

ANNUAL POLICY REVIEW

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Highlights of the year

Macroeconomic Developments

The Indian economy is estimated to grow at 7.1% in 2016-17. The RBI reduced the repo rate from 6.75% to 6.25% over the year. As of March 2017, retail inflation stood at 3.8% year on year, and wholesale price index inflation at 5.7%, year on year.

Finance

The 122nd Constitutional amendment Bill related to Goods and Services Tax (GST) and four Bills to enable the levy of GST were passed by Parliament. Currency notes of Rs 500 and Rs 1,000 were demonetised by the government in November 2016. The Insolvency and Bankruptcy Code, 2016 was passed by Parliament.

Railways

Railways Budget was merged with the Union Budget; requirement of paying dividend to the central government was removed. For passenger safety, Rashtriya Rail Sanraksha Kosh was created with a corpus of Rs one lakh crore. Railways also introduced the flexi-fare system for certain categories of trains.

Roads

The Motor Vehicles (Amendment) Bill was introduced in Lok Sabha. The Supreme Court passed several orders related to regulation of motor vehicles.

Defence

Government issued guidelines to regulate levy of penalties on individuals, companies that enter into defence contracts for procurement of goods and services. Judicial committee on

One Rank One Pension submitted its report on implementation of scheme.

Home Affairs

The Citizenship (Amendment) Bill, 2016 was introduced to make some groups of illegal migrants eligible for citizenship. Draft amendments were also introduced to various laws, including the National Investigation Agency Act, 2008.

Labour and Employment

Parliament passed Bills to prohibit employment of children in hazardous industries and increase the period of maternity leave for women. The Draft Labour Code on Social Security was put in the public domain.

Health

The National Health Policy, 2017 was released. It proposes a target of 2.5% of the GDP as the public health expenditure. NITI Aayog released a report on the regulatory reforms for Indian systems of medicine and homeopathy. Surrogacy (Regulation) Bill, 2016 was introduced in Lok Sabha.

Education

Policy inputs for the draft National Education Policy, 2016 were released. IIM Bill, 2017 was introduced in Lok Sabha, which gives IIMs the power to grant degrees. The Union Cabinet approved the Higher Education Financing Agency to promote the creation of high quality infrastructure in higher educational institutions.

Law and Justice

Supreme Court held that re-promulgation of ordinances is unconstitutional.

Social Justice and Empowerment

The Ministry introduced a Bill related to the identification and recognition of rights of transgender persons.

Environment

Paris Agreement on Climate Change was ratified to limit the increase in global average temperature. Process for granting environment clearance was also amended to decentralise decision-making.

Water Resources

An Expert Committee submitted a report on restructuring the Central Water Commission and Central Ground Water Board.

Housing and Urban Development

The Real Estate (Regulation and Development) (General) Rules, 2016 were notified. 27 more cities were announced as winners under the Smart City Mission, taking the number of winner cities to 60. Benefits under the Credit Linked Subsidy Scheme under Pradhan Mantri Awas Yojana - Urban were extended to middle income groups as well.

Civil Aviation

The National Civil Aviation Policy was released. It also gave effect to the Regional Connectivity Scheme, and modified the 5/20 rule for aircrafts.

Shipping

The Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill was passed by Lok Sabha. The Merchant Shipping Bill and the Major Port Authorities Bill were introduced in Lok Sabha.

