 4 of the Competition Act, 2002:

- Sampling and testing procedure for coal;
- Charging of transportation and other expenses from the buyers on supply of ungraded coal;
- Buyers' obligation to accept the coal irrespective of the quality;
- Cap on compensation for supply of stones to new power producers;
- Review and termination provisions of the agreement;
- Discrimination between existing and new power producers with respect to review of grade;
- Imposition of force majeure conditions in Fuel Supply Agreements with new power producers.

CCI directed CIL and its subsidiaries to cease and desist from such conduct and accordingly modify the Fuel Supply Agreements in consultation with all stakeholders. Forwarding a copy of its order to the Ministry of Coal, CCI stressed the need for raising competition levels in the coal industry by increasing the number of suppliers.

CIL has filed an appeal with the Competition Appellate Tribunal against CCI's decision.⁹⁸ The next hearing is scheduled for July 2014. CCI has also ordered a fresh probe against CIL in a separate petition filed by GHCL Ltd.⁹⁹

Standing Committee on the Coal Mines Amendment Bill, 2012

The Standing Committee on Coal and Steel submitted its Report on the Coal Mines (Conservation and Development) Amendment Bill, 2012 in May 2013. The Bill seeks to amend the Coal Mines (Conservation and Development) Act, 1974. The Act provides for the conservation of coal and development of mines besides providing for imposition of excise and customs duty on coal.

A part of the excise duty funds a master plan to deal with fires, subsidence and rehabilitation in the Jharia and Raniganj coalfields. The Bill raises the maximum excise duty that can be levied on coal from Rs 10 to Rs 50 per tonne. The increase in the excise duty is expected to bridge the gap in funding of the master plan.

Key observations and recommendations of the Committee are:

- **Performance of CCDAC:** The Coal Conservation and Development Advisory Committee (CCDAC), was constituted to advise the government regarding formulation and implementation of national policy on coal conservation and development activity. The Committee observed that CCDAC has not played an effective role in disbursement of the excise duty proceeds to different coal companies. It recommended that the funds earmarked be fully utilised for the various schemes under the CCDAC so that the envisaged physical targets are achieved.
- **Rise in excise duty:** The burden of the higher excise duty is proposed to be passed on to the electricity consumers. Instead, the Committee suggested that the expected increase in excise duty be absorbed by the coal producers.
- **Implementation of master plan:** The Committee recommended the Ministry should interact with the Jharkhand and West Bengal state governments to expedite the land acquisition process and the settlement and disbursement of compensation to the displaced persons from the endangered areas of the two coal fields.

For more information, see [here](#).

New Coal Distribution Policy amended

The Ministry of Coal amended the New Coal Distribution Policy which lays down guidelines

for the distribution and pricing of coal produced by CIL and other public sector coal miners.¹⁰⁰ This decision is expected to ensure supply of coal to power projects currently under implementation.

Under the previous policy, end users were issued Letters of Assurance laying down various milestones to be achieved. Upon successful achievement of these milestones, the inter-ministerial Standing Linkage Committee recommended that a Fuel Supply Agreement may be signed between the bidder and the coal miner. Failure to achieve these milestones led to automatic termination of the Letters of Assurance.

Various project developers had represented that often they are unable to achieve the milestones due to reasons beyond their control. Therefore, the Ministry has decided that the competent authority may, on the recommendation of the Standing Linkage Committee, extend the validity period of the Letters of Assurance in such cases.

Coal block auction methodology approved

In September 2013, the Ministry of Coal approved the auction of fully explored coal blocks through competitive bidding.¹⁰¹ Under the proposed methodology, a fast track auction has also been provided for further exploration of regionally explored blocks for two years.

The approved methodology provides for a production-linked payment along with an upfront payment to be made by successful bidders. The upfront payment is linked to the Net Present Value of the coal block calculated through a discounted cash flow method. In the case of power producers that have entered into long term power purchase agreements, the upfront price will be discounted by 90%. A bidder's failure to meet certain development linked milestones will result in relinquishment of the block without penalty.

Mining

Standing Committee report on the Mines and Minerals Bill, 2011

The Standing Committee on Coal and Steel submitted its report on the Mines and Minerals (Development and Regulation) Bill, 2011 in May

2013.¹⁰² The Bill seeks to consolidate and amend the law relating to the scientific development and regulation of mines and minerals.

Key recommendations of the Committee are:

- **Recommendation of the Gram Sabha:** Under the Panchayat Extension to Scheduled Areas Act, 1996, the prior recommendation of the gram sabha is required when a prospecting licence or a mineral concession is granted. The Committee suggested that effective consultation should be made mandatory. It also observed that a valid reason should be given in case the gram sabha's views are ignored and necessary amendments should be brought into the Act.
- **Payment to the District Mineral Foundation:** A holder of a coal or lignite mining lease will pay 26% of profits each year to the District Mineral Foundation, for the benefit of persons or families affected by mining related operations. The Committee recommended the amount should be equal to royalty paid during the financial year.
- **Competitive bidding:** Competitive bidding, and not first-come-first-serve, should be favoured for the grant of High Technology Reconnaissance and Exploration Licences, since it is for deep seated non bulk minerals and is specifically designed for areas where mineralisation is not known to the government.

For more information, see [here](#).

Power

CCEA permits pass-through of imported coal cost by power plants

The Cabinet Committee on Economic Affairs has approved a policy allowing power plants to pass-through higher costs of imported coal to customers.¹⁰³ The Ministry of Coal will amend the New Coal Distribution Policy, while the Ministry of Power will empower the Central Electricity Regulatory Commission (CERC) and State Electricity Regulatory Commissions to permit the pass-through of imported coal costs.¹⁰⁴ The CERC will specify a detailed mechanism to allow the pass-through of costs.

This policy will apply for coal imports through Coal India as well as imports undertaken by

power plants themselves. The pass-through mechanism is likely to raise tariffs for power plants set-up after March 31, 2009. The government will also aim to supply coal to power projects which are likely to be commissioned by March 2015, but currently lack coal linkages.

CERC approves compensatory tariffs for Tata Power and Adani Power

The CERC has approved compensatory tariffs for the Coastal Gujarat Power Ltd. (CGPL, a subsidiary of Tata Power Ltd.) and Adani Power Ltd. (APL).^{105,106} CGPL and APL have set-up coal-based power plants and signed long-term Power Purchase Agreements (PPAs) with utilities from various states. They subsequently acquired stakes in and signed long-term contracts with Indonesian miners for purchase of coal at discounted prices. A 2010 change in Indonesian regulations re-priced their coal import contracts upwards, rendering the PPAs economically unviable. Hence, both companies petitioned CERC for relief.

In April 2013, CERC decided to provide them compensatory tariffs over and above the PPA tariffs. A Committee constituted for this purpose submitted its report in October 2013. CERC's final order draws from the analysis of the Committee.

Key highlights of the order are:

- **Scope:** Compensatory tariff should be granted from the Scheduled Commercial Operation Date of the respective power plant.
- **Coal prices:** Compensatory tariffs should be based on the difference in prevailing coal prices and prices in the import contracts, and in APL's case exchange rate variation as well.
- **Contribution from the companies:** A part of the profit accruing to both companies from their Indonesian mines should be deducted from the compensatory tariff. The companies should also contribute 0.25%-1.00% Return on Equity towards reduction of compensatory tariff.
- **Sale of power to third party:** In case sales of power to third parties materialise, the profits could be shared between the buyer and the companies in the ratio of 60:40 with an incentive for higher generation.

Some of the buyers, including Punjab and Rajasthan utilities, have filed petitions with the

Appellate Tribunal for Electricity, challenging CERC orders.¹⁰⁷

Standing Committee report on implementation of the RGGVY

The Standing Committee on Energy presented its report on the implementation of the Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY) in December 2013.¹⁰⁸ The RGGVY was launched in 2005 to provide electricity access to every household through electrification of all villages.

Key observations and recommendations are:

- **BPL households:** The government should ensure that no genuine Below Poverty Line (BPL) family is deprived of free connection on account of discrepancies in BPL lists prepared by state governments and the Ministry of Rural Development.
- **Naxal areas:** The government should devise a tailor made plan to improve implementation of RGGVY in naxal-affected areas.
- **Quality of supply:** The government should incorporate adequate provisions regarding hours and timing of electricity supply to villages while approving the projects proposed by state government/utilities.
- **Delays:** Noting that the scheme has often missed its annual targets, the Committee recommended intense efforts to achieve the yearly as well as overall targets to prevent spill-over of projects to the next plan period.

For more information, see [here](#).

Standing Committee report on development of hydro-electric sector

The Standing Committee on Energy presented its report on the development of hydro-electric (hydro) sector in December 2013.¹⁰⁹ Key observations and recommendations are:

- **Hydro potential:** An urgent review of the hydro potential should be undertaken to factor in the additional data generated since the last (1978-87) review. Such studies should be conducted at regular intervals.
- **North East Region:** Taking note of the low level of development of hydro potential in the North East Region, the Committee recommended that projects in this region be accorded top most priority.

- **Need for a uniform platform:** There is a need for system where all approving agencies like the Central Electrical Authority, Central Water Commission, Ministry of Home Affairs, Ministry of Environment and Forests and Ministry of Defence, make a uniform platform for examining the project.
- **Hydro Policy 2008:** The Hydro Policy 2008 needs to be reviewed thoroughly, and new elements to make it more meaningful and sector friendly should be introduced.

For more information, see [here](#).

CERC notifies tariff regulations for 2014-2019 tariff period

The Central Electricity Regulatory Commission (CERC) has notified the tariff regulations for the period April 1, 2014 to March 31, 2019.¹¹⁰ These regulations will govern tariffs for central and inter-state projects related to electricity generation (thermal and hydro-electric) and transmission.

Key changes from previous tariff regulations are:

- **Tax treatment:** Unlike the previous policy of using statutory tax rate to determine tariffs, CERC will now use the actual tax rate.
- **Efficiency-incentives:** Efficiency incentives for a generation plant will now be based on actual generation instead of its readiness to generate. The efficiency incentive norms for transmission projects have been raised.
- **Sharing of incentives:** Power generators will have to share 40% of the benefits arising from lower-than-normative heat rate, fuel oil consumption and auxiliary consumption with buyers (versus no sharing previously).

Petroleum and Natural Gas

Government notifies Domestic Natural Gas Pricing Guidelines, 2014

The government notified the Domestic Natural Gas Pricing Guidelines, 2014 in January 2014.¹¹¹ The guidelines apply to all natural gas produced domestically, for the period April 1, 2014 to March 31, 2019. The guidelines are based on the recommendations of the Rangarajan Committee on pricing of domestically produced gas.¹¹²

Under the new guidelines, gas prices will be linked to the price of imported gas and market prices of gas in the USA, UK and Japan. These guidelines shall not apply to cases where: (i) prices have been fixed contractually for a certain period of time, (ii) the production sharing contract provides a specific formula for price indexation/fixation, or (iii) natural gas is produced from small/isolated fields in the nomination blocks of public sector companies.

Standing Committee report on economic impact of revision of natural gas price

The Standing Committee on Finance submitted its report on the economic impact of revision of natural gas prices in August 2013.¹¹³ In June 2013, the government approved a new gas pricing formula based on the recommendations of the Rangarajan Committee, for the period April 1, 2014 to March 31, 2019.¹¹⁴

Some of the observations and recommendations made by the Standing Committee are:

- **Rangarajan Committee formula:** The government should re-think elements in the pricing formula suggested by the Rangarajan Committee and impose a cap on the price suggested by the formula.
- **Impact on user industries:** The Committee expressed the view that the government needs to conduct a thorough study of impact of gas pricing on power, fertiliser, steel and small scale industries. Since gas pricing has implications for power tariffs, state governments also need to be consulted.
- **KG-D6 performance:** The Committee opined that the contractor responsible for supplying gas from the D6 gas field of the Krishna Godavari basin (KG-D6) should deliver the shortfall in supply at the original price and not be allowed to take advantage of an upward price revision.

For more information, see [here](#).

Standing Committee report on allocation and pricing of natural gas

The Standing Committee on Petroleum and Natural Gas presented its report on allocation and pricing of natural gas in December 2013.¹¹⁵

Key observations and recommendations are:

- **Gas production:** The Ministry of Petroleum and Natural Gas should prepare a

blue print to raise the production and supply of natural gas.

- **Power:** The government should provide clarity on availability of gas for power sector in the next five to ten years.
- **Benefits to states:** At least 50% of the gas produced should be supplied to the users located in the producing state. The Ministry should devise a policy for sharing the royalty from offshore fields with the concerned state.
- **Impact of price revision:** The impact on user industries, including their viability and government subsidies, should be considered while moving to market-linked gas prices.

For more information, see [here](#).

Kelkar Committee favours PSCs for deep offshore oil and gas blocks

The Kelkar Committee on reduction in import dependency in hydrocarbons submitted the first part of its report to the Ministry of Petroleum and Natural Gas in December 2013.¹¹⁶

The Committee has recommended continuing with the Production Sharing Contract (PSC) mechanism for deep offshore oil and gas blocks. However, it recommended adopting a revenue-sharing model for onshore and shallow offshore blocks. On the other hand, the Rangarajan Committee on review of the PSC mechanism had recommended adoption of a revenue-sharing model for all kinds of blocks.¹¹²

A PSC allows the licensees to recover all capital costs before sharing the profits with the government while the revenue-sharing model ensures payments to the government from the time of commencement of production.

Other recommendations of the committee include:

- The government should allow companies to bid for oil and gas blocks on offer anytime, instead of the current cyclical bidding policy.
- The role of the Ministry and the Directorate General of Hydrocarbons should be restricted to prudential and fiduciary oversight of the licensees.
- The financial oversight of licensees should be conducted by the Department of Income Tax.

- An income-tax holiday should be provided for production of all forms of hydrocarbons.

Railways

Government issues notification to set-up the Rail Tariff Authority

The government has decided to constitute a Rail Tariff Authority (RTA) through an executive order, under the administrative control of the Ministry of Railways.¹¹⁷ RTA shall comprise of a Chairperson and four members.

Key features of RTA are:

- **Functions:** The functions of RTA include: (i) developing a mechanism for the determination of railway tariffs, and (ii) advising the government on fixation of railway tariffs (including passenger fares and freight tariff) to generate requisite surplus for future growth.
- **Recommendations:** In case the government desires a revision of the tariffs proposed by RTA, it may send a reasoned note to RTA for reconsideration.
- **Finances:** The government will provide adequate grants to RTA to meet its expenses. RTA's accounts shall be audited by the Comptroller and Auditor-General of India.

Railways undertakes first FAC-linked revision of passenger fares

The Ministry of Railways undertook Fuel Adjustment Component (FAC) linked tariff revision for both passenger fares as well as freight tariffs in October 2013.¹¹⁸ This was the first instance of FAC-linked revision of passenger fares. The 2013-14 Railways Budget introduced the FAC for dynamic revision of passenger fares and freight tariffs, in accordance with changes in diesel and electricity costs. The revised passenger fares and freight tariffs came into effect from October 2013.

Civil Aviation

Civil Aviation Authority of India Bill, 2013 introduced

The government introduced the Civil Aviation Authority of India Bill, 2013 in Lok Sabha in August 2013.¹¹⁹ The Bill proposes to establish the Civil Aviation Authority of India (CAA), to replace the Directorate General of Civil Aviation (DGCA) as the civil aviation safety regulator. It will lapse with the dissolution of the 15th Lok Sabha.

According to the Statement of Objects and Reasons of the Bill, audits by the International Civil Aviation Organisation and the Federal Aviation Administration of the U.S.A emphasised the need to restructure DGCA and provide it with administrative and financial flexibility. Hence, the government decided to establish CAA as a separate legal entity, granting it adequate administrative and financial flexibility.

