Monthly Policy Review

January 2015

Highlights of this Issue

RBI reduces repo rate by 25 basis points, to 7.75% (p. 2)
The policy repo rate had been unchanged at 8% since January 2014. The reverse policy repo rates for LAF and MSF have been decreased to 6.75% and 8.75% respectively, with immediate effect.

Government establishes NITI Aayog to replace Planning Commission (p. 3)
The National Institution for Transforming India aims to provide strategic and technical advice to states regarding the implementation of programmes, and create a better partnership between the centre and states regarding policy issues.

India and US reach an understanding on implementation of India-US nuclear deal (p. 3)
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Mines and Minerals, Motor Vehicles, Citizenship Ordinances, 2015 promulgated (p. 4, 5)
The Ordinances increase the lease period for mining licenses, bring e-carts and e-rickshaws under the ambit of the Motor Vehicles Act, 1988 and relax certain provisions regarding applying for citizenship, respectively.

High-Level Committee Report on restructuring of FCI submitted (p. 7)
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Applications invited for auction of spectrum in 800, 900, 1800 and 2100 MHz bands (p. 8)
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Special Economic Zones (Amendment) Rules, 2014 to allow dual use of SEZs (p. 9)
The amended rules insert a new rule allowing the dual use of non-processing areas in Special Economic Zones (SEZs), by SEZ and Domestic Tariff Area entities, and SEZ entities exclusively.

Proposed Changes to Drugs and Cosmetics and Tobacco Products Acts (p. 9, 10)
The changes relate to regulation of clinical trials and licensing of drugs. Cigarettes and Tobacco products will be sold to those above 21 years of age and penalties for offences under the Act will be increased.

CCEA approves FRP of sugarcane and revises buffer norms for the Central Pool (p. 7)
FRP of sugarcane has been increased by Rs 10 to Rs 230/quintal. The quantities of food grains to be stocked in the central pool as of July 1 and October 1 have been increased by 30% and 45% respectively.

Standing Committee on Home Affairs submits two reports on Jammu & Kashmir (p. 5, 6)
The Standing Committee submitted a report on rescue and rehabilitation in the aftermath of floods in Jammu & Kashmir, and another report on the problems faced by the refugees and displaced persons in the state.

February 2, 2015

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Macroeconomic Developments

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RBI reduces repo rate by 25 basis points

The Reserve Bank of India (RBI) announced a reduction in the policy repo rate in a statement on January 15, 2015. RBI has taken the following decisions: [1]

- The policy repo rate was reduced by 25 basis points, from 8% to 7.75%. The repo rate was last changed on January 28, 2014, when it was hiked from 7.75% to 8%.
- The Cash Reserve Ratio has been kept unchanged at 4% of the Net Demand and Time Liabilities (roughly speaking, all current, savings and time deposits).
- The reverse repo rate under the Liquidity Adjusted Facility rate was decreased by 25 basis points to 6.75%, and the Marginal Standing Facility rate and the Bank Rate to 8.75%, with immediate effect.

The next bi-monthly monetary policy statement is expected on February 3, 2015.

Fiscal deficit crosses 100% mark in December 2014

The government's fiscal deficit as of December 2014 has crossed 100% of its target, according to the monthly report published by the Controller General of Accounts.[2] The fiscal deficit stands at 100.2% of the target set by the government, as opposed to last year's fiscal deficit of 95.2% in the same time period.

The total receipts at the end of nine months are at 55.7% of the target, and total expenditure stands at 68.9%. The table below shows the status of the government's accounts as of December 2014.

Table 1: Union Government accounts at the end of December 2014

Item	BE 2014-15	Up to Dec 2014	% of BE	COPPY
Total receipts	12,63,715	7,04,007	55.7%	57.7%
Total expenditure	17,94,892	12,36,388	68.9%	69.9%
Fiscal deficit	5,31,177	5,32,381	100.2%	95.2%
Revenue deficit	3,78,348	4,01,775	106.2%	97.7%

Sources: Controller General of Accounts; PRS.
Note: COPPY-corresponding period of previous year, i.e. October to December 2013-14; BE is Budget Estimate.

GDP revised after base year changes

The Ministry of Statistics and Programme Implementation released a new series of national accounts on January 30, 2015, and changed the base year to 2011-12.[3] This has resulted in a correction in the Gross Domestic Product (GDP) numbers for 2012-13 and 2013-14.

The GDP at constant prices for the base year 2011-12 is Rs 92.8 lakh crore in 2012-13 and Rs 99.2 lakh crore in 2013-14. The GDP growth is 5.1% in 2012-13, and 6.9% in 2013-14.

Retail inflation decreases to 5.0% in December; WPI remains flat

The Consumer Price Index inflation decreased from 5.8 % in November to 5.0% in December 2014. The decrease in retail inflation was a result of a decrease in food inflation in cereals and products, as well as decrease of inflation in transport and communication sectors.[4,5]

The Wholesale Price Index had a marginal increase of 0.11% in December 2014, after it dipped to 0.00% in November. While there was an increase in prices of food products, this was balanced by a continued fall in fuel price.[4] The figures below show the trends in CPI and WPI in 2014.