Table 1: Bills passed by Parliament from April 2016 to March 2017

Title	Sector	Key Objectives
The Constitution (122nd Amendment) (GST) Bill, 2014	Constitutional Amendment	Amends the Constitution to enable GST with concurrent taxation powers to the centre and states, and creates a GST Council.
The Central Goods and Services Tax Bill, 2017	Finance	Provides for the levy of the Central Goods and Services Tax.
The Integrated Goods and Services Tax Bill, 2017	Finance	Provides for the levy of the Integrated Goods and Services Tax by the centre on inter-state supply of goods and services.
The Union Territory Goods and Services Tax Bill, 2017	Finance	Provides for the levy of the Union Territory Goods and Services Tax by the centre on the supply of goods and services within the boundary of a union territory.
The Goods and Services Tax (Compensation to States) Bill, 2017	Finance	Provides for compensation to states for any loss in revenue due to the implementation of GST.
The Insolvency and Bankruptcy Code, 2015	Finance	Creates time-bound processes for insolvency resolution of companies and individuals.
The Specified Bank Notes (Cessation of Liabilities) Bill, 2017	Finance	Removes liability of the RBI on demonetised bank notes. Imposes penalty for holding more than 10 such notes.
The Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016	Finance	Amends four laws to address issues related to debt recovery, including expeditious adjudication of cases.
The Benami Transactions (Prohibition) (Amendment) Bill, 2015	Finance	Establishes authorities to inquire or investigate benami transactions, empowers them to attach and confiscate such properties and imposes a fine and penalty of imprisonment for holding such properties.
The Indian Trusts (Amendment) Bill, 2015	Finance	Amends the Indian Trusts Act, 1882 to permit trustees to invest trust money in securities authorised by a trust deed or central government.
The Taxation Laws (Amendment) Bill, 2016	Finance	Clarifies demerger of public sector companies, gives relaxation to apparel manufacturers to be eligible for certain income tax exemptions, and increases customs duty on marble and granite.
The Taxation Laws (Second Amendment) Bill, 2016	Finance	Introduces a scheme under which taxpayers may declare undisclosed income. On this income, 49.9% of tax and penalties will be levied, and a further 25% will be locked in an interest free deposit for four years. Also, increases the tax and penalty on possession of undisclosed income found during searches by tax authorities.
The Rights of Persons with Disabilities Bill, 2014	Social Justice and Empowerment	Replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and expands the types of disabilities that are eligible for entitlements.
The Constitution (Scheduled Castes) Order (Amendment) Bill, 2016	Social Justice and Empowerment	Modifies the list of Scheduled Caste communities in Haryana, Kerala, Chattisgarh, Odisha, and West Bengal.
The Compensatory Afforestation Fund Bill, 2015	Environment, Forest and Climate Change	Establishes funds at the national and state levels to receive money collected as compensation for diverted forest land. Money to be utilised for afforestation, wildlife protection, etc.
The Maternity Benefits (Amendment) Bill, 2016	Labour and Employment	Increases the maternity leave to 26 weeks, grants leave to adopting and commissioning mothers and requires establishments with 50 employees to provide crèche facilities.
The Child Labour (Prohibition and Regulation) Amendment Bill, 2012	Labour and Employment	Prohibits the employment of children below 14 years in all occupations (except in family enterprises) and of adolescents between 14-18 years in certain hazardous occupations.
The Payment of Wages (Amendment) Bill, 2017	Labour and Employment	Enables employer to pay wages by cheque or through a bank account. Government can specify establishments where wages are to be paid only in the above modes.

The Mental Health Care Bill, 2013	Health	Replaces the Mental Health Act, 1987 to protect the rights of persons with mental illness and promote their access to mental health care. Decriminalises attempt to suicide.
The Indian Medical Council (Amendment) Bill, 2016	Health	Introduces a uniform entrance examination for all medical educational institutions at the undergraduate and the post-graduate level.
The Dentists (Amendment) Bill, 2016	Health	Introduces a uniform entrance examination for all dental educational institutions at the undergraduate and the post-graduate level.
The Enemy Property (Amendment and Validation) Bill, 2016	Law and Justice	Amends the principal Act to vest all rights, titles and interests over enemy property in an office of the central government.
The Lokpal and Lokayuktas (Amendment) Bill, 2016	Law and Justice	Amends the requirement for public servants to declare assets. Form and manner of declaration to be prescribed by central government.
The Repealing and Amending (Third) Bill, 2015	Law and Justice	Repeals 294 enactments which have ceased to be in force and amends two Acts.
The Appropriation Acts (Repeal) Bill, 2015	Law and Justice	Seeks to repeal 758 Appropriation Acts.
The Mines and Minerals (Development and Regulation) Amendment Bill, 2016	Mines	Allows for the transfer of mining leases which have been granted through procedures other than auction, and where the minerals are used for captive purpose.
The Industries (Development and Regulation) Amendment Bill, 2015	Industry	Excludes production of alcohol for potable purposes from the ambit of the Act.
The Anti-Hijacking Bill, 2014	Strategic Affairs	Provides for death penalty where the offence results in death of any person, and life imprisonment in all other cases and expands the definition of hijacking.
The Institutes of Technology (Amendment) Bill, 2016	Human Resource Development	Incorporates 6 new IITs and converts Indian School of Mines, Dhanbad to an IIT.
The National Institutes of Technology, Science Education and Research (NITSER) (Amendment) Bill, 2016	Human Resource Development	Establishes the National Institute of Technology, Andhra Pradesh as an institute of national importance under the NITSER Act, 2007.
The Regional Centre for Biotechnology Bill, 2016	Science and Technology	Provides legislative backing to the Regional Centre in Faridabad, and confers upon it the status of an institution of national importance.
The Rajendra Central Agricultural University Bill, 2015	Agriculture	Declares the existing Rajendra Agricultural University in Pusa, Bihar as an institute of national importance.
The Central Agriculture University (Amendment) Bill, 2016	Agriculture	Expands jurisdiction of the University over Nagaland. The University focuses on development of agriculture in six north east states.
The Sikh Gurdwaras (Amendment) Bill, 2016	Home Affairs	Disentitles Sahjdhari Sikhs from voting in elections for the committees that regulate administration of Gurdwaras constituted under the Sikh Gurdwaras Act, 1925.