Key features of the Bill are:

- CAA shall be responsible for implementation of the Aircraft Act, 1934 and shall discharge all the duties currently assigned to the DGCA under that Act. It shall be responsible for safety oversight of air transport operators, airport operators, air navigation service operators and other civil aviation service providers.
- CAA shall also be responsible for environmental regulations for airports, airlines and other civil aviation activities and protection of consumer interests.
- CAA may collect fees and charges being collected by the DGCA under the Aircraft Act, 1934. It may also make regulations to levy fees or charges for safety oversight and surveillance functions and use of its facilities from air navigation service providers, passengers and air transport operators.

The Standing Committee on Transport, Tourism and Culture presented its report on the Bill in January 2014.¹²⁰ Key recommendations of the Committee related to a comprehensive review of the Aircraft Act, 1934; specifying circumstances under which the government can supersede CAA; and empowering CAA to create posts and select individuals without prior government approval.

Key recommendations of the Committee were:

- CAA may not be very different from DGCA in form and substance. Therefore, it should be created through a comprehensive legislation after reviewing the Aircraft Act, 1934.
- The circumstances under which the government can supersede CAA should be clearly specified in rules and regulations.
- The Selection Committee for the appointment of Chairperson, Director General and whole-time members should include at least three aviation experts.

For more information, see [here](#).

President gives assent to the Rajiv Gandhi National Aviation University Act, 2013

The Rajiv Gandhi National Aviation University Act, 2013 was passed by Parliament and received the President's assent in September 2013.¹²¹ The Act facilitates the establishment of the Rajiv Gandhi National Aviation University at Rae Bareilly in Uttar Pradesh. The University will be established as a central university under the administrative control of the Ministry of Civil Aviation.¹²² It will promote aviation studies, teaching, training and research and provide academic inputs to safety and security regulators.

Standing Committee report on privatisation of services at airports

The Standing Committee on Transport, Tourism and Culture presented its report on privatisation of services at airports in November 2013.¹²³

An Inter-Ministerial Task Force on airports had argued in its report that the Airport Authority of India (AAI) is unable to operate and manage Chennai and Kolkata airports due to inherent constraints of the public sector. It recommended awarding these airports, along with development of other airports, to a Public Private Partnership (PPP). The government subsequently identified 11 airports, including Chennai and Kolkata, for awarding under the PPP model.

Key observations and recommendations of the Committee are:

- **Chennai and Kolkata airports:** The Committee was unconvinced by the Ministry of Civil Aviation's explanation regarding award of Chennai and Kolkata airports under the PPP route. It did not concur with the

assertion that AAI is unable to exploit the non-aeronautical revenue potential, due to its inherent constraints.

- **Capability of AAI:** The Committee observed that AAI's operational efficiency can be assessed precisely only after it is allowed to manage and operate these airports.
- **Privatisation process:** The Committee censured the government for awarding the airport concessions to private parties, instead of strengthening AAI by giving it financial and administrative autonomy. It was especially dissatisfied with the decision to privatise airports, after using public funds for their modernisation.

For more information, see [here](#).

PAC report on performance of civil aviation industry

The Public Accounts Committee presented its report on the performance of civil aviation industry in February 2014.¹²⁴ The Comptroller and Auditor General (CAG) submitted a report on the same topic in September 2011.¹²⁵ Key recommendations of the Committee were:

- **Aircraft purchase:** The Committee was perturbed with the manner of Air India's decision to purchase 68 aircrafts in 2005, despite several concerns and recommendations to the contrary. It was disappointed that no cost benchmarks were set before initiating purchase negotiations.
- **Aircraft delivery:** Noting the delay in delivery of aircrafts purchased by Air India in 2005, the Committee recommended urgent steps to initiate the claims for liquidated damages from the manufacturer.
- **Human resource:** The Committee asked for the implementation status of the recommendations of the Dharmadhikari Committee set up to study the human resource issues arising from the merger of Air India and Indian Airlines.

For more information, see [here](#).

Ministry releases the Policy on Regional and Remote Area Air Connectivity

The Ministry of Civil Aviation issued the Policy on Regional and Remote Areas Air Connectivity in March 2014.¹²⁶ The Policy aims to improve

air connectivity to: (i) towns and cities with low air connectivity (Regional Air Connectivity), and (ii) areas with inadequate surface transport network (Remote Area Air Connectivity). It replaces the erstwhile Route Dispersion Guidelines mandating airlines to provide a minimum number of scheduled flights to remote areas and smaller towns and cities.¹²⁷

Key highlights of the Policy are:

- **Incentives:** Scheduled flights to specified regional and remote airports will be provided concessions on airport charges and ground handling. State governments will also be asked to provide incentives like reduction in VAT on aviation fuel and underwriting of seats.
- **Air Connectivity Fund:** An Air Connectivity Fund has been envisaged to provide long-term financial support for promotion of connectivity to remote and strategic areas.
- **Services to remote areas:** All scheduled airlines are required to operate at least 10% of their domestic capacity on routes to/from airports in remote areas and 1% on routes within remote areas. Remote areas include all airports in North East (except Guwahati and Bagdogra), Jammu and Kashmir (except Jammu), Andaman and Nicobar Islands, and Lakshadweep.

Shipping

Government announces new tariff determination guidelines for major ports

The government has announced new tariff guidelines for future projects at major (i.e. central government-owned) ports.¹²⁸ The guidelines shall apply to projects owned by the port trust as well Public Private Partnerships (PPP).

The tariffs for major ports are fixed by the Tariff Authority for Major Ports (TAMP), while other ports are free to fix their tariffs. The government expects the guidelines to align major ports' tariffs with market forces and encourage private sector investments in ports.

Key features of the guidelines are:

- TAMP will set a reference tariff for each commodity at every major port, along with relevant performance standards. Reference

tariffs will be based on prevailing rates under current guidelines. They shall be applicable for five years and will be indexed to the Wholesale Price Index.

- The indexed reference tariff shall serve as the tariff ceiling for the first year of operations. For subsequent years, a port trust/PPP project operator can propose higher tariffs on achievement of performance standards. TAMP shall not approve tariff hikes if the performance standards are not achieved.
- A stakeholder can approach TAMP for non-compliance with performance standards by the port trust/PPP operator. TAMP shall conduct an inquiry and issue relevant directions to the port trust/PPP operator.

Standing Committee reports on Bills amending the Merchant Shipping Act

The Standing Committee on Transport, Tourism and Culture presented its report on the Merchant Shipping (Amendment) Bill, 2013 in June 2013.¹²⁹ The Bill proposes to amend the Merchant Shipping Act, 1958 to adhere to the International Convention for the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS Convention). The AFS Convention is aimed at protecting the marine environment and human health from adverse effects of anti-fouling paints used to coat the underwater portion of ships.

Key recommendations of the Committee pertained to specifying a grievance redressal mechanism in the Bill, and having uniform standards in management and control of wastes for all pollution control boards.

The Standing Committee also presented its report on the Merchant Shipping (Second Amendment) Bill, 2013 in November 2013.¹³⁰ The Bill was introduced in Rajya Sabha in August 2013. It proposes to amend the Merchant Shipping Act, 1958, to bring it in conformity with the International Labour Organisation's Maritime Labour Convention, 2006 (MLC).

Key recommendations of the Committee were: (i) recognising trade unions as important stakeholders in decisions regarding payment, leave, compensation to seafarers, (ii) empowering the Shipping Master to penalise manning agents or ship owners for non-payment of wages to seafarers, and (iii) stricter penalties.

Telecom

JPC submits report on allocation and pricing of telecom licences and spectrum

The Joint Parliamentary Committee tasked with examining allocation and pricing of telecom licenses and spectrum submitted its report in the Lok Sabha in October 2013.¹³¹ The terms of reference of the Committee were to: (i) examine telecom policy and its interpretation by successive governments from 1998 to 2009; (ii) examine irregularities and aberrations, if any, and; (iii) make recommendations for the formulation of appropriate procedures for the implementation of laid down policy.

Key observations and recommendations made in the report included:

- The 2004 reduction in the license fee for Unified Access Services, as well as the migration package offered in 1999, caused a major loss to the exchequer;
- Advancing the cut-off date for 2008 allocations from October to September was not done in a transparent manner;
- The Department of Telecommunications had no mechanism in place to detect lapses in eligibility conditions;
- TRAI should be asked to conduct a comprehensive review of spectrum pricing.

The conclusions of the report were not unanimous: the draft report was adopted by the 30 member Committee by a 16-11 majority vote (3 members did not vote). Key concerns raised in the Minutes of Dissent were:

- The Committee did not examine several key witnesses, including the Prime Minister, the Minister of Finance and the then Minister of Communications and Information Technology.
- The report, while contesting CAG's presumptive loss estimates, fails to address the question of whether there was any loss to the exchequer in allocation of licences in 2008.
- The report asserts that the then Minister of Communications and Information Technology misled the Prime Minister. However, it does not examine why the Prime Minister did not stop the process of awarding licenses despite holding concerns about the process.

For more information, see [here](#).

TRAI releases recommendations on guidelines for spectrum trading

The Telecom Regulatory Authority of India (TRAI) released its recommendations on guidelines for trading of wireless spectrum in January 2013.¹³² Spectrum trading allows a telecom service provider to transfer the rights to use a spectrum to another service provider.

TRAI had suggested permitting spectrum trading in its September 2013 recommendations on valuation and reserve price of spectrum. The Department of Telecommunications in October, 2013 gave in-principle approval to permit spectrum trading.

Key recommendations on the guidelines were:

- A non-refundable transfer fee of 1% of transaction price or prescribed market price, whichever is higher, should be paid to the government.
- The buyer should remain in compliance with the applicable spectrum caps and is required to hold spectrum for at least two years.
- The buyer and seller should inform the Wireless Planning and Coordination Wing (WPC) six weeks before the trade. The guidelines specify situations where WPC may object to the trade and the time limits for responses by WPC, buyer and seller.

Auction of spectrum in 1800 MHz and 900 MHz bands concluded

The auction of 2G telecom spectrum in 1800 MHz and 900 MHz bands concluded after 68 rounds in February 2014.¹³³ Bids were received for all 22 circles in 1800 MHz band and 3 circles in 900 MHz band. The government expected the auction to result in revenues of Rs 61,162 crore, against a valuation of Rs 49,143 crore based on the reserve price.^{134,135,136}

Key features of the auction were; (i) auctioned spectrum will be valid for 20 years; (ii) block size was 200 KHz for the 1800 MHz band and 1 MHz for the 900 MHz band; (iii) total spectrum available was 46 MHz and 403.2 MHz in 900 and 1800 MHz bands, respectively; (iv) two year moratorium on payment of the balance amount, which shall be recovered in 10 equal annual instalments and; (v) in the 900 MHz band, all bidders will have to compulsorily bid for a minimum of five MHz spectrum.

A successful bidder has the option of paying in instalments. The upfront payment will be 33% of the final price for the 1800 MHz band and 25% for the 900 MHz band. Assuming all successful bidders choose to pay in instalments, the upfront receipts by government were expected to be Rs 18,350 crore.

Guidelines for transfer and merger of licences in case of Merger and Acquisition

The Department of Telecommunications notified the guidelines for the transfer and merger of telecom service licences in case of Merger and Acquisition (M&A) between two licensees.¹³⁷ Key features of the guidelines were:

- **Notifying the government:** The licensee(s) should notify the government for any M&A proposal. The government may send its comments and objections to the transaction within 30 days.
- **Time limit:** Licenses in different circles can be merged or transferred within one year of approval of the transaction by the concerned tribunal or court.
- **Price of spectrum:** If the transferor holds the spectrum assigned against payment of entry fees, the difference of market-determined spectrum price and entry fee will have to be paid to the government.

TRAI recommendations on improving telecom services in the North-East

The Telecom Regulatory Authority of India (TRAI) released its recommendations on improvement in telecom services in the North-East Region, in September 2013.¹³⁸

Key recommendations made were:

- **Delays in projects:** The projects funded by Universal Service Obligation Fund and National Optical Fibre Network should build-in severe penalty clauses for delays in their agreements with the contractors.
- **2G voice coverage:** In the first phase, voice services through 2G mobile networks should be extended to all block headquarters, towns and villages with populations above 250.
- **Incentives:** A telecom service provider which covers at least 80% of the habitations with population above 250 in the Assam and North East circles should be given a discount of 2% of annual revenues towards

the license fee. They should also be provided 75% of the satellite bandwidth charges as a subsidy from the Universal Service Obligation Fund.

- **Infrastructure sharing:** Power Grid Corporation of India Ltd and Bharat Sanchar Nigam Ltd should promptly lease their unutilised fibre network in the North-East Region to other interested service providers at reasonable rates.

Delhi High Court allows CAG Audit of private sector telecom service providers

The Delhi High Court ruled that the Comptroller and Auditor General (CAG) is empowered to audit the financial accounts of private sector Telecom Service Providers.¹³⁹ It added that the audit should be restricted only to revenue receipts of the service providers.

The TRAI and Director General of Audit, Post and Telecommunications in 2010 asked the service providers to furnish their books of accounts and other relevant documents for 2006-07, 2007-08 and 2008-09 to the CAG.

The service providers, through their industry associations, Cellular Operators Association of India and Association of Unified Telecom Service Providers of India, challenged the CAG's power to audit private sector entities. They argued that under Article 149 of the Constitution, the CAG is empowered only to audit statutory authorities, government companies or entities financed by the Union or the state.

The Court ruled that the CAG is obliged to audit accounts of any authority or body under any law made by Parliament. It held that under Article 266, the CAG is empowered to audit all revenues of the union government, including taxes, duties or other sources for the payment of the nation's expenses. Hence, the relevant provision in the CAG Act, 1971 and the TRAI Service Provider Rules, 2002 do not violate Article 149 of the Constitution.

TRAI recommendations on inter-circle mobile number portability

The Telecom Regulatory Authority of India (TRAI) released its recommendations regarding Mobile Number Portability across all telecom circles, throughout the country.¹⁴⁰ This system allows a subscriber to retain his mobile number when he migrates from one telecom service

provider (TSP) to another. Currently, a subscriber can migrate to another service provider only within the same circle. The country has been classified into two zones, with each zone served by a Mobile Number Portability Service Provider (MNPSPP). The MNPSPP acts as the interface between the Recipient Operator (the service provider to which the subscriber wishes to migrate) and the Donor Operator (subscriber's existing service provider).

Key recommendations were:

- The Recipient Operator should forward the migration request to the MNPSPP of the original Donor Operator's zone (i.e. zone of the service provider to which the number originally belonged before its first migration).
- The Department of Telecommunications should make the required changes in existing Mobile Number Portability licenses and instructions.

Standing Committee submits report on norms for the setting up of telecom towers

The Standing Committee on Information Technology presented its report on the norms for the setting up of telecom towers, their adverse health effects and setting up of security standards in February 2014.¹⁴¹ Key observations and recommendations were:

- **Uniform policy:** The Committee recommended that the central government re-examine the issue of the jurisdiction of Department of Telecommunications (DoT) versus local civic authorities for setting up of telecom towers. A national policy should be evolved to streamline procedural issues.
- **DoT guidelines:** The Committee noted that the Department's guidelines on grant of clearances for installation of telecom towers were merely advisory in nature. It recommended that the guidelines be made mandatory by giving them statutory backing.
- **Radiation:** The Committee recommended that the government conduct a scientific study on the concerns regarding health effect of radiations from telecom towers through a reputed government organisation. It asked the DoT to explore utilisation of low power radiating technologies in urban areas.

For more information, see [here](#).

Media

Standing Committee submits report on issues related to paid news

The Standing Committee on Information Technology presented its report on the “Issues Related to Paid News” in the Lok Sabha in May 2013.¹⁴² The Standing Committee report dealt with the definition and identification of paid news, reasons for its proliferation, its implications on the electoral process and existing mechanisms to deal with the problem.

While agreeing that media should be free from state control, the Committee urged the Ministry of Information and Broadcasting and other stakeholders to strengthen oversight and redressal mechanisms. Key observations and recommendations made by the Committee were; (i) to formulate a comprehensive and legal definition of ‘paid news’; (ii) mandatory disclosure of private treaties and periodic review of editor/journalist independence and wage conditions; (iii) having a unified regulatory body for print and electronic media or enhancing the powers of the Press Council of India to include electronic media and; (iv) endorsing the proposal to amend the Representation of the People Act, 1951 to include paid news as a corrupt practice.