Figure 1: Consumer Price Index in 2014

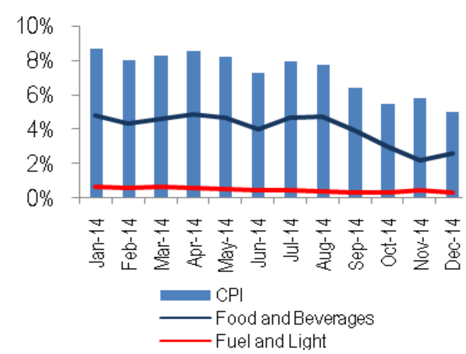
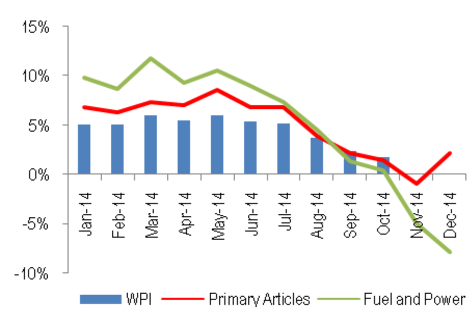


Figure 2: Wholesale Price Index in 2014



IIP increases by 3.8% in November 2014

The Index of Industrial Production (IIP) increased by 3.8% in November 2014 (year-on-year), reversing the trend of decrease of 4.2% in October 2014.[6] This was largely due to an increase of 3% in manufacturing production (weight 75%) in November. However, note that this series exhibits significant volatility, and should be viewed with caution.

Planning

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Government establishes NITI Aayog

NITI (National Institution for Transforming India) Aayog, the body intended to replace the Planning Commission, was established on January 1, 2015.[7] The proposed institution will provide strategic and technical advice to states regarding different aspects of policy. NITI Aayog, among other things, aims to:

- Involve states in deciding national development priorities, sectors and strategies;
- Foster cooperative federalism through state initiatives and mechanisms;
- Develop plans at the village level and scale them up to higher levels of government;
- Design strategic and long term policy and programme frameworks, and monitor their progress and efficacy; and
- Focus on technology up-gradation and capacity building in order to implement programmes and initiatives.

NITI Aayog will have the Prime Minister as the Chairperson, as in the Planning Commission. The institution will comprise of: (i) a Governing Council with all Chief Ministers and Lt. Governors, (ii) Regional Councils with all Chief Ministers of State and Lt. Governors of UTs, and (iii) experts, specialists, with relevant domain knowledge, as special invited members and (iv) an organizational structure comprising:

- Vice Chairperson,
- Full time members (maximum number not specified),
- Maximum of two part time members, from leading universities and research organisations in an ex-officio capacity,
- Maximum of four ex officio members, nominated from the Union Council of Ministers by the Prime Minister,
- Chief Executive Officer, similar to rank of Secretary in the Planning Commission, and
- Secretariat if deemed necessary.

External Affairs

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US President visits India

President of the United States of America visited India from January 25 to 27, 2015.[8]

During the visit, India and United States reached an understanding on two outstanding issues with respect to the Agreement for Cooperation concerning Peaceful Uses of Nuclear Energy.[9] The agreement was signed by both countries in 2008. The outstanding issues were regarding: (i) civil nuclear liability of suppliers under the Civil Liability for Nuclear Damage Act, 2010 and (ii) administrative arrangements for implementing the agreement.

Two declarations were signed by India and the United States during the visit:

- **India-US Declaration of Friendship:** Among other things, both countries agreed to hold regular summits with increased frequency. They also agreed to establish secure hotlines between the Indian Prime Minister and President of the United States, and the National Security Advisors.[10]
- **US- India Joint Strategic Vision for the Asia-Pacific and the Indian Ocean:** As part of the declaration, both countries consented to: (i) promoting accelerated infrastructure connectivity; (ii) safeguarding maritime security; and (iii) ensuring freedom of navigation and flight in the Asia Pacific and Indian Ocean region.[11]

In addition, three Memoranda of Understanding were signed to develop Vishakhapatnam, Allahabad and Ajmer as smart cities.

Energy

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The Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015 promulgated

The Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015 was promulgated on January 12, 2015.[12] The Ordinance amends the Mines and Minerals (Development and Regulation) Act, 1957. The Act regulates the mining sector in India and specifies the requirements for granting mining leases for mining operations.

The Ordinance adds a new Fourth Schedule to the Act. The Schedule includes bauxite, iron ore, limestone and manganese ore which are defined as notified minerals.

The Ordinance creates a prospecting license-cum-mining lease for the purpose of undertaking prospecting operations (exploring or proving mineral deposits), followed by mining operations.

Maximum area for mining: Under the Act, a person could acquire one mining lease for a maximum area of 10 sq km. However, for the development of any mineral, the central government could permit the person to acquire one or more licenses or leases covering additional areas. The Ordinance amends this provision to allow the central government to increase the area limits for mining in the interest of an industry as well, instead of providing additional leases.