Finance and Industry

Macroeconomic Developments

State of the Economy in 2016-17

India's Gross Domestic Product (GDP) at constant prices is estimated at 7.1% in 2016-17, compared to 7.9% in 2015-16.¹² Trends in GDP growth over the past three years are given in Table 2 below.

Table 2: Trend in GDP growth rate (%)

Sector	2014-15	2015-16	2016-17
Agriculture	3.0	2.6	3.8
Industry	5.0	7.8	6.3
Services	9.5	9.8	7.9
Gross Value Added	6.9	7.8	6.7
Gross Domestic Product	7.2	7.9	7.1

Sources: MOSPI; PRS.

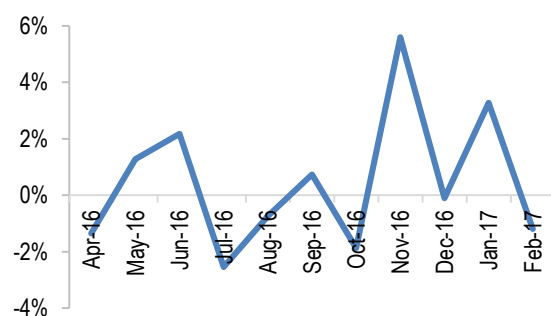
Note: Figures in the table are Gross Value Added at Basic Prices, at the 2011-12 prices.

In 2016-17, nominal GDP (prices including inflation) is estimated at Rs 134.86 lakh crore. The per capita income is estimated at Rs 103,818 at current prices, an increase of 10.2% over 2015-16.

Industrial Production in 2016-17

The Index of Industrial Price (IIP) looks at the volume of production in the sectors of manufacturing, mining, and electricity in the economy. The IIP assigns a weight of 75% to the manufacturing sector, 15% to the mining sector and 10% to the electricity sector. The IIP increased from -1.3% (year-on-year) in April 2016, to -1.2% in February 2017.³ Manufacturing production increased from -3.6% in April 2016 to -2.0% in February 2017. Production in the mining sector also saw an increase from 0.7% to 3.3% over the same period. Electricity sector production, on the other hand, fell from 14.6% to 0.3% during the same period. The shift in IIP over 2016-17 is shown in Figure 1.

Figure 1: IIP in 2016-17 (% year-on-year)

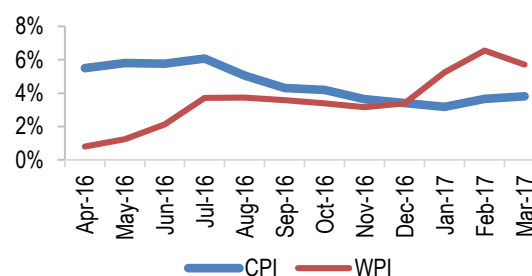


Sources: MOSPI; PRS.

Inflation trends in 2016-17

The Consumer Price Index (CPI) inflation closed at 3.8% at the end of the year in March 2017, lower than 5.5% in April 2016. It peaked at 6.1% in July 2016. The Wholesale Price Index (WPI) inflation closed at 5.7% in March 2017, rising from 0.8% in April 2016. It peaked at 6.6% in February 2017. The trend in CPI and WPI inflation in 2016-17 is shown in Figure 2.

Figure 2: CPI and WPI in 2016-17 (%)



Sources: Ministry of Commerce and Industry, MOSPI; PRS.

Balance of Payments

The Balance of Payments account reflects the transactions of a country with the rest of the world. It consists of the current account (exports of goods and services, remittances and dividend payments) and the capital account (flow of funds through equity investments and borrowings).