For more information, see [here](#).

TRAI issues recommendations on guidelines for television rating agencies

The TRAI released its recommendations on guidelines for television rating agencies.¹⁴³ It had received a reference from the Ministry of Information and Broadcasting in August 2012, asking for comprehensive guidelines/accreditation mechanisms for rating agencies.

In India, television ratings are currently provided by only one agency. The criticism of the current system includes small sample size, inappropriate geographical representation, disproportionate weights, lack of transparent methodology, potential for manipulation of the respondents, lack of validation/audit, and conflicts of interest.

Key recommendations included: (i) agencies be regulated through the Ministry’s guidelines; (ii) all agencies be set up as a company under the Companies Act, 1956 and have a minimum net worth of Rs 20 crore; (iii) ratings as technology-neutral and representative of the audience; (iv) full disclosure and agencies to conduct quarterly

internal audits (as well as annual external audits) and; (v) issues of conflict of interest and cross-holdings were also noted by the Committee.

Information Technology

Ministry of Communications & IT notifies National Cyber Security Policy

The Ministry of Communications and Information Technology notified the National Cyber Security Policy 2013 in July 2013.¹⁴⁴

Key objectives of the Policy are to create a secure cyber ecosystem, strengthen the regulatory framework, reduce cyber security threats and increase resilience of the nation’s critical information structure.

To achieve these objectives the Policy proposes to implement certain strategies, some of which are listed below:

- Establish a round-the-clock National Level Computer Emergency Response Team as the designated national nodal agency for coordination on cyber security, supported by round-the-clock Sectoral Level Computer Emergency Response Teams;
- Implement a Cyber Crisis Management Plan to deal with incidents impacting critical processes, public safety or national security;
- Encourage all public and private organisations to appoint Chief Information Security Officers and implement information security policies;
- Develop a dynamic legal framework with provisions for periodic review and harmonisation with international frameworks, etc.

Cabinet approves National Policy on Universal Electronic Accessibility

The Cabinet approved the National Policy on Universal Electronic Accessibility in October 2013, which aims to eliminate discrimination on the basis of disabilities.¹⁴⁵ The Policy also seeks to facilitate equal and unhindered access to electronics and Information and Communication Technologies (ICT) products and services by differently-abled persons including providing local language support.

India ratified the United Nations Convention on the Rights of Persons with Disabilities in 2007.

The Convention requires signatories to take appropriate measures to ensure that persons with disabilities have equal access to the physical environment, transportation, ICT systems and other facilities and services provided to the public.

Key strategies envisaged under the Policy are:

- Creating awareness of universal electronics accessibility and universal design;
- Setting up of model electronic and ICT centres for providing training and demonstration to special educators and differently-abled persons;
- Developing programmes and schemes with greater emphasis on differently-abled women/children;
- Developing procurement guidelines for electronics and ICTs for accessibility and assistive needs.

Standing Committee submits report on Cyber Security

The Standing Committee on Information Technology presented its report on Cyber Crime, Cyber Security and Right to Privacy in February 2014.¹⁴⁶

Key recommendations of the Committee were:

- **Institutions to deal with cyber crime:** The Committee recommended the installation of a single, centralised body to deal with cyber crime. The current setup involves overlapping responsibilities of many departments, agencies and banks. Cyber crime cells should be constituted in each state, district and block, connected to a centralised system.
- **Shortage of manpower:** It suggested conducting extensive training programmes to overcome the shortage of security experts and auditors, and skilled IT personnel in the country.
- **Funding for research and development:** It expressed concern over budgetary cuts in the sector as large funds are needed for the development of strategic technologies.
- **Internal hosting:** Internet servers for critical sectors should be hosted within the country to ensure security.

For more information, see [here](#).



Development

Land and Housing

Land acquisition Bill passed by Parliament

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013 was passed by Parliament in September 2013.¹⁴⁷ The Act came into force in January 2014 and draft rules were notified in February 2014.

The Act seeks to regulate the process of acquiring land and provides for rehabilitation and resettlement of affected families. Key features of the Act are:

- **Public purpose:** The Act shall apply when land is acquired for 'public purpose'. This includes land acquisition for defence purposes, infrastructure development, housing for the poor, etc.
- **Consent:** Consent is not required for government projects. Private projects require the consent of at least 80% land owners. Public-private partnership projects require the consent of at least 70% land owners.
- **Social Impact Assessment (SIA):** Conducting an SIA is mandatory for all acquisition cases except irrigation projects where an Environmental Impact Assessment has already been done or those cases exempted under the urgency provision.
- **Review by Expert Group:** The SIA must be reviewed by an Expert Group. The government will examine the report of the Collector, if any, and the report of the Expert Group and recommend the area for acquisition.
- **Compensation:** Compensation for land shall be two to four times the market value of land in rural areas and two times the market value of land in urban areas.
- **Rehabilitation and Resettlement (R&R):** R&R will be given to all affected families, including land owners, and families whose livelihood is primarily dependent on the acquired land. R&R must be provided in case land is *purchased* (not *acquired*) by a private company, when the area to be

purchased is more than that specified by the state.

For more information, see [here](#).

Real Estate (Regulation and Development) Bill, 2013 introduced in Parliament

The Real Estate (Regulation and Development) Bill, 2013 was introduced in the Rajya Sabha in August 2013 by the Ministry of Housing and Urban Poverty Alleviation.¹⁴⁸ The Standing Committee on Urban Development submitted its report on the Bill in February 2014.

The Bill seeks to establish state level Real Estate Regulatory Authorities (RERAs) to regulate and develop the real estate sector and to ensure consumer protection. Key features of the Bill are:

- All residential real estate projects above a certain size and all real estate agents need to be registered with the state RERA. In case a project is developed in phases, each phase must be registered separately.
- On registration, the promoter must upload details such as the site and layout plan and schedule for completion on the website of the state RERA. Quarterly updates on the status of the project must be given.
- 70% of the amount collected from buyers for a project must be maintained in a separate bank account and only be used for construction in that project. The state government can alter this amount to less than 70%.
- Any decision of the state regulatory authority may be appealed to state level tribunals called Real Estate Appellate Tribunals.

For more information, see [here](#).

Registration (Amendment) Bill, 2013 introduced in Parliament

The government introduced the Registration (Amendment) Bill, 2013 in the Rajya Sabha in August 2013.¹⁴⁹ The Bill seeks to amend the Registration Act, 1908, which deals with registration of immovable property. Key features of the Bill are:

- Under the Act, it is not compulsory to register immovable property that is leased for less than one year. The amendment makes registration compulsory. Therefore, even property that is leased for less than one year must be registered.
- The amendment also specifies that immovable property can only be registered in the state within which it is located.

For more information, see [here](#).

Bill to acquire land for B.R. Ambedkar memorial introduced in Parliament

The Acquisition of Certain Area in Mumbai for Dr. Bhimrao Ambedkar Memorial Bill, 2014 was introduced in the Lok Sabha by the Ministry of Textiles in February 2014.¹⁵⁰ As this Bill was not passed by Parliament, it will lapse with the dissolution of the 15th Lok Sabha.

The Bill empowers the central government to acquire land in Mumbai from the National Textile Corporation Limited (NTCL) for the construction of a memorial to Dr. Bhimrao Ambedkar. The central government will pay NTCL Rs 45.7 crore.

The construction and management of the memorial will be done by the government of Maharashtra, or a trust or society appointed by it. However, the ownership of the property will remain with the central government.

For more information, see [here](#).

Food and Public Distribution

National Food Security Bill, 2013 passed

The National Food Security Bill, 2013 was passed in September 2013.¹⁵¹ It seeks to make the right to food and nutritional security a legal right by providing specific entitlements to certain groups. Key provisions of the Act are:

- **Categorisation of beneficiaries:** The Act covers 75% of the rural and 50% of the urban population. It categorises the eligible population into an Antyodaya Anna Yojana (AAY) group and a priority group. The AAY category will be as per existing norms (about 10% of all households) while the remaining will be priority households. The Act also provides entitlements for children and pregnant women.

- **Entitlements:** Under the Act, the AAY group receives 35 kg of foodgrain/family/month while the priority group receives 5 kg of foodgrain/person/month. Entitlements vary for other groups such as children and pregnant women.
- **Prices of foodgrains:** The Act sets a common price (Rs 3/kg, Rs 2/kg, and Re 1/kg for rice, wheat and coarse cereals, respectively) for both categories. The centre can revise prices after the first three years up to the minimum support price for the foodgrains.
- **Coverage and identification of beneficiaries:** The Act specifies that the centre shall determine the total number of persons to be covered in each state on the basis of population estimates as per the census. State governments will specify guidelines for the identification of priority households while AAY households shall be identified according to scheme guidelines.

For more information, see [here](#).

Cabinet approves partial decontrol of sugar

The Cabinet approved the partial decontrol of the sugar sector in April 2013.¹⁵² The sector was regulated with respect to: (i) cane reservation area and bonding, (ii) the minimum distance criterion, (iii) the pricing of sugarcane, (iv) levy sugar, (v) regulated release on non-levy sugar, (vi) trade policy, (vii) by products, and (viii) the packaging of sugar in jute bags. Of these regulations, controls on levy (PDS) sugar and regulated release have been removed although other restrictions still remain. The deregulations are provided below:

- **Levy or PDS sugar:** Every sugar mill mandatorily surrenders 10% of its production to the central government at a pre-determined price. This enables the centre to get access to low cost sugar stocks for distribution through the Public Distribution System (PDS). According to an expert group report headed by C. Rangarajan, the centre saves about Rs 3,000 crore on account of this policy—the burden for which is borne by the sugar sector.¹⁵³

This obligation has been done away with for sugar produced after September 2012. State governments will now procure their

requirement of sugar for PDS from the open market.

- **Regulated release of sugar:** The centre regulates the release of non-levy sugar and levy (PDS) sugar into the market through a controlled release mechanism. Currently, the release orders are on a quarterly basis. Sugar produced over the four-to-six month sugar season is, thus, sold throughout the year by distributing the release of stock throughout the year. The regulation was intended to match supply with anticipated demand.

This regulation has been removed. According to the Rangarajan report, the mechanism of regulated release of non-levy sugar imposed costs directly on mills. This adversely impacted the ability of mills to pay cane farmers in time.¹⁵³

For more information, see [here](#).

Standing Committee presents report on Bureau of Indian Standards (Amendment) Bill, 2012

The Standing Committee on Food, Consumer Affairs and Public Distribution presented its report on the Bureau of Indian Standards (Amendment) Bill, 2012 in August 2013.¹⁵⁴ The Bill was introduced in the Lok Sabha in May and will lapse with the dissolution of the 15th Lok Sabha.

The Bill seeks to amend the Bureau of Indian Standards Act, 1986. The Act establishes the Bureau of Indian Standards (BIS) for the harmonisation of standards, marking and quality certification of goods and processes.

The Bill aims to: (i) establish BIS as the national standards body; (ii) empower BIS to bring important products and services under the compulsory certification scheme; and (iii) allow self-registration by a manufacturer of a product to the relevant Indian Standard as an alternative mechanism to the compulsory certification regime.

Key recommendations of the Committee are:

- **Decentralisation of functions and strengthening of human resources:** The Committee recommended that BIS involve other institutions such as the Quality Council of India and accreditation boards to conduct surveys, inspection, and testing the quality of goods. This will reduce its

workload and help it focus on its primary responsibility of standards formulation. .

- **Need for grievance redressal forum:** The Committee recommended the setting up of a direct redressal forum under BIS, to exclusively deal with complaints and issues under the Bill.
- **Need for effective monitoring by BIS:** The Committee recommended the formulation of a well-devised policy on standards which should be properly implemented through regular market checks by BIS.

For more information, see [here](#).

Rural Development

Mahatma Gandhi National Rural Employment Guarantee Scheme

In November 2013, the Ministry launched the Kaam Maango Abhiyan in six districts, to increase awareness about the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) entitlements and increase participation.¹⁵⁵

In January 2014, the Ministry of Rural Development issued a directive to states to provide 150 days of work under MGNREGS for Scheduled Tribes living in forest areas.¹⁵⁶ The additional 50 days of employment, over the regular 100 days, will be given to individuals who have been given pattas under the Forest Rights Act, 2006.

The Comptroller and Auditor General and the Standing Committee on Rural Development submitted reports on MGNREGS in April and August 2014 respectively.¹⁵⁷ Key findings of both reports are outlined below.

Achievements: Achievements of the MGNREGS include: (a) ensuring livelihoods for people in rural areas, (b) large scale participation of traditionally marginalised sections, and (c) increasing the wage rate in rural areas.

Challenges: Key challenges include: (a) fabrication of job cards, (b) delay in payment of wages, (c) non payment of unemployment allowances, and (d) a large number of incomplete works. Additionally, there has been a 20% decline in per household employment generation in the last two years, from 54 days per year in 2009-10, to 43 days per year in 2011-12.

Recommendations: Major recommendations are: (a) making offences such as unlawful possession of job cards a punishable offence under the Act, (b) identification of special works for disabled persons, and (c) flexibility to state governments to undertake works suitable to the local context.

Cabinet approves changes to the National Rural Livelihoods Mission (Aajeevika)

The Cabinet approved certain changes to the National Rural Livelihoods Mission (NRLM) in May 2013.¹⁵⁸ NRLM aims to bring poor families above the poverty line by ensuring a sustained level of income over a period of time. This objective is achieved by organising the rural poor into self help groups (SHGs). Key changes to the scheme include:

- **Delinking target groups from BPL list:** NRLM target groups will be delinked from the BPL list. These target groups will now be determined through a process of Participatory Identification of the Poor (PIP) at the level of the community. The PIP process will have a set of exclusion criteria, automatic inclusion criteria and deprivation indicators to enable poverty ranking in a participatory manner.
- **Interest subvention to women SHGs:** At present, women SHGs can avail of loans up to Rs 3 lakh at an interest rate of 7% per annum. As per the changes to the scheme, women SHGs that repay loans in time will receive a 3% subvention, reducing the effective rate to 4%.

Standing Committee submits report on capacity building of PRIs

The Standing Committee on Rural Development submitted a report on the capacity building of Panchayati Raj Institutions (PRIs) in August 2013.

The Ministry of Panchayati Raj (MoPR) had earlier identified four areas concerning the capacity building of PRIs: (a) devolution of 3 Fs (functions, functionaries and finances), (b) availability of staff, (c) availability of infrastructure, and information and communications technology (ICT) and (d) training of elected members of panchayats.

The Committee made the following key observations and recommendations:

- **Role of panchayats:** Funds earmarked for expenditure on panchayats by different ministries should be brought under the MoPR so that the capacity building of Panchayats can be done in a systematic manner. The Constitution (One Hundred and Tenth Amendment) Bill, 2009 that seeks to increase the amount of reservation in panchayats for women from 33% to 50%, should be enacted at the earliest.
- **Schemes for capacity building of panchayats:** The role of panchayats should be clearly defined in centrally sponsored schemes. Schemes such as the Backward Region Grant Fund and Rashtriya Gram Swaraj Yojana should be strengthened.
- **Infrastructure:** Several states have not constructed 'Panchayat Ghars' to house gram panchayats. The Planning Commission should increase funds allocated for information and communication technology for panchayats. The Ministry should ensure computerisation of gram panchayats.

Estimates Committee submits report on National Social Assistance Programme

The Committee on Estimates submitted its report on the National Social Assistance Programme (NSAP) in February 2014.

The NSAP was launched in 1995 to provide social assistance to families below the poverty line, especially the aged, disabled, and widows. It consists of the following five schemes at present: (a) Indira Gandhi National Old Age Pension Scheme, (b) Indira Gandhi National Widow Pension Scheme (IGNWPS), (c) Indira Gandhi National Disability Pension Scheme (IGNDPS), (d) National Family Benefit Scheme, and (e) Annapurna Scheme. In 2012-13, it covered 3.06 crore beneficiaries at a cost of Rs 8,447 crore.