Lease period: Under the Act, for all minerals, a mining lease was granted for a maximum of 30 years and a minimum of 20 years. It could also be renewed for a period up to 20 years. Under the Ordinance, the lease period for coal and lignite remains unchanged. For all minerals other than coal, lignite and atomic minerals, mining leases shall be granted for a period of 50 years. All mining leases granted for such minerals before the Ordinance shall be considered valid for 50 years. On expiry of the lease, instead of being renewed, the leases shall be put up for auction.

Auction of notified and other minerals: The Ordinance states that state governments shall grant mining leases and prospecting license-cum-mining leases for both notified and other minerals. Prospecting license-cum-mining lease for notified minerals shall be granted with the approval of central government. All leases shall be granted through auction by competitive bidding, including e-auction. The central government shall prescribe the terms and conditions, and procedure for auction, including parameters for the selection of bidders.

The Ordinance also provides for lease extensions, transfer of mineral concessions and creates institutions at the national and district levels for the benefit of persons in districts affected by mining related operations.

For a PRS summary of the Ordinance see here.

Government sells 10% stake in Coal India

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The government sold 10% of its stake in Coal India Limited.[13] The sale raised Rs 22,558 crore, more than half of the government's disinvestment target of about Rs 43,000 crore for 2014-15. After this sale, the government's stake in Coal India Limited has come down to 79.65% of its equity capital.

Transport

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The Motor Vehicles (Amendment) Ordinance, 2015 promulgated

The Motor Vehicles (Amendment) Ordinance, 2015 was promulgated on January 7, 2015.[14] It amends the Motor Vehicles Act, 1988. The Motor Vehicles Act regulates all motor vehicles and provides for driver licensing.

The Ordinance brings e-carts and e-rickshaws under the ambit of the Act. It defines e-carts and e-rickshaws as special purpose battery powered vehicles, having three wheels, and with power up to 4000 watts. They are defined as separate from motor vehicles.

Under the Act, a person is granted a learner's licence to drive a transport vehicle, only if he has held a driving licence to drive a light motor vehicle for at least one year. The Ordinance exempts e-rickshaw and e-cart drivers from this requirement.

The Ordinance states that the conditions for issuing driver licences for e-carts or e-rickshaws shall be prescribed by the central government. The Ordinance also provides for the central government to make Rules on: (i) the specifications for e-carts and e-rickshaws; and (ii) the manner and conditions for issuing driving licenses.

The Central Motor Vehicles (Sixteenth Amendment) Rules, 2014, that provide details on the licensing and registration of e-carts and e-rickshaws, were notified on October 8, 2014.[15]

The Motor Vehicles (Amendment) Bill, 2014, which has the same provisions as the Ordinance, is currently pending before the Rajya Sabha.

For a PRS summary of the Bill, see here.

Home Affairs

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Citizenship (Amendment) Ordinance, 2015 promulgated

The President promulgated the Citizenship (Amendment) Ordinance, 2015 on January 6, 2015.[16] The Ordinance amends the Citizenship Act, 1955.

The Citizenship Act, 1955 regulates acquisition and determination of citizenship after commencement of the Constitution. It provides for citizenship by birth, descent, registration, naturalisation, and by incorporation of territory. It also contains provisions regarding registration of Overseas Citizens of India and their rights.

Key amendments include:

- **Citizenship by registration and naturalisation:** Under the Act, an applicant for citizenship by registration or naturalisation is required in some cases to have one year's continuous stay in the country before applying. The Ordinance allows the central government to relax the requirement of one year of continuous stay by a maximum of 30 days, if it is satisfied that special circumstances exist.
- **Registration for Overseas Citizenship:** The Act provides certain qualifications for registering a person as an Overseas Citizen of India. An Overseas Citizen of India is entitled to some benefits such as a multiple-entry, multi-purpose life-long visa to visit India. The Bill provides certain additional grounds on which a person may register for overseas citizenship card. Additional grounds covered include: (i) a minor child whose parent(s) are Indian citizens; and (ii) spouse of foreign origin of an Indian citizen or an Overseas Citizen of India cardholder subject to certain conditions.
- **Merger of the PIO and OCI schemes:** Currently, the central government provides for two schemes for Indian origin persons, and their families, the Persons of Indian Origin (PIO) card and the Overseas Citizen of India (OCI) card. Persons of Indian Origin cardholders enjoy fewer benefits than Overseas Citizen of India cardholders. For example, they are entitled to visa free entry into India for 15 years, while Overseas Citizens of India are provided a life-long visa. The Ordinance provides that the central government may notify that Persons of Indian Origin cardholders shall be considered to be Overseas Citizen of India cardholders from a specified date.
- Subsequently, the central government notified the merger of the schemes on January 9, 2015.[17]

For more details on the Ordinance, see here.