The surplus of the capital account is generally used to finance the current account deficit (CAD). In the third quarter (October-December) of 2016-17, India's CAD stood at USD 7.9 billion, an increase of USD 0.8 billion from the third quarter of 2015-16, when it was at USD 7.1 billion.⁴ The capital account had a surplus of USD 11.8 billion from April to December 2016, as against a surplus of USD 23 billion in the same period of 2015. India's Balance of Payments for 2016-17 is shown in Table 3.

Table 3: India's Balance of Payments for 2016-17 (in USD billion)

	Apr-Jun 2016	Jul-Sept 2016	Oct-Dec 2016
A. Current Account Deficit	-0.3	-3.4	-7.9
B. Capital Account	7.1	12.7	8.6
C. Errors and Omissions	0.2	-0.7	0.5
Net increase in reserves	7.0	8.6	1.2

Sources: RBI; PRS.

Monetary Policy Decisions

The Reserve Bank of India (RBI) took the following decisions over the course of 2016-17:

- **Policy rates:** RBI reduced the policy repo rate (rate at which RBI lends money to commercial banks) from 6.75% to 6.25% in 2016-17. It was reduced by 25 basis points in April 2016, and by 25 basis points again in October 2016. The Monetary Policy Committee stated that the decision to reduce the policy repo rate was in line with the inflation target of 4% (+/-2%) for the next three years.
- The reverse repo rate (at which RBI borrows money from commercial banks) was increased by 25 basis points from 5.75% to 6% in April 2016. However, in October 2016, it was reduced back to 5.75%.
- **Cash Reserve Ratio:** The Cash Reserve Ratio (CRR) has been kept unchanged at 4% of the Net Demand and Time Liabilities (which roughly consist of all current, savings and time deposits). However, the daily minimum maintenance of the CRR has been reduced from 95% to 90%, with effect from April 16, 2016.

Monetary Policy Committee came into force

The Ministry of Finance notified provisions which allowed for the constitution of a Monetary Policy Committee (MPC) in June 2016.⁵ A provision to set up the Committee was passed as an amendment to the Reserve Bank of India (RBI) Act, 1934 in the Finance Act, 2016. The MPC consists of six members, three members from the RBI, and three members appointed by the central government. It is headed by the Governor of the RBI.

The inflation target is set every five years by the central government and the RBI. The MPC will determine the policy rate required to achieve this target. The inflation target will be a fixed number with upper and lower error margins. The Finance Ministry notified rules regarding the MPC in June 2016, stating the factors which would constitute as failure to meet the inflation targets.⁶ This was defined as the average inflation being more than the upper level of the inflation target (target plus the upper margin of error) for three consecutive financial quarters, or being less than the lower level of the inflation target (target minus the lower margin of error) for any three consecutive financial quarters.

Economic Survey 2016-17 presented

The Finance Minister, Mr. Arun Jaitley tabled the Economic Survey 2016-17 in January 2017.⁷ Some highlights of the survey are:

- **Macroeconomic developments:** The Central Statistics Office has estimated a GDP growth of 7.1% in 2016-17, without taking into account the effect of demonetisation. In 2017-18, it is expected to be between 6.75% and 7.5%, owing to factors such as an increase in exports and higher agricultural growth. Retail inflation (change in consumer price index) for 2017-18 is expected to remain under 5%, in line with the inflation target set by the government and the Reserve Bank of India.
- **Demonetisation:** The central government demonetised currency notes of Rs 500 and Rs 1,000 from November 2016. The Survey took into account factors such as agricultural sowing, indirect tax collections, real estate prices and credit growth, and stated that the impact of demonetisation on GDP is estimated to be 0.25% to 0.5%. GDP for 2016-17 is estimated to grow by 6.50% to 6.75%, (taking into account the effect of demonetisation) as against the earlier estimation of 7%. The Survey stated that the government would undertake measures to replenish cash shortage as soon as possible.
- **Current Account Deficit:** A lower trade deficit has resulted in the current account deficit (CAD) shrinking to 0.3% of GDP in the first half of 2016-17, as compared to 1.1% of GDP in 2015-16. The CAD is expected to be about 1% to 1.5% of GDP in 2016-17.
- **Universal Basic Income:** The Survey discussed the advantages and issues in introducing a universal basic income (UBI) for all citizens, as a share of the GDP. By ensuring a minimum income for all, UBI would help in reducing poverty levels, replace existing welfare subsidies and enable better targeting of beneficiaries. Disadvantages may include disincentives to work and spending of UBI on non-essential activities.
- **Public Sector Asset Rehabilitation Agency:** In order to deal with the issue of non-performing assets (NPAs), the Survey stated that a Public Sector Rehabilitation Agency may be set up. The agency would centralize all debt by purchasing loans belonging to larger companies, from banks. It would then either convert them into equity, sell stakes in auction or grant debt reduction to recapitalise the public sector banks.