Key recommendations of the Committee include:

- **Pension:** The contribution of the central government to the pension amount under various schemes should be increased. The amount should be indexed to inflation and raised regularly in a phased manner.
- **Assistance to women:** At present, widows over 40 years are covered by the IGNWPS. The Committee recommended that IGNWPS cover all widows and that the pension amount be increased from Rs 300 to Rs 1,000 per month. It also recommended that

single women above 40 years and divorced women (unemployed, without alimony) be covered under the NSAP.

- **Assistance to disabled:** The IGNDPS defines a person with disability as anyone with more than 80% disability. However, the Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 defines a person with disability as anyone with more than 40% disability. The Committee recommended that the definition under the IGNDPS be changed in consonance with the Act.

For more information, see [here](#).

Urban development

Bill to regulate street vending passed by Parliament

The Street Vendors (Protection of Livelihood and Regulation of Vending) Bill, 2014 was passed by Parliament in February 2014. The Bill seeks to protect livelihood rights of street vendors and regulate street vending. Key features of the Act are:

- **Town Vending Committee (TVC):** A TVC will be established in each local authority to implement the provisions of the Bill.
- **Survey of street vendors:** The TVC shall conduct a survey of existing street vendors in its area and issue a certificate of vending to them.
- **Relocation of street vendors:** Relocation shall be avoided as far as possible and no street vendor shall be relocated without being given 30 days' notice. If street vendors fail to relocate, the local authority may seize the goods and they shall be liable to pay a fine of up to Rs 250 per day. The amount of the fine shall not be more than the value of the goods seized.
- **Plan for street vending:** The local authority shall prepare a plan every five years in consultation with the planning authority and TVC. It can differentiate between restriction-free-vending zones, restricted-vending zones and no-vending zones.
- **Scheme for street vendors:** A scheme shall be introduced within six months of the

commencement of the Act in order to implement the Act.

For more information, see [here](#).

Bill to repeal Delhi Control of Hotels Act introduced in Rajya Sabha

The Delhi Hotels (Control of Accommodation) Repeal Bill, 2014 was introduced in the Rajya Sabha in February 2014 by the Ministry of Urban Development.¹⁵⁹

The Bill seeks to repeal the Delhi Hotels (Control of Accommodation) Act, 1949. The Act empowers the Director of Estates, attached to the Ministry of Urban Development, to reserve up to 25% of accommodation in hotels in Delhi for government officials and others.

For more information, see [here](#).

SJSRY restructured as National Urban Livelihoods Mission

The Cabinet Committee on Economic Affairs approved the restructuring of the Swarna Jayanti Shahari Rozgar Yojana as the National Urban Livelihoods Mission (NULM).¹⁶⁰ NULM aims at reducing the poverty and vulnerability of urban households by enabling access to both self employment and wage employment. In addition, it aims at providing shelter to the urban homeless and securing livelihood rights of urban street vendors.

NULM will be operational from 2013 to 2022. In the 12th Five Year Plan, NULM will be implemented in all cities and district headquarters with a population of over 100,000 people as per the Census of India, 2011. The financing of NULM will be shared by the centre and states on a 90:10 basis for north-eastern and special category states and 75:25 basis for all other states.

Key components of the NULM include:

- Social mobilisation and institution development through the formation of Self-Help Groups,
- In order to provide technical support to NULM, Mission Management Units will be established at the central, state and city levels,
- Employment through skills training and placement,
- Self employment programme, and
- Support to urban street vendors.

Implementation phase of Rajiv Awas Yojana approved

The Rajiv Awas Yojana (RAY), which was launched in 2011, entered its implementation phase, following a two year preparatory phase.¹⁶¹ RAY envisages the creation of a 'slum free India' through: (a) bringing all existing slums within the formal system giving them access to basic amenities, and (b) redressing failures of the formal system that lead to the creation of slums. Key features of RAY are:

- **Objectives:** RAY provides support to state governments/union territories and central government agencies for providing housing, development of basic civic and social infrastructure and operation and maintenance of assets created under the scheme.
- **Implementation:** A two step implementation process is followed, beginning with the preparation of Slum-free City Plans of Action for the entire city, followed by the Detailed Project Reports for the selected slum areas. The scheme is applicable to all cities/urban agglomerations and the selection will be made by state governments.
- **Reforms:** Certain reforms in urban governance have been proposed relating to simplifying processes and procedures for the creation of affordable housing stock, facilitating inclusive planning and providing security of tenure. Some of these are mandatory.
- **Funding:** RAY was proposed to be implemented as an Additional Central Assistance programme for the financial year 2013-2014 and as a centrally sponsored scheme thereafter.

Health

Indian Medical Council (Amendment) Bill, 2013 introduced in Parliament

The Indian Medical Council (Amendment) Bill, 2013 was introduced in the Rajya Sabha in August 2013 to amend the Indian Medical Council Act 1956.¹⁶² The central government notified the Bill as an Ordinance on two occasions on May 23, 2013 and September 28, 2013.¹⁶³

The Act provides for the constitution of the Medical Council of India (MCI) to: (i) maintain

standards of medical education, (ii) give permission to start colleges, courses or increase the number of seats, (iii) recommend the recognition of medical qualifications, (iv) register doctors, and (v) regulate the profession of medical practitioners.

In addition, the Act allows the MCI can be superseded by a Board of Governors, constituted by the central government. Due to issues in the functioning of the MCI in May 2010, the MCI was superseded by a Board of Governors.

Key features of the Bill are:

- The Board of Governors are given an extension of 180 days so that it can exercise the functions of the MCI. Within this time period the central government has to reconstitute the MCI.
- The term of the MCI is for four years and the composition is changed to include more representation from the Union Territories.
- The conditions under which the central government can remove the President and Vice-President of the MCI are specified. These include among others, abusing his position in performance of the duties specified under this Act or willfully or without sufficient cause failing to comply with directions issued by the central government and in public interest.
- The power of the central government to direct the MCI on policy matters including amending and revoking regulations made by MCI is final.
- Overseas Citizens of India are allowed to practice medicine in India.

The Standing Committee on Health and Family Welfare submitted its report in November 2013.¹⁶⁴ The Committee was of the view that the Bill gave the central government sweeping powers to influence the functioning of the MCI that could affect its independent decision making and autonomy. The Committee agreed with the need for a regulatory mechanism to ensure that the MCI functions in the right manner, but disapproved of the central government controlling the autonomy of the MCI.

The Bill is pending in the Rajya Sabha.

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

Drugs and Cosmetics (Amendment) Bill, 2013 introduced in Parliament

The Drugs and Cosmetics Bill, 2013 was introduced in the Rajya Sabha in August, 2013.¹⁶⁵ The Bill amends the Drugs and Cosmetics Act, 1940 and changes the name of the Act to the Drugs, Cosmetics and Medical Devices Act, 1940.

The Bill proposes to change the regulation of import, export, manufacture, distribution and sale of drugs, cosmetics and medical devices to ensure safety, efficacy, and quality in clinical trials.

Key features of the Bill are:

- The Drugs Controller General of India has the power to issue, renew, suspend or cancel licences for import, export or manufacture of drugs, cosmetics or medical devices or permission for conducting clinical trials.
- The Drugs Controller General of India is also given the power to issue licenses for the manufacture, sale, and export of 17 categories of drugs. A Central Drugs Authority will regulate drugs and cosmetics, specify regulations for central and state drug licensing authorities, and periodically assess their functioning. The Authority will have the power to review, suspend or cancel any permission or license for manufacturing of drugs and cosmetics.
- The Bill defines medical devices and regulates the import, manufacture, sale, distribution, export, and quality of such devices. It also constitutes a Medical Device Technical Advisory Board to advise governments and the Central Drugs Authority on technical matters.
- Anyone conducting or initiating a clinical trial has to register with the Central Drugs Authority and get approval from an Ethics Committee registered with the Authority. Additionally, the Bill creates provisions for the medical treatment and compensation in case of injury or death of a person during participation in a clinical trial or due to it.

The Standing Committee on Health and Family Welfare submitted its report on the Bill in December 2013.¹⁶⁶ The Committee recommended that the Central Drug Authority be given adequate autonomy to discharge its functions and the Ministry of Health and Family Welfare avoid excessive regulation through rule

making powers. The Committee also recommended that exports be removed from the ambit of the Bill and that food supplements be brought under the Central Drugs Authority.

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

Mental Health Care Bill, 2013 introduced in Parliament

The Mental Health Care Bill, 2013 was introduced in the Rajya Sabha in August 2013.¹⁶⁷ The Bill repeals the Mental Health Act, 1987 and seeks to protect the rights of persons with mental illness and promote their access to mental health care.

Key features of the Bill are:

- Every person shall have the right to access mental health care and treatment from establishments run or funded by the government. The right includes affordable, good quality and accessible mental health services.
- A mentally-ill person shall have the right to make an advance directive that states how he wants to be treated for the illness during a mental health situation and who his nominated representative shall be. If a mental health professional/relative/care-giver does not wish to follow the directive while treating the person, he can make an application to the Mental Health Board to review/alter/cancel the advance directive.
- The Bill specifies the process to be followed for admission, treatment and discharge of mentally ill individuals. A person with mental illness shall make an independent decision to be admitted in a mental health establishment unless he is unable to make an independent decision or conditions exist to make a supported admission unavoidable.
- A person who attempts suicide shall be presumed to be suffering from mental illness at that time and will not be punished under the Indian Penal Code. Electro-convulsive therapy is allowed only with the use of muscle relaxants and anaesthesia. The therapy is prohibited for minors.

The Standing Committee on Health and Family Welfare submitted its report on the Bill in November 2013.¹⁶⁸ The Committee observed that several provisions in the Bill require government expenditure, yet the Financial Memorandum of the Bill does not estimate the

cost of implementing provisions in the Bill. The Committee suggested that states have limited resources and would require assistance from the central government. The Committee was of the view that the Insurance Regulatory Development Authority should ensure that all insurers make provisions for medical insurance for treatment of mental illness at par with treatment of physical illness.

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

HIV and AIDS (Prevention and Control) Bill, 2014 introduced in Parliament

The HIV and AIDS (Prevention and Control) Bill, 2014 was introduced in the Rajya Sabha in February 2014.¹⁶⁹ The Bill proposes to prohibit discrimination against persons with HIV or AIDS, provides for informed consent and confidentiality with regard to their status and treatment, places obligations on establishments to safeguard their rights, and creates mechanisms for redressing their complaints.

Key features of the Bill are:

- The Bill lists the grounds on which discrimination against HIV positive persons and those living with them is prohibited. These include the denial, termination, discontinuation or unfair treatment with regard to employment, education, health care, renting property and provision of insurance.
- The Bill requires that no HIV test, medical treatment, or research will be conducted on a person without his informed consent. No person shall be compelled to disclose his HIV status except with his informed consent, and if required by a court order.
- An ombudsman shall be appointed by each state government to inquire into complaints related to the violation of the Act and the provision of health care services.
- Cases relating to HIV positive persons shall be disposed of by the court on a priority basis. In any legal proceeding, if a HIV infected or affected person is a party, the court may pass orders that the proceedings be conducted (a) by suppressing the identity of the person, (b) in camera, and (c) to restrain any person from publishing information that discloses the identity of the applicant.

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

Food Safety and Standards (Amendment) Bill, 2014 introduced in Parliament

The Food Safety and Standards (Amendment) Bill, 2014 was introduced in the Rajya Sabha in February 2014.¹⁷⁰ The Bill amends the Food Safety and Standards Act, 2006.

The Act establishes the Food Safety and Standards Authority (FSSAI) to regulate the manufacture, storage, distribution, sale and import of food items.

Key features of the Bill are:

- Under the Act, FSSAI consists of a chairperson and 22 members. The Bill proposes to add the Chief Executive Officer as a member of FSSAI.
- The Act provides that one-third of the members of FSSAI shall be women. The Bill changes this provision to state that of the 10 members of FSSAI, representing the farmers, retailers, consumers, food scientists and technologists, one-third shall be women.

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

Transplantation of Human Organs & Tissues Rules notified

The Ministry of Health and Family Welfare notified the Transplantation of Human Organs & Tissues Rules, 2013 in March 2014.¹⁷¹ The Rules address provisions of the Transplantation of Human Organs Act, 1994 and Transplantation of Human Organs (Amendment) Act 2011.

The Transplantation of Human Organs Act, 1994 regulates the removal, storage and transplantation of human organs for therapeutic purposes and prohibits commercial trade in human organs. The Act was amended in 2011 to include donation of tissues, enhancing penalties for commercial trade, allowing organ swapping and making it mandatory for a doctor in Intensive Care Unit facilities to ask every patient or his near relative if he is willing to donate his body in case of death. Organ swapping is allowed to the extent that a pair of donor and recipient who are near relatives but whose organs do not medically match for transplantation, may swap organs with another such pair with approval from an authorisation committee.

The Rules detail the procedure to be followed for some of the provisions of the Act.¹⁷² These include the procedure to be followed for living

donors, donation from a brain stem dead donor, details in a national/state register of donors, and procedures to be followed for organ donation between non relatives (to ensure that the donation is not a commercial transaction).

Cabinet approves the National Urban Health Mission

The Cabinet approved the National Urban Health Mission as a scheme under the National Health Mission in May, 2013.¹⁷³ Until then the National Health Mission was composed only of the National Rural Health Mission (NRHM).

The Urban Mission will focus on primary health care needs of the urban poor by facilitating equitable access to quality urban health care, revamping the primary public health care system, involving community and urban local bodies and increasing outreach. The institutional mechanism and management systems under the NRHM will be strengthened to meet the requirements of the Urban Mission.

The scheme will be implemented in 779 cities and towns with a population of more than 50,000 and is expected to cover 7.75 crore people. The Ministry estimates the Urban Mission to cost approximately Rs 23,000 crore over a 5 year period with the central government covering about Rs 17,000 crore. The funding ratio between centre and states will be 75:25. For the north eastern states, Jammu and Kashmir, Himachal Pradesh and Uttarakhand, the ratio will be 90:10.

The Urban Mission will provide the following:

- One Urban Primary Health Centre for every 50,000 to 60,000 people
- One Urban Community Health Centre for five to six Urban Primary Health Centres in big cities
- One Auxiliary Nursing Midwife for a population of 10,000 people
- One Accredited Social Health Activist for 200 to 500 households.

According to the Ministry, under the Urban Mission the following outcomes are expected:

- Reduction in Infant Mortality Rate
- Reduction in Maternal Mortality Ratio
- Universal access to reproductive health care
- Convergence of all health related interventions.

Cabinet approves CSS for establishment of new medical colleges

In January 2014, the Cabinet Committee on Economic Affairs approved a centrally sponsored scheme for the establishment of new medical colleges attached with existing district hospitals.¹⁷⁴ The distance between the district hospital and the medical college should be within 10 kms.

The approval allows for the establishment of 58 new medical colleges with 100 MBBS seats each, by upgrading existing district hospitals. This will result in an increase of about 5,800 MBBS seats.

The central share in the scheme will be Rs 8,457 crore and the state/union territory share will be Rs 2,514 crore. The funding ratio between central and state governments will be 90:10 for special category states and 75:25 for all other states.

Health Ministry launches the Rashtriya Kishor Swasthya Karyakram

In January 2014, the Ministry of Health and Family Welfare launched the Rashtriya Kishor Swasthya Karyakram, a programme for adolescent health care.¹⁷⁵ According to the Ministry, the programme is expected to comprehensively address the health needs of more than 243 million adolescents, who account for about 21% of India's population.