Standing Committee submits report on rescue, rehabilitation & reconstruction after the floods and landslide in J&K

The Standing Committee on Home Affairs submitted its report on Rescue, Rehabilitation and Reconstruction in the aftermath of the floods and landslides in Jammu & Kashmir on December 22, 2014.[18] Key observations and recommendations of the Committee include:

- **Causes of disaster:** Rampant encroachment on river banks, deforestation and siltation were identified as factors contributing to the natural disaster. The government should set up an expert group of scientists and geologists for a detailed study of the factors which contributed to the landslide.
- **Pre-emptive measures & communication networks:** The state government did not take sufficient pre-emptive measures despite having received a forewarning regarding heavy rainfall. Enough satellite phones were not available causing breakdown of communication system.
- **Relief & Rehabilitation:** Food packages were distributed to the victims on the basis of the 2001 Census. Given that the population has increased at a considerable rate since 2001, the 2011 Census should be the basis of the long term rehabilitation plan.

- The compensation amount for victims has been very low as it is being given from the State Disaster Response Fund as per guidelines framed in 2001. The government should assess loss of assets, and prepare a comprehensive rehabilitation and reconstruction plan.
- **National disaster management machinery:** The Disaster Management Act, 2005 should be implemented properly and recommendations of the February 2014 Standing Committee Report on Disaster Management should be given effect to in this regard.
- Comprehensive disaster management planning is required throughout the country irrespective of the frequency of disasters in a particular region. The central government should inform all states of the kind of advanced planning systems that need to be in place, and state governments should put them in place.

Standing Committee submits reports on problems faced by refugees and displaced persons in J&K

The Standing Committee on Home Affairs submitted its report addressing Problems being faced by Refugees and Displaced Persons in Jammu & Kashmir on December 22, 2014.[19] Its recommendations pertain to three categories of refugees and displaced persons:

- **Refugees who came in from West Pakistan in 1947:** The central government must persuade the state government to consider giving the refugees from West Pakistan the status of permanent residents by amending the state Constitution. This would allow them to have the right to vote in the State Legislative Assembly, and other legal rights.
- Reservation for these refugees in the State Legislative Assembly and Legislative Council may be pursued.
- A one-time compensation of Rs. 30 lakh may be provided within a year.
- **Persons displaced from Pakistan occupied Jammu & Kashmir in 1947:** The central or state government should undertake fresh official registration of these displaced persons so that benefits from schemes targeted at them can reach them.
- It should also take up the matter of defreezing 8 seats, out of the total 24 Legislative Assembly seats, which are designated for territorial constituencies in Pakistan occupied Jammu & Kashmir.
- One time compensation of Rs. 30 lakh may be provided, and until its finalisation, sufficient interim relief must be given.
- **Persons displaced from the Chhamb area during the Indo-Pak War in 1965 and 1971:** Occupancy or tenancy rights should be granted to these displaced persons over the land occupied by them.
- A substantive proposal for one-time compensation for these persons should be formulated. Till the proposal is finalised, payment of a monthly stipend to landless and houseless persons should be considered.

Ministry accepts recommendations of the Committee on concerns of people from the North East

The Ministry of Home Affairs accepted certain recommendations of the Committee which examined concerns of the people of the North East, living in other parts of the country, on January 2, 2015.[20] The Committee was constituted by the Ministry on February 5, 2014, and it submitted its report on July 11, 2014.[21]

The Committee classified its recommendations into three categories: (i) immediate, which are to be implemented within six months to one year; (ii) short term, which are to be implemented between one year and one and a half years; and (iii) long term, to be implemented between one and a half years and three years.[22] The Ministry accepted recommendations made by the Committee with regard to immediate measures, including:

- Amending the Indian Penal Code, 1860 to insert provisions criminalising: (i) promoting or using criminal violence against members of a race on grounds of their race or place of origin; and (ii) words or actions intended to insult members of a particular race;
- Setting up a panel of lawyers by the Delhi Legal Service Authority for providing legal assistance to people from the North East;
- Education related measures, like a scholarship for students from the North East; and
- Sports related measures, like identifying talented sports persons from the North East and arranging for their training.

Some other key short term and long term recommendations of the Committee include: (i) creating a computerised database of people from the North East; and (ii) establishing a North East Centre in Delhi which would be an autonomous institution responsible for the above-mentioned database, holding cultural performances, etc.

Agriculture

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High Level Committee report on the restructuring of FCI submitted

A High-Level Committee chaired by Mr. Shanta Kumar, was set up by the government in August 2014 to suggest the restructuring of Food Corporation of India (FCI), in order to improve its efficiency and financial management. The High-Level Committee Report was submitted on January 22, 2015.[23] Some key recommendations in the Report are given below:

- **Procurement:** FCI should hand over the procurement operations of wheat, paddy and rice to states where a reasonable infrastructure of procurement has been established, such as Andhra Pradesh, Chhattisgarh, Haryana, Madhya Pradesh, Odisha and Punjab. FCI can accept surplus from these states to be handed over to deficient states. FCI should help states which have to resort to distress sales by selling much below the minimum support prices (MSP), and which are dominated by small holdings, such as Uttar Pradesh, Bihar, West Bengal, and Assam.
- A Negotiable Warehouse System should be taken up in order to bring the private sector into the system and reduce costs of storage to the government. Farmers can store their grains at a registered warehouse, and can receive up to 80% of advances from banks, against the value of their produce at the MSP. They can later sell stocks when the prices are at a convenient level. Warehouses with better technology can be built for these purposes, which keep a regular online track of grained stocked that are with them.
- **Food security and public distribution:** In order to avoid high leakages in the distribution system, the implementation of the National Food Security Act (NFSA) should be limited to states that have done end-to-end computerization of the food management system. The Committee recommends that the coverage of the NFSA be reduced from the current 67% to 40% of the population.
- The allocation of food grains to priority households is to be increased from 5kg per person to 7kg per person. Pricing for high priority families should be adjusted to be about 50% of MSP.
- FCI should gradually move from a food grain distribution system to a cash transfer system. This can begin from larger cities with populations of more than one million. The programme can then be extended to states with a surplus of grains, and then the deficient states can be given a choice between physical grains distribution and cash transfer.
- **Fertilizer subsidy:** Farmers should be given direct cash subsidy on fertilizers of about Rs 7000/ha, and the fertilizer sector can subsequently be deregulated. This will provide relief to farmers who use other means of borrowing money in order to buy fertilizers.

CCEA approves FRP of sugarcane for 2015-16 season and revises buffer norms for food grains in Central Pool

The Cabinet Committee on Economic Affairs (CCEA) approved a Fair and Remunerative Price (FRP) to be paid by sugar mill owners on January 16, 2015.[24] The price has been fixed at Rs 230/quintal, an increase of Rs 10 over the 2014-15 season. FRP is the minimum price that mill owners will have to pay sugarcane farmers, and ensures a guaranteed price to sugarcane farmers.

The FRP will be linked to a basic recovery rate of 9.5 percent, and premium of Rs 2.42 per quintal for every 0.1 percentage point increase of recovery above that level.

CCEA also approved the revision of buffer norms for food grains on January 16, 2015. The buffer norms indicate the quantity of food grains to be stored as buffer stocks in the central pool.[25] These norms were last changed in 2005.

Table 2: Buffer norms (in million tonnes)

As on	Current norms	Revised norms	% Change
1st April	21.2	21.04	-0.8%
1st July	31.9	41.12	28.9%
1st Oct	21.2	30.77	45.1%
1st Jan	25	21.41	-14.4%

Sources: Press Information Bureau; PRS.

In case of the stocks in the central pool being more than the revised norms, the Department of Food and Public Distribution will release the excess stocks through open sale or through exports. An Inter-Ministerial Group has also been constituted in order to better manage the food stocks in the country.

Draft Operational Guidelines for Price Stabilisation Fund

A Price Stabilisation Fund for horticultural commodities was announced in the Union Budget speech in July 2014. Draft operational guidelines for the same were released by the Ministry of Agriculture in January 2015.[26] The scheme is to provide working capital to farmers and control price volatility by procurement of select produce, buffer stocks, and regulated release of produce into markets.

The scheme is to be implemented from 2014-15 to 2016-17, with the possibility of continuation. Key aspects of the scheme are:

- **Objectives:** (i) To protect farmers from distress sales of selected horticultural commodities, (ii) maintain a buffer stock to discourage hoarding of commodities, and (iii) control the release of stocks and their distribution, in order to supply commodities at reasonable prices.
- **Creation and management of Corpus Fund:** A Corpus Fund for Procurement and Distribution of Identified Horticultural Commodities will be created, to be worth Rs 500 crore. It will be used for price stabilization in context of potatoes and onions, to be extended to other crops later.
- The Fund will provide interest free working capital advances to state governments, various state agencies, central agencies such as the Small Farmers Agri-business Consortium, National Agricultural Cooperative Marketing Federation of India, etc.
- The Fund will be managed by the Price Stabilization Fund Management Committee (PSFMC). PSFMC will: (i) manage proposals received from agencies, (ii) determine the amounts to be given as advances, (iii) take decisions regarding investing surplus in the Fund, and (iv) monitor the recovery of advances made by the Fund.
- **Method of procuring working capital from the Fund:** Agencies wanting advances from the Fund will submit project specific proposals to PSFMC. The proposals should include, among other details, the need for interventions, relevant production data and estimated cost of production, as well as the methodology of procurement of stocks.

Telecom

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Cabinet approves auction of spectrum in 2100, 1800, 900 and 800 MHz bands

The Cabinet approved the Department of Telecommunications' (DoT) proposal to proceed with auction of spectrum in 800, 900, 1800 and 2100 MHz bands.[27,28]

The reserve price approved is: (i) Rs 3,646 crore for all of India per MHz, in 800 MHz; (ii) Rs 3,980 crore per MHz in 900 MHz, for all of India excluding Delhi, Kolkata, Jammu and Kashmir, and Mumbai; (iii) Rs 2,191 crore per MHz in 1800 MHz, for all of India excluding Maharashtra and West Bengal; and (iv) Rs 3,705 crore per MHz in 2100 MHz, for all of India.