Union Budget 2017-18

The Finance Minister, Mr. Arun Jaitley, presented the 2017-18 Union Budget on February 1, 2017.⁸ The Union Cabinet approved some changes related to the presentation of the Union Budget in September 2016.⁹ These changes included:

- **Merger of Railway Budget with the General Budget:** The Railway Budget was merged with the Union Budget, and it was decided that henceforth only one Budget would be presented. As a result, the Railways would not be required to pay an annual dividend on the central government investments into the sector. The Railways would retain its financial autonomy, and continue to receive gross budgetary support from the centre.
- **Advancement of Budget presentation:** Previously, the Union Budget was presented on the last day of February. This date was advanced to allow for the budget related legislative business (such as approval for the ministry-wise demands for grants and passage of the Finance Bill) to be completed before the commencement of the financial year on April 1.
- **Merger of the Plan and Non-Plan classification:** Expenditure of the government was previously classified under Plan and Non-Plan expenditure. This classification was removed, and it was decided that the expenditure would be classified only under the revenue and capital heads.

Some highlights of the 2017-18 Union Budget are:

- The government proposes to spend Rs 21,46,735 crore in 2017-18, which is 6.6% above the revised estimates for 2016-17.
- Total receipts (other than borrowings) are expected to increase by 8.1%. Tax receipts are expected to go up by 12.2%.
- A nominal GDP growth rate of 11.75% has been assumed in 2017-18. Fiscal deficit (or borrowings of the government) is targeted at 3.2% of GDP (compared to 3.5% in 2016-17) and revenue deficit is targeted at 1.9% of GDP (compared to 2.3% in 2016-17).

Table 4: Budget 2016-17 (in Rs crore)

Items	Revised 2016-17	Budgeted 2017-18	% change
Total Expenditure	20,14,407	21,46,735	6.6%
Total Receipts (without borrowings)	14,80,133	16,00,203	8.1%
Fiscal Deficit (borrowings)	5,34,274	5,46,532	2.3%
% of GDP	3.2	3.2	
Revenue Deficit	3,10,998	3,21,163	3.3%
% of GDP	2.1	1.9	

Sources: Budget at a Glance, Union Budget 201-17; PRS.

Key policy proposals in the budget were:

- **Foreign Direct Investment:** The Foreign Investment Promotion Board (FIPB) is proposed to be abolished in 2017-18. FIPB is responsible for clearing Foreign Direct Investment (FDI) proposals in cases where government approval is required. Changes to the FDI policy will be undertaken accordingly.
- **Education:** A National Testing Agency is proposed to be set up to conduct all entrance examinations for higher education institutions. A system of measuring annual learning outcomes in schools is proposed to be introduced.
- **Irrigation:** A Micro-Irrigation Fund is proposed to be started under NABARD, with an initial allocation of Rs 5,000 crore.
- **Transport:** A Metro Rail Policy will be announced with focus on innovative models of implementation and financing. In addition, railway lines of 3,500 kms are proposed to be commissioned in 2017-18.
- **Integrated oil company:** An integrated oil company has been proposed by merging or restructuring existing public sector companies in the oil and gas sector.
- **Presumptive tax:** Currently, businesses with an annual turnover of less than two crore rupees are presumed to have a taxable income equal to 8% of their turnover. This allows small businesses to not maintain detailed books of accounts and audit reports. The presumptive tax rate has been decreased to 6% for the turnover generated through cheque or electronic means. It will continue to be 8% for turnover generated otherwise.

Finance

Constitution Amendment Bill on Goods and Services Tax passed by Parliament

The Constitution (122nd Amendment) Bill, 2014 to enable the levy of the Goods and Services Tax (GST) was passed by Parliament in August 2016.^{10,11} Following that, the Act received Presidential assent in September 2016 as the Constitution (101st Amendment) Act, 2016.