The programme covers all adolescent boys or girls (between 10-19 years) in urban and rural areas and addresses their health and development requirements. These include mental health, nutrition, sexual and reproductive health, substance misuse, violence and non-communicable diseases. The program aims to:

- Reduce the prevalence of malnutrition and anaemia
- Improve knowledge, attitudes and behaviour in relation to sexual and reproductive health
- Improve birth preparedness, complication readiness and provide early parenting support for adolescent parents
- Address mental health concerns

The programme will be a component of the National Health Mission. Each state is expected to prepare a three year perspective plan for the period 2014-15 to 2016-17.¹⁷⁶

Cabinet clears the Bachelor of Science Community Health Programme

According to news reports in November 2013, the Cabinet has approved the Ministry of Health and Family Welfare's proposal to start a new three year Bachelor of Science Community Health Programme in state universities.¹⁷⁷ The three year programme is expected to create a specialised cadre of Community Health Officers who will be posted at rural sub-centres to provide basic health care.

In March 2013, the Standing Committee on Health and Family Welfare had opposed the introduction of the course and had recommended that the government address the shortage of health care professionals in rural areas in the following ways:¹⁷⁸

- Establish more medical colleges and increase the intake of MBBS graduates and mandate a compulsory one year rural posting for all medical graduates;
- Increase intake of nursing graduates in nursing schools and post more nursing graduates in rural sub-centres;
- Appoint graduates and post graduates in the Ayurveda, Yoga & Naturopathy, Unnani, Siddha and Homeopathy stream for service in rural areas.

Standing Committee observations on the Central Government Health Scheme

The Standing Committee on Health and Family welfare presented a report on the Functioning of Central Government Health Scheme (CGHS) in August 2013.¹⁷⁹

Launched in 1954, the CGHS provides comprehensive health care facilities to existing and former employees of the central government, sitting and former Members of Parliament and freedom fighters. The beneficiaries of the scheme access basic medical facilities like Out Patient Care at CGHS wellness centres and In-Patient Care and diagnostic facilities through government hospitals, and other CGHS empanelled hospitals/ diagnostic centres in 25 cities of the country.

The Committee identified areas affecting the functioning of the scheme and made recommendations to address them. The key observations and recommendations of the Committee are:

- The Committee observed a shortage of medical personnel at CGHS wellness centres and recommended that efforts be made to fill vacancies of medical officers, specialists and other paramedical staff.
- The Committee recommended that better facilities be provided at the CGHS wellness centres in terms of medical equipment, water, electricity, and cleaning staff.
- The Committee recommended that CGHS wellness centres be equipped with 24 hour emergency services. The Ministry should pilot the introduction of these services and then extend them to the rest of the country.

Supreme Court strikes down the common entrance test for medical courses

In June 2013, the Supreme Court struck down the notifications providing for the National Eligibility-cum Entrance Test (NEET) as a common entrance test for admission to MBBS, BDS and post-graduate courses in all medical colleges.¹⁸⁰

The Medical Council of India (MCI) in 2010 and Dental Council of India (DCI) in 2012 amended their regulations to provide that admission to these courses in government and private medical colleges be solely based on the results of the NEET. This implied that government and private medical institutions were prevented from conducting a separate examination for admitting students to the courses administered by them.

In judging the validity of the notification, the Court examined whether mandating a common entrance test for admission to medical courses violates the right of government and private institutions to administer admissions according to their own procedures. The Court held that that the notifications mandating NEET violate the rights of government and private institutions to establish, and administer educational institutions and admit students to courses conducted by them.

The Court also stated that under the relevant Acts, the role of the MCI and DCI is limited to prescribing standards that are uniformly applicable to medical colleges across the country to ensure quality in medical education. The MCI and DCI had no authority to extend their mandate to control the manner of admissions to medical courses in medical institutions across the country. The Court observed that earlier judgments have consistently held that the right to

admit students is an integral part of the right to administer an educational institution and cannot be interfered with except in cases of maladministration or lack of transparency.

Education

NITSER (Amendment) Bill, 2013 passed by Parliament

The National Institutes of Technology, Science Education and Research (Amendment) Bill, 2013 was passed by Parliament in February 2014.¹⁸¹

The Bill seeks to amend the National Institutes of Technology, Science Education and Research (Amendment) Act, 2007. The amendments relate to the following:

- **Incorporation of the Indian Institute of Engineering Science and Technology, Shibpur:** The Bill incorporates the Bengal Engineering and Science University, Shibpur, West Bengal under NITSER Act. It also changes the name of the university to the Indian Institute of Engineering Science and Technology, Shibpur.
- **Transitional provisions:** Old authorities will continue to function until a smooth transition is made from a state university to a national one.
- **Establishment of a common council:** A common council should be established for all institutes under Bill.

For more information, see [here](#).

UGC frames rules for regulating the entry of foreign universities

In September 2013, the University Grants Commission (UGC) notified the Promotion and Maintenance of Standards of Academic Collaboration between India and Foreign Educational Institutions Regulations, 2012.¹⁸² These regulations apply to all foreign and Indian educational institutions that operate or intend to operate in India through collaboration with each other (other than technical institutions).

The regulations state the following:

- In order to collaborate, the foreign and Indian educational institutions shall enter into a Memorandum of Understanding which has to have the prior approval of the UGC. The approval is valid for five years.

The UGC has the power to reject, extend or withdraw an approval.

- For a foreign educational institution to collaborate with an Indian institution, it has to be accredited with the highest grade in the home country, offer programmes of study in conformity with standards laid down by the UGC, and abide by any other condition laid down by the government and UGC. An Indian educational institution has to satisfy certain conditions in order to collaborate with a foreign educational institution. These include among others, grade B level accreditation by the National Assessment and Accreditation Council and five years' experience in offering degree and post graduate programmes, unless the institution is maintained by the government (centre or state) or the UGC.

The Foreign Educational Institutions (Regulation of Entry and Operations) Bill, 2010 was introduced in Parliament in May 2010 to regulate the entry and operation of foreign educational institutions seeking to impart higher education in India. For a PRS analysis of the Bill, see [here](#). The Bill will lapse upon the dissolution of the 15th Lok Sabha.

Committee established to recommend roadmap for universities for research and innovation

In August 2013, the central government set up a committee (HRD committee) to recommend changes to the Universities for Research and Innovation Bill, 2012 and suggest a roadmap for the establishment of such universities.¹⁸³ The Bill was introduced in Parliament by the Ministry of Human Resource and Development (MHRD) in May 2012 and will lapse upon the dissolution of the 15th Lok Sabha.

The Bill allows the central government to set up universities for research and innovation as well as give this status to existing universities. Every such university shall be deemed to be an institution of national importance.

For a PRS analysis of the Universities for Research and Innovation Bill, 2012 see [here](#).

The Standing Committee examining the Bill had made several recommendations on the provisions of the Bill. The HRD committee had been set up by the Ministry to examine the recommendations made by the Standing Committee, recommend changes to the Bill, and suggest a roadmap and

mechanisms to establish universities for research and innovation.

Standing Committee Report on National Institute of Design Bill, 2013

The Standing Committee on Commerce submitted its report on the National Institute of Design (NID) Bill, 2013 in August 2013.¹⁸⁴

The Bill was introduced in the Rajya Sabha in March 2013 and seeks to declare NID, Ahmedabad as an 'institution of national importance'. Presently, NID, Ahmedabad functions as an autonomous institution under the Ministry of Commerce and Industry offering graduate and post-graduate diploma programmes.¹⁸⁵ The Bill proposes to make NID, Ahmedabad a body corporate with the legal status of an institute.

The Committee made the following observations and recommendations:

- **New NIDs:** The Committee desired that the four new NIDs that are to be set up under the National Design Policy, 2007 also be conferred the same status as NID, Ahmedabad, by amending to the NID Bill. It also suggested that one NID each may be opened for every proposed National Investment and Manufacturing Zone.
- **Appointment of senior management:** The Committee recommended including the eligibility conditions for the appointment and removal of the Director of the Institute, and the selection process (for senior professors to be members of the Senate of the Institution) in the Bill. It should also be explicitly stated that the Chairperson of the Governing Council of the Institute should be an academician from the field of design.

For more information, see [here](#).

Indira Gandhi National University for Women Bill, 2013 introduced

The Indira Gandhi National University for Women Bill, 2013 was introduced in the Lok Sabha in August 2013.¹⁸⁶ The Standing Committee on Human Resource Development submitted its report on the Bill in January 2014. The Bill seeks to establish and incorporate a central university in the district of Raebareli, Uttar Pradesh. Key features include:

- The University shall provide: (i) higher education and research opportunities for

women; (ii) courses in various disciplines including humanities, sciences, engineering, technology, vocational education, and; (iii) opportunities for the intellectual and academic development of women.

- The Bill specifies authorities of the University that would prescribe the manner of admissions, courses of study, grant of degrees, diplomas and certificates, establishment and management of faculty, departments and centres, co-operation and collaboration with other universities, fees to be charged and grievance redressal mechanisms for employees.

The Standing Committee submitted its report in January 2014. It made the following recommendations:

- The Committee noted a lack of quality faculty and recommended addressing this issue by means of establishing coaching centres, providing research fellowships, etc. Special attention should be paid to disadvantaged groups and minorities and they should be included while overcoming this shortage.
- It observed the need to establish mechanisms to provide representation to all classes and groups of women equally.

For more information, see [here](#).

Standing Committee submits report on the Central Universities (Amendment Bill), 2012

On September 6, 2013, the Standing Committee on Human Resource Development submitted its report on the Central Universities (Amendment) Bill, 2012.¹⁸⁷ The Bill was introduced in the Lok Sabha in November 2012 to amend the Central Universities Act, 2009. It allows for the establishment of universities for teaching and research in various states. The Bill seeks to allow for the establishment of two central universities in Bihar to be known as the Central University of South Bihar and the Central University of North Bihar. The locations of the universities were to be Motihari and Gaya, respectively.

Key recommendations of the Committee were:

- The Committee noted that according to the Financial Memorandum of the Bill, Rs 240

crore was approved under the Eleventh Plan for the Central University of Bihar. As this allocation will have to be split between the Central University of South Bihar and the Central University of North Bihar, the Committee recommended that adequate funds be provided to both universities.

- The Committee expressed concern over the lack of infrastructure in newly established central universities such as a well-structured building, shortage of teachers, library, laboratories and hostel facilities. The Committee recommended a vigorous monitoring mechanism to expedite the process of building infrastructure at the proposed universities.

For more information, see [here](#).

Nalanda University (Amendment Bill), 2013 introduced

The Nalanda University (Amendment Bill), 2013 was introduced in the Rajya Sabha on August 26, 2013 by the Ministry of External Affairs. The Standing Committee on External Affairs submitted its report on December 17, 2013.¹⁸⁸ The original Act established Nalanda University in Bihar as a result of decisions taken at the East Asia Summits.

Key features of the Bill were:

- Under the Act, the University is a non-profit public-private partnership, supported by each member country as well as other sources. The Bill amends the Act to provide for the central government to meet the university's capital and recurring expenditure to the extent required.
- The powers of the University are amended to include the power to set up a consortium of international partners to meet the objectives of the University, and appoint persons working in any other University or academic institution, including those located outside India, as faculty of the University.
- The size of the governing board of the University is being increased to include two persons of eminence and two members from the academic faculty of the University. The Bill also makes provision for the appointment of deans and provosts.

The Standing Committee stated in its report that it largely supported and agreed with the amendments proposed.

For more information, see [here](#).

Standing Committee submits report on Indian Institutes of Information Technology Bill, 2013

The Standing Committee on Human Resource Development submitted its report on the Indian Institutes of Information Technology (IIIT) Bill, 2013 in December 2013.¹⁸⁹ The Bill was introduced in the Lok Sabha in March 2013. It sought to establish twenty new IIITs and also declare the existing four IIITs as institutions of national importance.

The key recommendations of the Standing Committee were:

- **Provisions in case of withdrawal of industry partner or violation of MoU:**
The Bill provides for the establishment of IIITs in a public-private partnership (PPP) mode. It provides for the identification of an industry partner, criteria for the proposal to set up an IIIT and the signing of a Memorandum of Understanding (MoU) by the central and state governments and the industry power. The Committee recommended that the Bill provide for situations in case the industry partner withdraws from the joint partnership or in case of any violations of the terms and conditions of a MoU. It recommended provisions for penalties for such contraventions.
- **Establishment of centrally funded IIITs:**
The Committee observed that the governance structures of centrally funded versus PPP mode IIITs cannot be uniform. With respect to PPP mode IIITs, the central and state governments are the major and the industry partner is the minor stakeholder. With centrally funded IIITs, the central government is the major and the state government, the minor stakeholder. The Committee recommended a review of related provisions to remove any ambiguity in the management of both categories of IIITs.

The IIIT Bill will lapse with the dissolution of the 15th Lok Sabha.

For more information, see [here](#).

Cabinet approves Rashtriya Uchhatar Shiksha Abhiyan

In October 2013, the Cabinet approved a new centrally sponsored scheme in higher education, i.e. Rashtriya Uchhatar Shiksha Abhiyan (RUSA).¹⁹⁰ The scheme will be implemented through the Twelfth and Thirteenth Plan period. The scheme focuses on state higher educational institutions and proposes to reach 316 state public universities and 13,024 colleges. It is also expected to improve the Gross Enrolment Ratio in these institutions from 19% currently, to 30% by 2020.

The key objectives of the scheme are as follows:

- Improve the quality of existing state higher educational institutions by ensuring compliance with quality norms and standards, including accreditation;
- Correct regional imbalances in access to higher education through high quality institutions in rural and semi-urban areas;
- Improve equity in higher education by providing adequate opportunities for women, minorities, Scheduled Castes, Scheduled Tribes, Other Backward Classes, and disabled persons;
- Integrate skill developments efforts of the government with the conventional higher education system.

The funding for the scheme will be provided by the central and state governments in the ratio of 65:35 for most states and union territories, 90:10 for north-eastern states and Jammu & Kashmir, and 75:25 for special category states.

UGC task force releases report on gender sensitisation and women's safety on campuses

The University Grants Commission set up a task force that reviewed the measures for ensuring safety of women on campuses and programmes for gender sensitisation. The report of the task force was released in February 2014.¹⁹¹

Key recommendations of the task force included:

- Establishment of a gender sensitisation unit and the development of a handbook on gender sensitization and sexual harassment;
- Mandatory requirement for all members of higher educational institutions to undergo processes of gender sensitisation;

- Formulation of guidelines for dealing with cases of sexual harassment.

Women and Child Development

Standing Committee submits report on the Indecent Representation of Women (Prohibition) Amendment Bill, 2012

In September 2013, the Standing Committee on Human Resource Development submitted its report on the Indecent Representation of Women (Prohibition) Amendment Bill, 2012.¹⁹² The Bill was introduced in the Rajya Sabha in December 2012 and seeks to amend the Indecent Representation of Women (Prohibition) Act, 1986, which prohibits indecent representation of women through advertisements or publications, writings and paintings (primarily the print media). The Bill is currently pending in the Rajya Sabha.

The Bill seeks to widen the scope of the Act to cover new forms of communication and prohibits the publication or distribution of any material, which contains indecent representation of women.

- The Bill defines “indecent representation of women” as the depiction, publication or distribution of the figure or form of a woman in such a way that it has the effect of being indecent or derogatory or is likely to affect public morality. The Committee viewed this definition as vague and subject to interpretation and recommended that an expert body should decide on the issue of whether any content/material is objectionable or not.
- The Bill amends the definition of “advertisement” to include all types of media (printed and electronic). The Committee recommended that the definition be expanded to include all forms of advertisements through any medium such as digital, electronic SMS, MMS and hoardings.
- The Bill enhances penalties for various offences. The Committee observed that the penalties for the offences as proposed in the Bill and the Information Technology Act, 2000 are different and should be brought in consonance with each other.

For more information, see [here](#).

Cabinet approves the National Policy for Children, 2012

In April 2013 the Cabinet approved the National Policy for Children, 2012.¹⁹³ The 2012 Policy replaces and expands the National Policy on Children, 1974. According to the Ministry, the 1974 policy needed to be reviewed and aligned with the current and projected needs of children in India and with international conventions such as the United Nations Convention on the Rights of the Child.¹⁹⁴

The 2012 Policy lays down the principles that should guide policies and programmes on children framed by national, state and local governments. The Policy recognises every individual below the age of 18 years as a child.