In the 2100 MHz band, a 5 MHz block will be offered in all service areas except Jammu and Kashmir, Bihar, Himachal Pradesh, West Bengal and Punjab. A total of 465.75 MHz in all four bands is being put to auction.

Key objectives of the auction include: (i) ensure efficient use of spectrum and avoid hoarding; (ii) stimulate competition in the sector; and (iii) maximise revenue proceeds from the sector. Payment terms and eligibility criteria for the auction have also been specified.

The last date for submitting applications is February 16, 2015. The auction is scheduled to commence on March 4, 2015.[29]

Finance

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Special Economic Zones (Amendment) Rules, 2014

The Special Economic Zones (SEZs) (Amendment) Rules, 2014, notified on January 2, 2015, amend the Special Economic Zones Rules, 2006. The amendments allow dual use of non-processing areas in SEZs.[30] Social infrastructure developed in these areas can now be accessed by persons living outside the SEZ.

Key provisions in the 2014 amendments are:

- Non-processing areas in SEZs will be divided into two parts, (i) portions where the social or commercial infrastructure and facilities can be used by both SEZ and Domestic Tariff Area (areas outside the special economic zones) entities, and (ii) portions where they will be permitted to be used exclusively by SEZ entities.
- There will be no exemptions, concessions or drawbacks permitted for building infrastructure in portions to be used by both SEZ and Domestic Tariff Area entities. Any benefits already availed shall be refunded by the developer without interest. The utilisation of SEZ land will be subject to certain conditions
- The portion to be used exclusively by SEZ entities will be segregated from the Domestic Tariff Area, non-processing area and processing area of the SEZ. Infrastructure regarding this will be eligible for exemptions, concessions and drawback.
- Norms with respect to areas to be specified for residential, commercial and social facilities have also been provided.

RBI constitutes High Powered Committee for Urban Co-operative Banks

RBI on January 30, 2015 constituted a High Powered Committee to examine and provide recommendations on the urban cooperative banking sector.[31] The Committee will consist of eight members, and will be chaired by Mr. R. Gandhi, Deputy Governor of RBI.

The Committee has been constituted according to the recommendation of the Standing Advisory Committee (SAC) on Urban Co-operative Banks (UCBs) in October 2014. SAC is an advisory body under the RBI. It is chaired by the deputy governor in charge of the Department of Cooperative Bank Regulation, and has representatives from the banking sector, among others, as its members.

The High Powered Committee is expected to submit recommendations on:

- The businesses which will be permitted for UCBs, the benchmark in terms of the business size and capital requirement, and the regulatory framework;
- The appropriate size up to which a UCB may grow without posing a risk to the system, under the regulatory framework;
- Criteria for allowing voluntary conversion of a UCB into a joint stock bank, given the legal framework in place; and
- The Expert Committee on Licensing of New UCBs had given recommendations in 2011 on giving licenses to new UCBs, and had said that 50% in value of deposits should be held by voting members of banks, in order to maintain confidence among investors. The High Powered Committee will implement these recommendations, or propose an alternate structure to put majority voting in the hands of contributors of funds.

Health

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Amendments to the Cigarettes and Other Tobacco Products Act

The Ministry of Health and Family Welfare has invited comments on the Draft Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendments Bill, 2015.[32] The deadline for comments is February 15, 2015.

The Bill seeks to amend the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act 2005. Key changes proposed by the Bill are:

- Under the Act the minimum legal age for buying tobacco products is 18 years. The Bill changes the minimum legal age to 21 years.

- The Act prohibits smoking in a public place. The Bill also prohibits spitting of tobacco in public places. The definition of public place is changed to include airports and railway stations. The Bill allows smoking and spitting of tobacco in an international airport if it has a designated smoking area.
- For persons directly or indirectly advertising tobacco products or selling such products to those under 21 years of age, the competent authority may suspend or cancel the license of the relevant manufacturer, distributor or seller for a period they think fit.
- The penalty for smoking or using tobacco products in public places is increased from Rs 200 to Rs 1,000.
- The Bill prohibits the sale of tobacco products in loose or single sticks. Tobacco products are required to be sold in packages of size, content and weight as prescribed.
- Under the Act sale of tobacco products is prohibited within 100 yards of an educational institution. The Bill amends this provision to within 100 metres of the educational institution.
- The Bill prohibits the employment or engagement of children below 18 years of age in the cultivation, processing and sale of tobacco products.