The Constitution (101st Amendment) Act permits both Parliament and state legislatures to make laws on the taxation of goods and services. It seeks to replace various central and state indirect taxes currently levied on goods and services, with the GST. All goods and services will be covered with a few exceptions. Alcohol for human consumption has been exempted from the ambit of GST. With regard to petroleum crude and related products, the GST Council will decide the date on which GST will be levied on them. Key features of the Act include:

- **Concurrent powers for GST:** The Act inserts a new Article in the Constitution to give the central and state governments the concurrent power to make laws on the taxation of goods and services for intra-state supplies.
- **Integrated GST (IGST):** The centre will levy and collect GST on supplies in the course of inter-state trade or commerce.
- **GST Council:** A Goods and Services Tax Council will be constituted and will consist of the following three members: (i) the Union Finance Minister (as Chairman), (ii) the Union Minister of State in charge of Revenue or Finance, and (iii) the Minister in charge of Finance or any other Minister, nominated by each state government.
- The GST Council will decide on the following matters: (i) taxes to be subsumed under GST, (ii) exemptions of goods and services from GST, (iii) rates of GST, (iv) the threshold limit for application of GST, (v) model GST laws, and (vi) provisions for special category states (i.e. Himalayan and North-Eastern states).
- **Compensation:** Parliament will, by law, provide for compensation to states for revenue losses arising out of the implementation of GST, based on the recommendations of the GST Council. This compensation will be given for a maximum period of five years.

Following the passage of the Act, the GST Council was constituted in September 2016. Centre and states

are required to pass Bills to levy GST on goods and services. In this regard, the centre introduced four Bills to levy GST in Lok Sabha in March 2017.

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

GST Bills passed by Parliament

Four Bills related to Goods and Services Tax (GST) were passed by Parliament in March 2017. These Bills are: (i) the Central Goods and Services Tax (CGST) Bill, 2017, (ii) the Integrated Goods and Service Tax (IGST) Bill, 2017, (iii) the Union Territory Goods and Service Tax (UTGST) Bill, 2017, and (iv) the Goods and Service Tax (Compensation to States) Bill, 2017.^{12,13,14,15} The Bills levy the: (i) CGST on intra-state supply of goods and services, (ii) IGST on inter-state supply of goods and services, (iii) UTGST on supply of goods and services in union territories, and (iv) provide compensation to states for any loss of revenue, following the implementation of GST. Key features of the Bills include:

- **Tax rates:** The GST Council, constituted under the 101st Constitutional Amendment, will recommend the tax rates with respect to CGST, IGST and UTGST. The tax rates for CGST will not exceed 20%. The tax rate of IGST will not exceed 40%. In addition, a cess will be levied on certain goods and services to compensate states for revenue loss.
- **Exemptions from GST:** The centre may exempt certain goods and services from the purview of GST through a notification. This exemption will be based on the recommendations of the GST Council.
- **Apportionment of IGST:** The revenue collected from IGST will be apportioned between the centre and the state where the goods and services are consumed. The revenue will be apportioned to the centre at the CGST rate, and the remaining amount will be apportioned to the consuming state.
- **Registration of taxpayers:** Every person with a turnover exceeding Rs 20 lakh will have to register in every state in which he operates. This threshold will be Rs 10 lakh for special category states (i.e. Himalayan and North-Eastern states).
- **Filing tax returns:** Every taxpayer will have to self-assess and file tax returns on a monthly basis by submitting: (i) details of supplies provided, (ii) details of supplies received, and (iii) payment of tax. In addition, an annual return will have to be filed by each taxpayer.

- **Compensation to states:** The compensation amount will be calculated using a state's tax revenue in 2015-16 as the base. A compounded growth rate of 14% per annum over the base year will be assumed. A cess may be levied on certain goods and services in order to provide the compensation.
- **Prosecution and appeal:** For offences such as mis-reporting of: (i) goods and services supplied, and (ii) details furnished in invoices, a person may be fined, imprisoned, or both by the CGST Commissioner. Such orders can be appealed before the Goods and Services Tax Appellate Tribunal, and further before the High Court.

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

Government demonetised currency notes of Rs 500 and Rs 1,000

The central government demonetised currency notes of Rs 500 and Rs 1,000 with effect from November 9, 2016.¹⁶ Following this, these notes ceased to be legal tender, and were no longer accepted for payments. Prior to demonetisation, 86% of the value of currency in circulation comprised Rs 500 and Rs 1,000 notes.¹⁷ According to the government, demonetisation was undertaken to check: (i) circulation of counterfeit currency, (ii) terror funding using fake notes, and (iii) storage of unaccounted wealth.