The key features of the Policy are:

- Every child will have the undeniable right to life, survival, health, nutrition, education, development, protection and participation. All children will have equal rights without discrimination.
- The Policy aims at: (i) coordination across different sectors and levels of government; (ii) active engagement and partnerships with all stakeholders; (iii) setting up of a comprehensive and reliable knowledge base; (iv) provision of adequate resources; (v) and sensitisation and capacity development of all those who work for and with children.
- A National Plan of Action will be developed to give effect to the policy. The National and State Commissions for Protection of Child Rights will be established.

Cabinet approves the National Early Childhood Care and Education Policy

In September 2013, the Cabinet approved the addition of certain features to the National Early Childhood Care and Education Policy.¹⁹⁵ The Policy focuses on early preschool learning for every child below the age of six years and seeks to provide them with opportunities for development, preschool education and building learning capacity.

According to the Ministry, the Policy is expected to target 158.7 million children under the age of six years who need holistic and integrated early childhood care. The key features of the Policy are:

- The National and State Early Childhood Care and Education Councils will implement and monitor the Policy.
- A National Early Childhood Care and Education Curriculum Framework and Quality Standards will be developed and then implemented by states and union territories.
- The Ministry of Women and Child Development is delegated with the power to make necessary changes to the Policy.

Youth Affairs

Cabinet approves the National Youth Policy 2014

In January 2014, the Union Cabinet approved the National Youth Policy 2014, which replaces the 2003 Policy currently in force.¹⁹⁶ The Policy covers everyone between the age group of 15-29 years who constitute 27.5% of India's population. It provides a framework for interventions by the government and other stakeholders to enable the youth to realise their full potential.

The priority areas suggested in the Policy include education, skill development and employment, entrepreneurship, health, sports, etc.

According to the Ministry, the interventions proposed in the Policy are consistent with the priorities highlighted in the 12th Plan and therefore do not propose any specific programmes or schemes, with financial implications. Relevant ministries and departments are expected to focus on youth issues within their programmes and schemes.

Labour

Cabinet approves extension of Rashtriya Swasthya Bima Yojana to other groups

In June 2013, the Cabinet approved the extension of the Rashtriya Swasthya Bima Yojana (RSBY) to rickshaw pullers, rag pickers, mine workers, sanitation workers, auto-rickshaw and taxi drivers.¹⁹⁷ Implemented by the Ministry of Labour and Employment, the RSBY was launched in 2007-08 with the objective of providing a health insurance cover of Rs 30,000

per year to Below Poverty Line (BPL) families in the unorganised sector.

Currently the RSBY covers street vendors, beedi workers, domestic workers, building and other construction workers, and MGNREGA workers who have worked more than 15 days during the previous year. The scheme is implemented through a smart-card based system.

As of March 2013, more than 3.44 crore BPL families were enrolled under the scheme.¹⁹⁸ The additional number of unorganised workers estimated to be covered under RSBY is given below.

Table 9: Additional unorganised workers to be covered under RSBY

Type of unorganised workers	Number (in lakhs)
Rickshaw drivers/pullers	13.68
Rag pickers	11.63
Mine workers	17.79
Sanitation workers	10.08
Auto rickshaw /taxi drivers	35.39
Total	88.57

Sources: Press Information Bureau; PRS.

The extension of RSBY to the above mentioned groups is expected to incur Rs 420 crore (2014-15 onwards).

Standing Committee submits report on Building and Other Construction Workers Related Laws (Amendment) Bill

The Building and Other Construction Workers Related Laws (Amendment) Bill, 2013 was introduced in the Rajya Sabha by the Minister of Labour and Employment in March 2013.¹⁹⁹ The Standing Committee on Labour submitted its report on the Bill in March 2014.

The Bill amends two laws i.e. the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and the Building and Other Construction Workers' Welfare Cess Act, 1996. It allows state governments to file complaints for contravention of provisions of these Acts.

Some of the key recommendations of the Committee were: (i) to adopt wide publicity of any construction work undertaken by local authorities, panchayats, etc, to motivate workers to come forth and register; (ii) registering and issuing identity cards to all construction workers, irrespective of their status; (iii) only workers with minimum 90 days work should be

registered so as to avoid non-entitled entrants; (iv) a grievance redressal mechanism should be provided to aggrieved workers.

For more information, see [here](#).

Standing Committee submits report on the Child Labour Amendment Bill, 2012

The Standing Committee on Labour and Employment submitted its report on the Child Labour (Prohibition and Regulation) Amendment Bill, 2012.²⁰⁰ The Bill was introduced in the Rajya Sabha in December 2012. The Bill seeks to amend the Child Labour (Prohibition and Regulation) Act, 1986, to prohibit employment of children below 14 years in all occupations. It introduces a new category 'adolescent', aged between 14 and 18 years, and bans their employment in hazardous processes.

Key observations and recommendations of the Committee related to working conditions, hazardous processes, leniency towards poor parents, and vigilance and monitoring committee's in each district.

For more information, see [here](#).

Standing Committee submits report on Employment Exchanges Bill, 2013

The Standing Committee on Labour submitted its report on the Employment Exchanges (Compulsory Notification of Vacancies) Amendment Bill, 2013 in February 2014.²⁰¹ The Bill was introduced in the Rajya Sabha in April 2013.

The Bill amends the Employment Exchanges (Compulsory Notifications of Vacancies) Act, 1959. The Act makes the notification of certain vacancies to employment exchanges compulsory.

The key recommendations of the Committee included; (i) making the Bill more comprehensive and including the provision of one stop placement solutions for the unemployed; (ii) a more inclusive definition of an employee and; (iii) more transparency and better regulation of private placement agencies.

For more information, see [here](#).

Environment

Amendments to the Wild Life Protection Act introduced

The Wild Life (Protection) Amendment Bill, 2013 was introduced in the Rajya Sabha in August 2013.²⁰² The Bill has been referred to the Standing Committee on Environment and Forests. The Bill seeks to amend the Wild Life (Protection) Act, 1972.

According to the government, India is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and amendments to the Act are necessary for India to fulfil its obligations under the CITES.

The key amendments proposed by the Bill are:

- The manufacture, sale, transport or use of animal traps except for educational and scientific purposes (only with prior permission) is prohibited.
- Under the Act, destruction, exploitation or removal of any wildlife including forest produce from a sanctuary is not allowed without a permit. The amendment allows certain activities such as grazing or movement of livestock, bona fide use of drinking and household water by local communities, and hunting under a permit.
- Provisions to regulate international trade in endangered species of wild fauna and flora as per the CITES have been inserted. A schedule listing out flora and fauna for purposes of regulation of international trade under CITES has been added.
- The term of punishment and fines for commission of offences under the Act have been increased.

For more information, see [here](#).

Report and draft notification on Eco-Sensitive Area in Western Ghats

The High Level Working Group (HLWG) on the Western Ghats submitted its report in April 2013.²⁰³ It recommended that 60,000 sq km of the Western Ghats, spanning Goa, Gujarat, Karnataka, Kerala, Maharashtra, and Tamil Nadu be declared an Ecologically Sensitive Area (ESA) resulting in the prohibition and regulation of certain activities in the area. These include mining, quarrying, establishing certain

industries, and construction of projects above a specified size.

The Ministry of Environment and Forests (MoEF) accordingly issued a draft notification in March 2014. It declared approximately 57,000 sq. km. of the Western Ghats as an ESA.²⁰⁴ State governments were invited to send suggestions by May 2014.

Supreme Court directs government to set up a green regulator

In 2011, the Supreme Court had mandated that a national regulator be appointed for appraising projects, enforcing environmental conditions for approvals and imposing penalties on polluters.²⁰⁵ The Ministry of Environment and Forests had filed a petition to reverse the same. As per news reports, in January 2014, the Supreme Court rejected the petition and directed the government to appoint an environment regulator.²⁰⁶

Streamlining process of environment and forests clearances for hydro projects

The Ministry of Environment and Forests streamlined the process of granting environment and forest clearances for hydro and river valley projects in May 2013.²⁰⁷ At present, these clearances are granted by the Expert Appraisal Committee (EAC) and the Forest Advisory Committee (FAC) respectively.

The EAC and FAC function under two different Acts, the Environment Protection Act, 1986 and Forest (Conservation) Act, 1980. However, there are certain issues that may need the consideration of both the Committees. The Ministry has now identified parameters that will be looked into by each Committee to avoid duplication of effort by the Committees. Based on the composition and expertise of the EAC and FAC, the Ministry has decided the following:

- **Environmental flow of the river:** This aspect may be considered by EAC alone and the outcome shared with FAC.
- **Biodiversity:** A study of a project's impact on bio-diversity is to be undertaken by specialised institutes. The developers of a project would choose from a list of such institutes put up by the MoEF. The terms of reference of the study would be prepared by the EAC and input would be sought by the FAC. The study would be shared with the EAC and FAC.

- **Carrying capacity study:** State governments will have to get a scientific assessment of the carrying capacity of the river basin done by institutes identified in consultation with the EAC. This study will be made a pre-requisite for considering environment and forest clearances for projects in any basin.
- **Cumulative Impact Study:** The EAC will be responsible for ensuring that a cumulative impact study of the river basin is conducted. While it may not be necessary for the first project in a basin, subsequent hydro power projects in the basin would require this assessment. The results of the study should be shared by EAC with FAC.

Water Resources

Standing Committee submits report on the Ganga Flood Control Commission

The Standing Committee on Water Resources submitted its report on a review of the Ganga Flood Control Commission in February 2014.²⁰⁸ The Ganga Flood Control Commission was set up in 1972 to deal with floods in Ganga basin states. The Committee's recommendations pertained to: (i) a comprehensive policy to ensure the judicious and efficient utilisation of the Ganga waters, (ii) a comprehensive state-wise database on the usage of water for drinking and irrigation, and (iii) facilitation of water storage in upper catchment areas.

For more information, see [here](#).

Social Justice

Bill to prohibit manual scavenging passed by Parliament

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2013 was passed by Parliament in September 2013.²⁰⁹ It came into force in December 2013. The Act prohibits the employment of manual scavengers, the manual cleaning of sewers and septic tanks without protective equipment, and the construction of insanitary latrines. Key features of the Act are:

- **Definitions:** A “manual scavenger” is a person who manually cleans or disposes of human excreta in an insanitary latrine, an

open drain, or a railway track. An “insanitary latrine” requires human excreta to be cleaned manually.

- **Survey of insanitary latrines:** Each local authority, cantonment board and railway authority is responsible for surveying insanitary latrines within its jurisdiction. They shall also construct sanitary community latrines.
- **Conversion or demolition of insanitary latrines:** Each occupier of insanitary latrines shall be responsible for converting or demolishing the latrine at his own cost. If he fails to do so, the local authority shall convert the latrine and recover the cost from him. State governments may provide assistance to occupiers for converting latrines. However, non-receipt of assistance shall not be a valid ground to use an insanitary latrine beyond nine months of the law in force.
- **Identification and rehabilitation of manual scavengers:** All persons listed as manual scavengers shall be rehabilitated with a one-time cash assistance, scholarship for their children, and a residential plot with financial assistance for constructing a house. One adult member of the family will be trained in a livelihood skill and given a monthly stipend of at least Rs 3,000 during training. A subsidy and concessional loan shall also be given for taking up an alternative occupation.

For more information, see [here](#).

Bill to amend SC and ST (Prevention of Atrocities) Act, 1989 introduced

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2013 was introduced in the Lok Sabha by the Ministry of Social Justice and Empowerment in December 2013.²¹⁰ The Bill seeks to amend the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. As the Bill was not passed by Parliament, it will lapse with the dissolution of the 15th Lok Sabha. The central government promulgated an Ordinance in March 2014, to give effect to the provisions of the Bill.²¹¹ The key amendments relate to:

- **Addition of categories of atrocities:** The Bill adds new categories of actions to be treated as offences against SCs and STs including: (a) making an SC/ST individual do manual scavenging, (b) imposing a social or economic boycott on an SC/ST individual or

preventing the individual from availing public services, and (c) preventing an SC/ST individual from using common property resources, entering places of worship, educational institutions, etc.

- **Modification and addition of definitions:** The Bill clarifies the meaning of ‘wrongful’ in the context of wrongful occupation of land of SC/STs. It adds definitions of economic and social boycott, victim, witness, etc and defines ‘consent’ in considering non-consensual actions of a sexual nature against SC/ST women.
- **Establishment of Exclusive Special Courts:** State governments must establish an Exclusive Special Court for one or more districts to try offences under the Act.
- **Rights of victims and witnesses:** The Bill adds a chapter on the rights of victims and witnesses. It specifies that it shall be the responsibility of the state to make arrangements for the protection of victims, their dependents and witnesses.
- **Modifications in the role of public servants:** The Bill specifies the duties of public servants with regard to SC/STs, including: (a) registering a complaint or FIR, (b) conducting the investigation and filing the charge sheet in the Exclusive Special Courts or Special Courts within 60 days, etc.

For more information, see [here](#).

Bills to amend lists of Scheduled Tribes and Scheduled Castes introduced in Parliament

In December 2013, the Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2013 was introduced in the Lok Sabha by the Ministry of Tribal Affairs.²¹²

The Bill adds new communities to the list of Scheduled Tribes in Tamil Nadu and Chhattisgarh. It adds: (a) Narikovan community, grouped with Kurivikkaran community to the list of Scheduled Tribes in Tamil Nadu, and (b) the Dhanuhar and Dhanuwar communities as synonyms of Dhanwar, which is already recognised as a Scheduled Tribe in Chhattisgarh, to the list in Chhattisgarh.

For more information on this Bill, see [here](#).

In February 2014, the Constitution (Scheduled Castes) (Amendment) Bill, 2014 was introduced in the Rajya Sabha by the Ministry of Social

Justice and Empowerment.²¹³ It adds the following communities to Scheduled Castes list:

- (i) **Haryana:** Kabirpanthi Julaha
- (ii) **Karnataka:** Od, Odde, Vaddar, Waddar, Voddar, Woddar, Bovi (Non Besta), Kalluvaddar, and Mannuvaddar
- (iii) **Odisha:** Rajak, Rajaka, Adhuria Dom, Adhuria Domb, Khatia, Sapua Kela, Nalua Kela, Sabakhia Kela, Matia Kela, Gaudia Kela, Khadal, Khodal and Betra
- (iv) **Dadra and Nagar Haveli:** Rohit

For more information on this Bill, see [here](#).

Amendments in list of OBCs in 13 states and three UTs approved by Cabinet

The Cabinet gave its approval for making amendments to the central list of Other Backward Classes (OBCs) for 13 states and three union territories (UTs) in January 2014.²¹⁴ These amendments are related to inclusion, correction and deletion of castes and communities based on the recommendations of the National Commission for Backward Classes.

Amendments in the central list of OBCs will be made in the following states/UTs: Andhra Pradesh, Bihar, Chandigarh, Delhi, Goa, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Maharashtra, Puducherry, Punjab, Tamil Nadu, Uttarakhand, Uttar Pradesh and West Bengal.

Scheme for empowerment of tribal forest dwellers launched

The National Scheduled Tribes Finance and Development Corporation (NSTFDC) launched a scheme for the economic upliftment of Schedule Tribe forest dwellers.²¹⁵ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 empowers traditional forest dwellers to hold the forest land for habitation, self-cultivation, or collecting minor forest produce.

Under this scheme, NSTFDC will create awareness, provide training and assist in market linkage apart from providing financial assistance at a concessional rate of interest of 6% per annum to the beneficiaries. The financial assistance would be made available through 33 state agencies of NSTFDC and through refinance agreements with certain PSU Banks/Regional Rural Banks.