Draft Drugs and Cosmetics Amendment Bill 2014

The Ministry of Health and Family Welfare placed the Draft Drugs and Cosmetics (Amendment) Bill, 2015 in the public domain on December 31, 2014. The Bill amends the Drugs and Cosmetics Act, 1940 and proposes changes in the regulation of the import, export, manufacture, distribution and sale of drugs, cosmetics, medical devices and clinical trials.[33]

Key provisions of the Bill are:

- The Bill amends the Act to include regulation of clinical trials. Clinical trials are defined in relation to drugs, cosmetics and medical devices, and involve a systematic study with the objective of determining their safety, efficacy, performance or tolerance. Anyone initiating a clinical trial has to register with the Drugs Controller General of India (DCGI) and get approval from an Ethics Committee registered with it. 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.
- Under the Act, medical devices were covered under the definition of drugs. The Bill changes this by adding a new definition of medical devices and introducing a separate chapter on regulation of medical devices.
- The Bill gives DCGI the power to issue licenses for the manufacture, sale, and distribution of 17 categories of drugs specified in Schedule Three of the Bill.
- In order to ensure standard quality of drugs, cosmetics, and medical devices, the Bill specifies conditions under which they will be considered misbranded, adulterated, or spurious and specifies penalties and offences for the same.

A similar Drugs and Cosmetics (Amendment) Bill, 2013 is currently pending in the Rajya Sabha. That Bill has a provision to establish the Central Drug Authority as a statutory authority to subsume the existing Central Drugs Standards Control Organisation. The new Draft Bill has no such provision.

Feedback invited on National Health Policy 2015

The Draft National Health Policy 2015 was placed in the public domain on December 30, 2014.[34] The Ministry has invited feedback on the Draft Policy by February 28, 2015.

Key objectives of the Policy include (i) improving health status by expanding preventive and curative services through the public health sector; (ii) reducing out of pocket expenditure on health care; (iii) ensuring availability of free, comprehensive primary health care services and access to free essential drugs, diagnostics etc. in public health facilities; and (iv) encouraging the growth of the private health care industry to make health care more effective and affordable. Some of the key focus areas of the Policy are:

- Strengthening the regulatory framework of health care to include reform of professional councils and ensure a balance between autonomy and accountability of professional councils. The rules regarding setting up of medical colleges and regulation of medical education will be revised to correct distortions between prevailing health needs and professional skills.

- Clinical trials need to be regulated by law. Other laws that need to be reviewed include the Mental Health Bill, the Medical Termination of Pregnancy Act, the Bill regulating surrogate pregnancy and assisted reproductive technologies, Food Safety Act, Drugs and Cosmetics Act and the Clinical Establishments Act.
- Enacting a National Health Rights Act to guarantee health as a fundamental right. The central government will do this after discussion and on the request of three or more states. Other states could choose to adopt this by a resolution of their Legislative Assembly.
- Raising public health expenditure to 2.5% of GDP with 40% of this expenditure being borne by the central government. In addition to general taxation, the government will raise resources by creating a health cess on the lines of the education cess. Special commodity taxes may be imposed on tobacco, alcohol, extractive industries etc.
- Focussing on targeted investments in building health infrastructure and human resources. Expand the number of specialists and doctors by investing in states with larger human resource deficits. The policy intends to strengthen 58 existing medical colleges and convert 58 district hospitals to new medical colleges. The central government shall also expand the number of AIIMS like institutes of medical education and research from 9 to 15. The financing would be shared between the central and state governments.

Committee to review Food Safety and Standards Act

The Ministry of Health and Family Welfare has constituted a committee to undertake a review of the Food Safety and Standards Act, 2006.[35] The Act regulates the manufacture, distribution, import and sale of food articles.

According to the Ministry, several stakeholders have identified difficulties in complying with the provisions of the Act and its rules and regulations. More recently, the Supreme Court when hearing a case regarding adulteration of milk and milk products had observed that the Act needs to be reviewed to ensure that adulteration of food items is curbed.

The Committee is expected to make suggestions on amendments to the Act and its rules and regulations. The Committee is comprised of 16 members representing the food safety and standards authority, state food commissioners, officials from the department of health, food processing, agriculture, consumer affairs etc.

Media

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Cabinet approves FM Phase-III auctions and migration (renewal) of Private FM Radio licenses

The Cabinet gave its approval for conduct of FM Phase-III auctions and renewal of Private FM Radio licenses from Phase-II to Phase-III in 69 existing cities for 135 channels, on January 16, 2015.[36] After the implementation of Phase-I in 1999-2000 and Phase-II in 2005-2006, for 10 years each, there are 243 private FM channels operational in 86 cities.

Approval for migration of Private FM Radio licenses from Phase-II to Phase-III on payment of migration fee was given on the basis of the Telecom Regulatory Authority’s (TRAI) recommendations in February 2014.[37] TRAI recommended that the migration fee should be calculated on the basis of a formula that takes into account the average bid and highest bid from the Phase-II process, and the actual auction price from the Phase-III auction process.

Other recommendations of TRAI include:

- The period of permission for the existing operators, who migrate from Phase-II to Phase-III, should be 15 years from the date of migration instead of 10 years.
- An existing Phase-II operator should be permitted to bid for an additional channel (frequency) in a city where it already has an operational FM channel.

The auction process is expected to yield estimated revenue of Rs 550 crore, in addition to the amount realised through the migration process (dependent on the TRAI formula).

Labour

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Comments invited on proposal to repeal Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956

The Ministry of Labour and Employment proposed to repeal the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956 on January 20, 2015.[38] It has invited comments on its proposal for repeal till February 20, 2015.