The government allowed currency notes to be used for certain transactions, such as petrol pumps, government hospitals, and toll plazas.¹⁸ It also provided a window of up to December 30, 2016, to deposit old currency notes in banks and post offices. Further, it specified that an individual would be eligible to exchange Rs 4,000 in old notes and any amount above it would be deposited in their bank account.¹⁹

Cash withdrawals were restricted to Rs 10,000 per day and Rs 20,000 per week.²⁰ Both these limits were subsequently revised multiple times, and ultimately the exchange of old notes was discontinued.²⁰ The government subsequently introduced new notes with denominations of Rs 500 and Rs 2,000.

The Specified Bank Notes (Cessation of Liabilities) Bill, 2017 passed by Parliament

The Specified Bank Notes (Cessation of Liabilities) Bill, 2017 was passed by Parliament in February 2017.²¹ The Act replaced an Ordinance promulgated on December 30, 2016.

The Ordinance provided that notes of Rs 500 and Rs 1,000 will cease to be liabilities of the Reserve Bank of India (RBI) from December 31, 2016. Further, these notes would no longer be guaranteed by the central government. These notes had been demonetised in November 2016.²² Key features of the Act include:

- **Grace period:** The central government will specify a grace period during which the following persons may deposit old notes with the RBI: (i) Indian citizens who make a declaration that they were outside India between November 9, 2016 to December 30, 2016, or (ii) any other class of persons specified by the central government. Any such person depositing old notes will be required to make statements or declarations specified by the RBI.
- Any person wilfully making a false declaration will be punished with a fine: (i) which may extend to Rs 50,000, or (ii) five times the value of notes deposited, whichever is higher.
- The government notified March 31, 2017 as the last date (of the grace period) for depositing these notes for Indian residents, and June 30, 2017 for non-resident Indians.²³
- **Prohibitions related to specified notes:** Any person will be prohibited from holding, transferring or receiving the old notes from December 31, 2016 onwards. It exempts persons from this prohibition if: (i) a person holds up to 10 old notes (irrespective of denomination), (ii) a person holds up to 25 notes for the purposes of study, research or numismatics (collection or study of coins and notes), or (iii) a person holds notes as per the direction of a court. The RBI or any person authorised by it will also be exempted from this prohibition.
- **Penalty for holding old notes:** Any person holding old notes except in the above mentioned circumstances will be punishable with a fine: (i) which may extend to Rs 10,000, or (ii) five times the value of notes held, whichever is higher.

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

Insolvency and Bankruptcy Code, 2016 passed by Parliament

The Insolvency and Bankruptcy Code, 2016 was passed by Parliament in May 2016.²⁴ The Code was introduced in December 2015 and referred to a Joint Committee of Parliament (Chair: Mr. Bhupender Yadav), which submitted its recommendations and

proposed a modified Code in April 2016. Parliament passed this modified version of the Code.

The Code provides a 180-day time-bound insolvency resolution process for companies, partnerships and individuals. It repealed two Acts and amended 11 laws, including the Companies Act, 2013. Key features of the Code include:

- **Insolvency Resolution Process:** The resolution process may be initiated by the debtor or creditors upon a default in repayment. The process will have to be completed within 180 days, which may be extended up to 270 days in certain circumstances. During the process, the creditors will decide to either restructure the company's debt, or sell its assets to recover their outstanding dues. The proceeds from the sale of assets will be distributed in an order of priority.
- **Insolvency Professionals:** The resolution process will be managed by licensed insolvency professionals. These professionals will take over the operations of the company during the process. The professionals will be members of insolvency professional agencies, which will conduct examinations to enrol them, and enforce a code of conduct.
- **Information Utilities:** The information utilities will collect and store financial information related to a debtor. This information may be used as evidence during the resolution process.
- **Insolvency and Bankruptcy Board:** The Insolvency and Bankruptcy Board will be established as a regulator. It will oversee the functioning of insolvency professionals and agencies, and information utilities.

The Code received Presidential assent in May 2016. Subsequently, regulations related to: (i) registration of insolvency professionals, (ii) registration of insolvency professional agencies, (iii) model bye-laws for these agencies, (iv) Information Utilities and (v) Voluntary Liquidation were notified.^{25,26,27,28,29}

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

Finance Bill, 2017 passed by Parliament

The Finance Bill, 2017 was passed by Parliament with certain amendments.^{30,31} It was introduced in Lok Sabha alongside the presentation of the Union Budget. Key features of the Act include:

- **Income tax:** The income tax rate for individuals with income between Rs 2.5 lakh to Rs 5 lakh will be reduced from 10% to 5%. An additional surcharge of 10% will be levied on individuals

with income between Rs 50 lakh and Rs one crore. In addition, tax on companies with annual turnover of less than Rs 50 crore has been reduced from 30% to 25%.