Cabinet approves scheme for marketing of minor forest produce through MSP

The Cabinet approved a centrally sponsored scheme for the marketing of non-nationalised/non-monopolised Minor Forest Produce (MFP) and the development of a value chain for MFP through the Minimum Support Price (MSP).²¹⁶ The details of the scheme are:

- The scheme seeks to provide a remunerative price for the produce collected by tribal populations from the forest and provide alternative employment avenues to them. An estimated 100 million forest dwellers depend on the MFP for food, shelter, medicines, cash income, etc.
- The centre will contribute about Rs 967 crore and states will contribute about Rs 250 crore. State designated agencies will be responsible for purchasing MFP at the MSP.
- The scheme will cover 12 MFPs, which are not nationalised in states having Scheduled Areas and Scheduled Tribes in accordance with the Fifth Schedule of the Constitution. The states to be included are Andhra Pradesh, Chhattisgarh, Gujarat, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Jharkhand. The 12 MFPs are tendu, bamboo, karanj, mahuwa seed, sal leaf, sal seed, lac, chironjee, wild honey, myrobalan, tamarind, and gums.

The Ministry of Tribal Affairs will be the nodal Ministry for the implementation and monitoring of the scheme. The MSP will be determined by the Ministry with technical help from the Tribal Cooperative Marketing Development Federation of India Limited.

Standing Committee submits report on welfare schemes for senior citizens

The Standing Committee on Social Justice and Empowerment submitted its report on the implementation of schemes for the welfare of senior citizens in February 2014.²¹⁷

Key recommendations of the Committee are:

- **Implementation of existing policies:** Several schemes for senior citizens were formulated under the 12th Plan, including setting up a helpline for senior citizens, establishing a National Commission for Senior Citizens, and creating a National Trust for the Aged. The Committee recommended expediting the

implementation of these schemes, which have not been implemented even two years after the start of the 12th Plan.

- **New policies and laws:** The Committee recommended the following new policies:
 - (i) A comprehensive law for the social security of senior citizens.
 - (ii) A new National Policy on Older Persons: While a National Policy on Older Persons was launched in 1999, the policy has not been implemented effectively. A draft National Policy on Senior Citizens was published in 2011 but has not been finalised.
 - (iii) An expert committee to formulate specialised health care policies for the population over 80 years of age.

For more information, see [here](#).

Law and Security

Law and Justice

Parliament passes the Lokpal and Lokayuktas Bill, 2013

The Lokpal and Lokayuktas Bill, 2013 was passed by Parliament in December 2013.²¹⁸

The Act provides for the establishment of a body called Lokpal for the union, and Lokayukta for states, to inquire into allegations of corruption against public officials in India and outside.

The main features of the Act are:

- **Composition of Lokpal:** Chairperson, and up to eight members, 50 per cent of whom will be judicial members. Further, at least 50 per cent of the members will be of Scheduled Castes, Scheduled Tribes, and Other Backward Classes, minorities and women;
- **Jurisdiction of Lokpal:** The Lokpal may inquire into any allegation of corruption made against former or current public officials including the (i) Prime Minister; (ii) Union Minister; (iii) Member of Parliament; (iv) certain public officials connected with affairs of the union; (v) any officer or employee of a body that is financed by the union government; (vi) any officer of a society or trust that receives foreign funding of Rs. 10 lakh and above.
- **Preliminary inquiry and investigation:** Upon receiving a complaint, the Lokpal may order a preliminary inquiry against a public servant by its Inquiry wing or any agency, to ascertain if there is a prima facie case. It may also order investigation by any agency if a prima facie case exists. A copy of the Investigation report must be submitted to the Lokpal, which will take appropriate action.
- **Powers of the Lokpal:** a) Any officer of the Central Bureau of Investigation investigating a case referred to it by the Lokpal, shall not be transferred without the approval of the Lokpal; b) The CBI may, with the consent of the Lokpal, appoint a panel of advocates, other than government advocates, for cases referred to it by the Lokpal.

- **Establishment of Lokayukta:** Every state shall establish a Lokayukta to deal with complaints relating to corruption against its public officials, within one year of this Act entering into force.

For more information, see [here](#).

Whistle Blowers Protection Bill, 2011 passed by Parliament

The Whistle Blowers Protection Bill, 2011 passed by Parliament in February 2014.

Salient features of the Bill include:²¹⁹

- The Bill seeks to protect whistleblowers, i.e. persons making a public interest disclosure related to an act of corruption, misuse of power, or criminal offence by a public servant.
- Any public servant or any other person including a non-governmental organisation may make such a disclosure to the Central or State Vigilance Commission.
- Every complaint has to include the identity of the complainant. The identity must be kept secret unless the complainant gives written consent to disclose it.
- The Bill prescribes penalties for knowingly making false complaints.

For more information, see [here](#).

Amendment to Prevention of Corruption Act introduced

The Prevention of Corruption (Amendment) Bill, 2013 was introduced in the Rajya Sabha in August 2013. It amends the Prevention of Corruption Act, 1988. As this Bill is pending in the Rajya Sabha, it will not lapse upon the dissolution of the 15th Lok Sabha.

Key features of the Bill are:

- The Act does not directly cover the act of giving a bribe. It contains provisions for abetment. However, a statement made by a bribe-giver in any proceeding against a public servant for an offence shall exempt the bribe-giver from prosecution. The Bill makes the act of giving a bribe a criminal offence.

- The Bill covers the offence of the bribing of a public servant by a commercial organisation.
- Property and money believed to have been procured through the offence of bribery can be attached and disposed of at the termination of the criminal proceedings.
- The Act provides for prior sanction of the government or competent authority before prosecution can begin. The Bill seeks to extend this protection to retired public servants.

The Standing Committee on Law and Justice submitted its report on the Bill in February 2014.²²⁰ The Committee has suggested that the definitions of ‘corruption’ and ‘corrupt practices’ be included in the Bill; that the government formulate laws and regulations to ensure that chances of coercive bribery are reduced.

For more information, see [here](#).

Bills to modify the appointments process of SC and HC judges

The Constitution (120th Amendment) Bill and the Judicial Appointments Commission (JAC) Bill, 2013 were introduced in the Rajya Sabha in August 2013. The Constitution (120th Amendment) Bill was passed in the Rajya Sabha in September 2013, and will lapse with the dissolution of the 15th Lok Sabha.²²¹

The Constitution (120th Amendment) Bill, 2013 amends provisions related to appointment and transfer of judges to the higher judiciary. It introduces a JAC to make recommendations on appointment and transfer of judges. The JAC Bill, 2013 determines the composition, functions of the JAC.

The JAC will be headed by the Chief Justice of India. In addition, the JAC will be composed of two senior most judges of the Supreme Court, the union Law Minister and two eminent persons.

At present, under the collegium system of appointing judges, the Chief Justice and senior judges of the court make the appointments. This system was evolved through three Supreme Court judgements.

The Standing Committee on Law and Justice presented its report on the Bill in December 2013. The Committee had recommended that the structure and functions of the JAC should be mentioned in the Constitution itself, to ensure

protection of basic structure of the Constitution.²²²

Following this, news reports indicated that Cabinet had accepted the Standing Committee’s recommendations of giving constitutional status to the Judicial Appointments Commission.²²³

For more information, see [here](#).

Amendment to exempt political parties from the RTI Act introduced

The Right to Information (Amendment) Bill, 2013 was introduced in the Lok Sabha in August 2013. The Bill amends the Right to Information Act, 2005 (RTI Act). The Bill will lapse upon the dissolution of the 15th Lok Sabha after the general elections.

In June 2013, the Central Information Commission (CIC) had held six political parties to be “public authorities” under the RTI Act and hence subject to the transparency and information requirements under the Act.

The Bill seeks to remove political parties from the ambit of the definition of public authorities and hence from the purview of the RTI Act. The amendment would apply retrospectively, with effect from June 2013.

The Standing Committee on Law and Justice presented its report on the Bill in December 2013. It noted that aspects of transparency of financial matters of the political parties are already covered under existing laws. It also clarified that Parliament has legislative competence to override the decision of the CIC.²²⁴

For more information, see [here](#).

In a separate matter in September 2013, the Supreme Court had held that co-operative societies would not fall under the definition of “public authority” under the RTI Act, 2005.²²⁵

Bill to permit persons in custody to contest elections passed

The Representation of the People (Amendment and Validation) Bill, 2013 was passed in September 2013. The Bill seeks to amend the Representation of People Act, 1951 (RPA, 1951).

In July 2013, the Supreme Court had ruled that a person, who is in jail or in police custody, cannot contest elections to legislative bodies. The RPA, 1951 states that any contestant to an election to

legislative bodies has to be an “elector”, i.e., his name should be on the electoral roll and he is not subject to any of the disqualifications mentioned in the RPA, 1950. Another provision in the RPA, 1951 says that anyone in prison or in the lawful custody of the police (other than preventive detention) is not entitled to vote.²²⁶

The Supreme Court concluded that a person in jail or police custody is not entitled to vote, and therefore, is not an elector, and thus, cannot contest elections.

The amendment Bill clarified that that even if a person is prohibited from voting due to being in police custody or in jail, as long as his name is entered on the electoral roll he shall not cease to be an elector. This implies that he can contest elections to Parliament and state legislatures.

Supreme Court rules that MPs will be disqualified if convicted

In July 2013, the Supreme Court ruled that section 8(4) of the Representation of People Act, 1951 (RPA) violated the Constitution. Section 8(4) stated that a sitting legislator cannot be disqualified from Parliament or state legislatures on conviction in a criminal case if he files an appeal in the appropriate court. The Court ruled that Parliament had exceeded its legislative competence in enacting this provision. It said that a sitting legislator would be disqualified on conviction of the criminal offences listed in Section 8 of the RPA, 1951.

The Representation of People (Second Amendment and Validation) Bill, 2013 was introduced in the Rajya Sabha in August 2013. The Bill sought to amend Section 8 (4) of the Representation of People Act, 1951. The amendment allowed a legislator to retain membership after conviction, if an appeal against the conviction is filed before a court (within 90 days) and the sentence is stayed by the court. However, the Bill was withdrawn in December 2013.²²⁷

For more information, see [here](#).

Supreme Court rules that trial of a convicted legislator must be completed within one year

According to news reports, the Supreme Court passed an order in relation to trial proceedings of MPs and MLAs facing criminal charges, in March 2014. It stated that trial courts must complete proceedings within one year from the

date of framing of charges. The Supreme Court has also ordered day to day hearings in such cases.²²⁸

Further, trial courts would have to give reasons to the chief justices of the respective high courts for any delay in this regard. If satisfied with the reasons cited, the Chief Justice of the relevant high court may extend the period of trial.

In December 2013, the Supreme Court had asked the Law Commission to submit a report within two months on two specific issues, namely, the stage at which the disqualification of candidates would take effect and the consequences of filing a false affidavit.²²⁹ The Law Commission has submitted this report.

Law Commission submits its report on electoral disqualifications

The Law Commission of India submitted its report on electoral disqualifications to the Ministry of Law and Justice, in February 2014. The report follows the SC directive in 2013, discussed above.²²⁹

The report examined issues related to: (i) disqualification of candidates with criminal background, and (ii) consequences of filing false affidavits. The key recommendations of the Law Commission include:

- Disqualification should take effect at the stage of framing of charges, as the case has undergone adequate levels of judicial scrutiny, at this stage.
- Certain additional safeguards must be incorporated into this process.

The Law Commission also suggested that the Representation of the People Act, 1951 be amended to include the filing of false affidavits as grounds for disqualification. It has recommended that filing of a false affidavit should attract an enhanced sentence of a minimum of two years imprisonment, and qualify as a ‘corrupt practice’ under the Act.

For more information, see [here](#).

Standing Committee report on electoral reforms and anti-defection law

The Standing Committee on Law and Justice submitted its report on “Electoral Reforms-Code of Conduct for Political Parties and Anti Defection Law” in August 2013.²³⁰ Key

observations and recommendations of the Committee were:

- **Election expenditure:** The actual expenditure on elections has been more than the ceiling fixed by the Election Commission of India. The election expenditure needs to be substantially enhanced and periodically reviewed.
- **Statutory backing to Model Code of Conduct:** It is expedient to give statutory backing to the Model Code of Conduct.
- **Power to derecognise political parties:** The power of the Election Commission of India to derecognise political parties on account of violation of the Model Code of Conduct may be incorporated in the Representation of People Act, 1951.
- **Appeal from rejection of nomination papers:** Fast Track Courts may be setup to dispose of election disputes under the Representation of People Act, 1951, within a period of 12 months.

Cabinet approves increase in election expenditure limits

Cabinet has approved amendments to the Conduct of Election Rules 1961.²³¹ It has revised the ceiling for expenditure for elections, owing to the increase in the number of electors, polling stations and increase in the cost inflation index.

The limit for election expenditure incurred by a candidate for Parliamentary constituencies has been set at Rs 70 lakh. However, for certain states and union territories like Arunachal Pradesh, Goa, Sikkim, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu, Lakshadweep and Puducherry the limit has been set at Rs 54 lakh.

For assembly constituencies, the limit has been increased to Rs 28 lakh in all states except Arunachal Pradesh, Goa, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and Puducherry where it will be Rs 20 lakh.

Supreme Court passes judgment giving voters the right to anonymous negative voting in elections

The Supreme Court has held that a voter could exercise the option of negative voting, in an anonymous manner through the electronic voting machines.²³²

The Court has directed the Election Commission to provide the “None of the Above” (NOTA) button in the electronic voting machines (EVM).

It held that secrecy is an essential feature of ‘free and fair elections’ and Rule 49-O of the Election Conduct Rules, that requires for a voter choosing to abstain, to record his name in the Register of Voters (Form 17-A), violates that requirement.

However, this will not cause any change to the first-past-the-post system. That is, the winner will be the candidate with the highest number of votes, even if this number is less than that polled by the “NOTA” option.

Marriage Laws (Amendment) Bill passed by Rajya Sabha

The Marriage Laws (Amendment) Bill, 2010 was passed by the Rajya Sabha in August 2013. The Bill amends the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954.²³³ This Bill will lapse with the dissolution of the 15th Lok Sabha.

The key provisions of the Bill are:

- **Irretrievable breakdown of marriage:** The Bill introduces irretrievable breakdown of marriage as a ground for divorce. Either party can file for divorce on this ground and has to show that both parties to the marriage have lived apart continuously for three years before filing for divorce.
- **Process for divorce by mutual consent:** At present, after filing the first petition, the couple is required to file a joint application to the court between six to 18 months of the divorce petition being filed. The Bill permits the court to reduce the six to 18 month period to a lesser one and waive the requirement of moving of the motion by both parties.

For more information, see [here](#).

Bill on readjustment of SC and ST representation in Parliament and state Assemblies introduced in Rajya Sabha

The Readjustment of Representation of Scheduled Castes and Scheduled Tribes in Parliamentary and Assembly Constituencies (Third) Bill, 2013 was introduced in Rajya Sabha in December 2013.

The Bill seeks to replace an Ordinance that provided for readjustment of seats, in the Lok Sabha and in the legislative Assemblies of the

states, and for the readjustment of territorial constituencies.²³⁴

After the 2001 census, several castes and tribes have been included in and excluded from the lists of the Scheduled Castes and the Scheduled Tribes by eleven Amendment Acts of Parliament. The Delimitation Order reserved seats for SCs and STs based on their proportion of population in each state according to the 2001 census. The Bill directs the Election Commission to make necessary amendments to the Delimitation Order, in order to adjust for the modified lists of castes and tribes classified as SCs and STs in each state.

For more information, see [here](#).

Bills to set up Legislative Councils in Rajasthan and Assam introduced in RS

Rajasthan: The Rajasthan Legislative Council Bill, 2013 was introduced in the Rajya Sabha in August 2013. The Bill provides for the creation of the Legislative Council for the state of Rajasthan with 66 members.²³⁵

The Standing Committee on Law and Justice presented its report on the Bill before Rajya Sabha in December 2013.²³⁶

The Committee stated that there is a need to evolve a national policy with regard to creation of Legislative Councils. It cannot be temporary in nature depending on the mood of the government of the day. It also said that the composition of the Legislative Councils must be reviewed to ensure proper representation of elected representatives of both the rural and urban local self government bodies and ward Committees.

For more information, see [here](#).

Assam: The Assam Legislative Council Bill, 2013 was introduced in Rajya Sabha in December 2013. It provides for the creation of a Legislative Council in the state of Assam with 42 members.