In 1960, all except three provisions of the Amendment Act were repealed through the Repealing and Amending Act, 1960. Comments have been invited on the repeal of the three remaining provisions.

These provisions provide:

- The Amendment Act will not apply to industrial disputes which were pending before a tribunal prior to its commencement;
- The Amendment Act will not override state laws which were in operation before its commencement; and
- The Industrial Disputes (Appellate Tribunal) Act, 1950 shall be repealed.

The Commission on Review of Administrative Laws, under chairmanship of Mr. P.C. Jain, had recommended repeal of this law in September 1998 because it had become irrelevant.[39]

Law and Justice

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Committee constituted by PMO on repeal of obsolete laws submits report

The two member committee constituted by the Prime Minister's office to identify the central laws which are not relevant and either require repeal or re-enactment in the present socio-economic context, submitted its report in November 2014.[40]

The Terms of Reference of the Committee included: (i) to further process the act of repeal of those laws that have been identified by previous committees; (ii) to identify those laws amending central Acts which can be repealed in view of Section 6A of the General Clauses Act; and (iii) to identify those central laws which require to be amended or re enacted.

The Committee compiled the status of central Acts enacted from the year 1834 to October 15, 2014.[41] In all, it has identified 1741 central acts for repeal out of 2781 central Acts existing in the statute books. It has also identified 150 central laws for consolidation and re-grouping under 21 proposed central acts to avoid multiplicity of laws. Further, it has identified 55 laws for repeal and re-enactment. The Committee also prepared a Model Draft Repealing Bill, 2014 for repeal of 1277 central acts.

Law Commission submits report on a Hindu wife's right to maintenance

The Law Commission submitted its 252nd Report on 'Right of the Hindu Wife to Maintenance: A relook at Section 18 of the Hindu Adoptions and Maintenance Act, 1956' to the Law Ministry on January 6, 2015.[42]

In January 2014, the High Court of Punjab and Haryana passed a decision on a matter in relation to maintenance under Hindu law. The matter dealt with a Hindu wife seeking maintenance from her father in law as her husband was of unsound mind.

The Hindu Adoptions and Maintenance Act, 1956 states that a Hindu wife is entitled to claim maintenance from her husband during her lifetime, under certain circumstances including that of desertion etc. Further, the Act states that the father in law is required to provide maintenance only in cases where the daughter in law is widowed, and where certain other circumstances exist.

The High Court asked the Law Commission to examine the Hindu Adoptions and Maintenance Act, 1956, in relation to the question of maintenance to a woman whose husband is unable to maintain her.

The Commission recommended that a new clause be inserted in the Act to state that in cases where the husband is unable to provide for his wife, on account of: (i) physical disability; (ii) mental disorder; (iii) disappearance; (iv) renunciation of the world by entering any religious order or other similar reasons, the Hindu wife is entitled to claim maintenance from members of the husband's joint Hindu family. This would not apply in cases where the husband has received his share in the joint family property.

Education

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Invitation for discussion on 33 themes for a new National Policy on Education

The Ministry of Human Resource Development has identified 33 themes towards formulating a new National Policy on Education and is seeking public feedback.[43] These themes have been divided into school education (13 themes) and higher education (20 themes).

Some of the themes identified include: (i) developing the best teachers; (ii) bridging gender and social gaps; (iii) school standards, school assessment and school management systems; (iv) ensuring learning outcomes in elementary education; (v) strengthening vocational education; (vi) integrating skill development in higher education; (vii) engagement with industry to link education to employability; and (viii) improving the quality of regulation, etc.

The first National Education Policy was released in 1968 and the second in 1986, which was subsequently modified in 1992. The main features of the National Policy on Education, 1986 included: (i) all students, irrespective of caste, creed, location or sex, have access to education of a comparable quality; (ii) a common educational structure of 10+2+3 years; (iii) inter-regional mobility in higher and technical education; and (iv) focus on adult literacy and education, etc.[44]

Urban Development

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Guidelines for HRIDAY (Heritage cities) scheme released

The Ministry of Urban Development released the guidelines for the Heritage City Development and Augmentation Yojana (HRIDAY) in January 2015.[45] The scheme seeks to preserve and redevelop heritage cities with a specific focus on sanitation, tourism and livelihoods. The duration of the scheme will be from December 2014 to December 2018.

The scheme shall receive 100% funding from the central government. 85% of the funds will be dedicated to the implementation of the pilot project. The scheme will focus on twelve cities which include Ajmer, Amritsar, Amravati, Badami, Dwarka, Gaya, Kanchipuram, Mathura, Puri, Velankanni, Varanasi and Warangal. Additional cities may be added to this list. Cities will be required to prepare a Heritage Management Plan and Detailed Project Reports to avail assistance under the scheme.

Components of the scheme include: (i) documentation and mapping of heritage cities, (ii) revitalization of heritage areas with a focus on provision of basic services such as sanitation, and (iii) local capacity building for heritage management.

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