The Standing Committee on Law and Justice presented its report on the Bill in February 2014.²³⁷ The Committee reiterated its recommendations made in relation to the Rajasthan Legislative Council Bill, 2013.

For more information, see [here](#).

Bill relating to India-Bangladesh Land Boundary Agreement introduced

The Constitution (119th Amendment) Bill, 2013 was introduced in Rajya Sabha in December 2013.²³⁸ It was referred to the Standing Committee on Law and Justice.

The Bill amends the First Schedule of the Constitution to give effect to an agreement entered into by India and Bangladesh on the acquiring and transfer of territories between the two countries in May 1974. The First Schedule of the Constitution defines the area of each state and union territory which together constitute the Union of India.

The territories involved are in the states of Assam, West Bengal, Meghalaya and Tripura. Many of these are enclaves (i.e., territory belonging to one country that is entirely surrounded by the other country), and there are even enclaves-within-enclaves. This structure makes it difficult for people residing in these areas to move to other parts of their country.

India would be transferring a total of 111 enclaves measuring 17,160.63 acres to Bangladesh, and acquiring a total of 51 enclaves measuring 7,110.2 acres.

For more information, see [here](#).

Bill related to conditions of service for tribunals introduced in Rajya Sabha

The Tribunals, Appellate Tribunals and Other Authorities (Conditions of Service) Bill, 2014 was introduced in Rajya Sabha in February 2014. The Bill seeks to provide for uniform service conditions with regard to retirement age, tenure of appointment, accommodation for tribunals, appellate tribunals and authorities performing quasi-judicial functions.²³⁹

For more information, see [here](#).

Delhi High Court (Amendment) Bill, 2014 introduced in Rajya Sabha

The Delhi High Court (Amendment) Bill, 2014 was introduced in Rajya Sabha in February 2014. The Bill amends the Delhi High Court Act, 1966.²⁴⁰

The Bill increases pecuniary jurisdiction of the high court of Delhi. Pecuniary jurisdiction refers to the jurisdiction of a court over a suit based on the amount or value of its subject matter. Thus, the Delhi high court will now have jurisdiction

over suits which are above the value of Rs 2 crore. The Act placed the value at Rs 20 lakh.

For more information, see [here](#).

Standing Committee submits report on to development of subordinate courts

The Standing Committee on Law and Justice presented its report on infrastructure development and strengthening of subordinate courts in February 2014.²⁴¹

Key highlights of its recommendations include:

- **Land and funding availability:** State governments must undertake vertical construction to lessen the problem of shortage of land. The centre must attempt to increase its contribution to infrastructure, and ensure timely release of funds to states.
- **E-Court scheme:** The e-court scheme must be implemented across states. The scheme intends to link case filing, work flow, judgements, cause lists, case status etc. to information technology.
- **Gram Nyayalayas:** Setting-up of Gram Nyayalayas would provide access to justice to citizens and help in the overall reduction in the pendency of cases.

For more information, see [here](#).

Supreme Court upholds constitutional validity of Section 377 of the IPC

In December 2013, the Supreme Court passed its verdict on the appeals filed against the Delhi High Court order of 2009, and upheld the constitutional validity of Section 377 of the Indian Penal Code (IPC).²⁴² This section defines 'unnatural offences', which include carnal intercourse against the order of nature.

In 2009, the Delhi High Court (Delhi HC) had held that Section 377 violated Articles 14, 15 and 21 of the Constitution to the extent that it criminalised adult, consensual sexual activity. However, the section would continue to govern non consensual sexual acts between adults and consensual sexual acts with a minor.

The Supreme Court overturned this judgement. In January 2014, the Supreme Court dismissed review petitions stating that it saw no reason to interfere with the order. It also rejected any oral hearing in the matter.²⁴³

Supreme Court holds that death sentence may be commuted to life imprisonment under certain conditions

In January 2014, the Supreme Court ruled that it had the power to commute the death sentence awarded to convicts to life imprisonment after their mercy petition was rejected by the Governor and President.²⁴⁴ It held that this power could be exercised a death sentence could be commuted to life imprisonment after the mercy petition was rejected, under certain circumstances: (i) delay caused by circumstances beyond the prisoners' control; (ii) insanity; (iii) solitary confinement; (iv) the standards used in the judgment to give a death penalty have since been modified by subsequent court rulings and; (v) procedural lapses.

Further, the Court laid down guidelines for the treatment of death row convicts. These include reforms on issues like solitary confinement; time bound follow ups of mercy petitions by the Ministry of Home Affairs, and regular mental health evaluations of the convict.

Supreme Court orders setting up of Civil Services Board, fixed minimum tenure for civil servants

The Supreme Court, in October 2013, directed the centre and the states to set up a Civil Services Board for the management of transfers, postings, inquiries, promotion, reward, punishment and disciplinary matters. Further, it stated that Parliament could enact a Civil Services Act to set up such a Board.²⁴⁵

Key highlights of the judgment include:

- **Setting up of CSB within 3 months:** The Boards, comprising high ranking serving officers and specialists in their respective fields, should be constituted within a period of three months.
- **Fixed minimum tenure:** This would ensure stability and efficiency of administration. Minimum tenure had been implemented by the centre and about 13 states.
- **Recording of Instructions and directions:** Civil servants should not act on verbal orders given by political executives and all actions must be taken by them on the basis of written communication.

Committee of Secretaries approves policy related to pre-legislative consultation

The Committee of Secretaries, under the chairmanship of the Cabinet Secretary, took certain decisions related to pre-legislative consultations, in a meeting held in January 2014.²⁴⁶ Salient decisions of the Committee are:

- Every Ministry or Department shall publish proposed legislations online and through other means.
- The draft legislation and accompanying information must be placed in the public domain for a minimum period of 30 days.
- A summary of feedback received from the public should be published online.
- Following the pre-legislative and inter-ministerial consultations, the Bill should then be referred to the Law Ministry for vetting.
- The Cabinet note prepared by the Ministry should include a brief summary of feedback received.

Home Affairs

Bill on bifurcation of Andhra Pradesh passed by Parliament

The Andhra Pradesh Reorganisation Bill, 2014 was passed by Parliament. It carves out the new state of Telangana from Andhra Pradesh.

Salient features of the Bill include:

- **Formation of Telangana:** The newly formed state of Telangana will comprise of the following districts of Andhra Pradesh: Adilabad, Karminagar, Medak, Nizamabad, Warangal, Rangareddi, Nalgonda, Mahbubnagar, Khammam (excluding certain revenue villages) and Hyderabad.
- **Capital city:** Andhra Pradesh and Telangana will have a common capital, Hyderabad, for 10 years. After this period, Hyderabad shall be the capital of Telangana only.
- **Role of Governor:** The Governor of the existing state of Andhra Pradesh shall be the common Governor for both states for a period to be determined by the President.
- **Representation in the Lok Sabha:** In Lok Sabha, Andhra Pradesh will have 25 seats and Telangana, 17 seats.
- **Revenue Distribution:** The resources allocated by the 13th Finance Commission (FC) to the existing state of Andhra Pradesh will be apportioned between the two successor states on the basis of population ratio and other parameters. The 14th FC is to make separate allocations for the successor states, based on their existing resources.
- **Special Development Package:** The central government shall ensure that adequate benefits in the form of special development package are given to the backward areas of Andhra Pradesh. This shall include special incentives for Rayalaseema and north coastal regions of the state.

For more information, see [here](#).

Standing Committee and CAG submit reports on disaster management

The Standing Committee on Home Affairs presented its report on disaster management in the country in February 2014.²⁴⁷ Earlier, the CAG had submitted its report on disaster preparedness in India in April 2013.²⁴⁸

The Standing Committee and the CAG were of the opinion that despite the coming into force of the Disaster Management Act 2005; there were critical gaps in the level of preparedness for various disasters.

Key findings of the bodies include:

- **National Plan:** The National Disaster Management Authority (NDMA) should finalise its national plan at the earliest. Further, the National Disaster Mitigation Fund should be created without any delay.
- **NDMA:** The NDMA must adopt a proactive approach towards management of disasters. This includes recommending funds for relief in repayment of loans or for grant of fresh loans to persons affected by disasters.
- **Advisory Committee:** An Advisory Committee to the NDMA, comprising experts in the field of disaster management, which was disbanded in 2010, must be reconstituted.
- **High Level Committee:** A provision for a High Level Committee (HLC) should be introduced in the Disaster Management Act,

2005. The HLC would help determine the assistance to be given to states from the National Disaster Relief Fund.

- **Strengthening states' resources:** States must formulate a State Disaster Management Policy, strengthen the State Disaster Response Force, integrate the Disaster Response System and implement the Disaster Risk Reduction Programme at the district level.

Standing Committee on the North Eastern Council (Amendment) Bill

The Standing Committee submitted its report on the North-Eastern Council (Amendment) Bill, 2013 in May 2013.²⁴⁹ The Bill seeks to amend the North-Eastern Council Act, 1971 to allow changes to its composition and the tenure of its members. It also aims to empower the Council to discuss and advise state governments on issues of mutual interest, particularly on issues related to economic and social planning, and transport and communication.

The Standing Committee adopted most of the Bill's provisions and recommended its passing. It also suggested that the government review the functioning of the Ministry of the Development of the North-Eastern Region and devise a mechanism to strengthen it.

Committee to look into concerns of persons hailing from the NE constituted

The central government has constituted a committee to look into various concerns of persons hailing from the north eastern states, in February 2014. The Committee will be chaired by Mr. M.P. Bezbaruah, Member, North Eastern Council, and comprise retired senior civil servants.²⁵⁰

The Terms of Reference include examining issues related to security, discrimination of persons from the north east and suggesting suitable legal remedies in this regard. The Committee is to submit its report within two months.²⁵¹

Relaxation of visa norms for tourists

In February 2014, the Planning Commission took certain decisions related to the relaxation of visa norms to promote tourism.²⁵²

The Tourist Visa on Arrival and Electronic Travel Authorisation facilities will be extended

to all countries barring Iran, Iraq, Afghanistan, Sudan, Somalia, Pakistan, Sri Lanka and Nigeria. The new systems are to be put into place by October 2014.

Defence

Changes in Defence Procurement Procedure

The Defence Acquisition Council (DAC) amended the Defence Procurement Procedure in April 2013.²⁵³ Some key changes are:

- Preference will be given to indigenous procurement, with global cases being a choice of last resort. The procedure for these acquisitions has been simplified.
- The DAC has approved the release of a public version of its 15-year perspective document, outlining the roadmap to guide the industry for directing its Research and Development (R&D) investments.
- The Indian defence industry was opened up in May 2001 for 100% private sector participation subject to licensing. Since then, Indian companies have been eligible to apply for licenses to manufacture all types of defence equipment. Dual-use items (defence and civil) will not require licensing.
- The term 'indigenous content' has been redefined to remove ambiguities.

Government accepted the principle of One Rank One Pension

The Finance Minister, in his speech for the Interim Budget 2014-15, announced that the government has accepted the principle of One Rank-One Pension principle for the defence forces.²⁵⁴ The decision will be implemented prospectively from the financial year 2014-15, and the budget has allocated Rs 500 crore for this purpose.

The principle of One Rank One Pension implies that (i) uniform pension will be paid to the Armed Forces personnel retiring in the same rank with the same length of service irrespective of their date of retirement, and (ii) all future enhancements in the rates of pensions will be automatically passed on to past pensioners.²⁵⁵

PAC report on Defence Estate Management

The Public Accounts Committee (PAC) submitted its report on Defence Estate Management relating to the Ministry of Defence (MoD) in December 2013.²⁵⁶

The MoD is the biggest landholder in the government, holding 17 lakh acres of land across the country, some of which is prime real estate. The PAC made the following observations and recommendations:

- **Application of land norms:** The Committee noted that MoD has faltered in applying norms for proper and judicious management of lands at its disposal. It recommended that the entire ambit of defence land record keeping, mutation, sale and transfer, etc. should be bestowed upon the Directorate General of Defence Estates (DGDE).
- **Variation in records:** The Committee expressed concern over discrepancy in land figures in the records of Local Military Authorities (LMAs) and Defence Estate Officers (DEOs). It recommended that the MoD make it mandatory for DEOs to periodically inspect the land records maintained by LMAs. Further, there should be a comprehensive survey of all defence lands.
- **Unauthorised use of defence lands:** The Committee noted that the Comptroller and Auditor General has repeatedly objected to the use of defence lands for commercial purposes, but no action has been taken. In addition, revenue generated from such activities is not credited to government accounts. The Committee recommended that the DGDE be supplied with all information relating to such activities and revenue generation.
- **Dismal state of management of leases:** The Committee observed that defence land is leased out at a very low rate compared to its market value. In addition, no serious effort has been made to renew the leases, leading to loss of revenue to the government. It suggested that the government bring out a policy in this regard within six months.

For more information, see [here](#).

Minority Affairs

Bill related to waqf properties introduced in Rajya Sabha

The Waqf Properties (Eviction of Unauthorised Occupants) Bill, 2014 was introduced in Rajya Sabha in February 2014.²⁵⁷ It was referred to the Standing Committee in March 2014.

The Bill provides for a mechanism for eviction of unauthorised occupants from waqf properties. Consequently, it bars the jurisdiction of civil courts in entertaining any suit in this regard.

For more information, see [here](#).

Cabinet approves restructuring of Multi-sectoral Development Programme

The Cabinet Committee on Economic Affairs approved the restructuring and implementation of the Multi-sectoral Development Programme in June 2013.²⁵⁸

The programme was launched in 2008 as a centrally sponsored scheme and is being implemented in 90 minority concentrated districts across 20 states and union territories. The aim of the programme was to address development issues in these districts by providing socio-economic infrastructure and basic amenities. Under the 12th Five Year Plan Rs 5,775 crore has been allocated to the programme.

The restructuring of the programme involves the following modifications:

- The unit of planning for implementation of the programme has been changed from the district to the block.
- To expedite the approval process, the power to approve projects is delegated to state governments.
- The programme will be extended to 6 more states, i.e. Andhra Pradesh, Chhattisgarh, Gujarat, Punjab, Rajasthan and Tripura.

After the proposed restructuring, the programme will be implemented in 710 identified minority concentration blocks and 66 towns and cities.

Central government notifies the Jain community as a minority

The central government notified the Jain community as a minority community, in exercise

of its powers under the National Commission for Minorities Act, 1992, in January 2014.²⁵⁹

However, in a 2005 judgment, the Supreme Court had held that the state has to be regarded as the unit for determining linguistic and religious minorities.²⁶⁰ Thus, before the central government takes a decision on the claims of Jains as a 'minority' under section 2(c) of the National Commission for Minorities Act, the identification has to be made on a state basis. A review petition filed by the centre in this regard is still pending before the Court.

As of now, Jains are regarded as minorities in some states, including Chhattisgarh, Delhi, Karnataka, Uttar Pradesh, Madhya Pradesh and Rajasthan.

At present, five communities, namely, Muslims, Christians, Sikhs, Buddhists and Parsis have been declared as minority communities through a government Notification issued in October 1993.

Standing Committee submits report on PM's 15 Point Programme for minorities

The Standing Committee on Social Justice and Empowerment submitted its report on the implementation of the Prime Minister's New 15 Point Programme for minorities in March 2014.²⁶¹

Major recommendations of the Committee are:

- **Educational opportunities:** The number of scholarships must be increased. The literacy rate of Muslims must be improved, with a special focus on its women.
- **Employment opportunities:** Large and medium scale industries must be developed in notified minority concentration districts. The government and Public Sector Undertakings must recruit at least 15% of people from minority communities.
- **Living conditions:** Planning, sanctioning of projects and allocation of funds should be done at the block level and not the district level.
- **Communal riots:** An elaborate block-wise programme involving various stakeholders should be evolved to address communalism. This should involve confidence building measures, speedy rehabilitation of riot victims, and mobilisation of human resources and investment. Police forces must be sensitised on communal issues.

For more information, see [here](#).

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