- **Limit on cash transactions:** Cash transactions above Rs two lakh will not be permitted: (i) to a single person in one day, (ii) for a single transaction (irrespective of number of payments), and (iii) for any transactions in relation to a single event.
- **Political funding:** Contributions to political parties may be made through a new mode called electoral bonds. These bonds will be issued by banks, for an amount paid through cheque or electronic means. Further, the 7.5% cap on percentage of profits that a company may give to parties has been removed. Companies will no longer be required to disclose the name of parties to which donations were made.
- **Aadhaar mandatory for PAN and Income Tax:** It will be mandatory for every person to quote his Aadhaar number after July 1, 2017 for: (i) applying for a Permanent Account Number (PAN), or (ii) filing Income Tax returns.
- **Terms of service of Tribunal members:** Currently, terms of service of Chairpersons and other members of Tribunals, Appellate Tribunals and other authorities are specified in their respective Acts. The Finance Act, 2017 permits the centre to make rules to determine the qualifications, and appointments, among other terms of service for members of 19 Tribunals.
- **Replacing some Tribunals:** Eight Tribunals have been replaced, and their functions transferred to other existing Tribunals. For example, the functions of the Competition Appellate Tribunal will be carried out by the National Company Law Appellate Tribunal.
- **Legislative proposals for 2017:** Laws such as the Securities and Exchange Board of India Act, 1992, the Payment and Settlement Systems Act, 2007, the Arbitration and Conciliation Act, 1996, and the Multi State Cooperative Societies Act, 2002 were amended through the Act.

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

Parliament passed a Bill to amend the SARFAESI and DRT Acts

The Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016 was passed by Parliament in

August 2016.³² Earlier, a Joint Committee of Parliament (Chair: Mr. Bhupender Yadav) had submitted its report on the Bill in July 2016.

The 2016 Act amended four laws including: (i) Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), and (ii) Recovery of Debt Due to Banks and Financial Institutions Act, 1993 (RDDBFI Act). Key provisions of the 2016 Act include:

- **Taking possession over collateral:** The SARFAESI Act allows secured creditors to take possession over a collateral, if the borrower defaults upon repayment. This is done with the assistance of the District Magistrate (DM), without the intervention of courts or tribunals. The 2016 Act provides that this process will have to be completed within 30 days by the DM. The DM may extend this limit to 60 days, and record reasons for the same.
- **Creation of database:** The SARFAESI Act has a central registry to maintain records of collateral security and transactions. The 2016 Act creates a central database to integrate records of property registered under various registration systems with this central registry. This includes integration of registrations made under the Companies Act, 2013, the Registration Act, 1908 and the Motor Vehicles Act, 1988.
- **Presiding Officer and Chairman:** The RDDBFI Act established Debt Recovery Tribunals (DRTs) to resolve disputes related to outstanding loans. The 2016 Act increases the retirement age of Presiding Officers of Debt Recovery Tribunals from 62 years to 65 years and allows for their reappointment. Further, it allows officers of tribunals established under other laws, to head DRTs.

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

Benami Transactions (Prohibition) (Amendment) Bill, 2015 passed by Parliament

The Benami Transactions Prohibition (Amendment) Bill, 2015 was passed by Parliament in August 2016.³³ It amends the Benami Transactions Act, 1988, which prohibits benami transactions and provides for confiscation of benami property. Key features of the amended Act include:

- The principal Act defines a benami transaction as a transaction where a property is held by or transferred to a person, but has been provided for or paid by another person. The 2016 Act amends this definition to add other transactions which

qualify as benami, such as property transactions where: (i) the transaction is made in a fictitious name, (ii) the owner is not aware of or denies knowledge of the ownership of the property, or (iii) the person providing the consideration for the property is not traceable.

- Under the principal Act, an authority to acquire benami properties was to be established under rules. The 2016 Act seeks to establish the following four authorities to conduct inquiries or investigations regarding benami transactions: (i) Initiating Officer, (ii) Approving Authority, (iii) Administrator, and (iv) Adjudicating Authority. These authorities will have the power of discovering, confiscating and managing benami transactions and properties.
- An Appellate Tribunal will be established to hear appeals against orders passed by the Adjudicating Authority. Certain Sessions Courts would be designated as Special Courts for the purpose of trying any offences which are punishable under the 2016 Act.
- Under the principal Act, the penalty for entering into benami transactions was specified. The 2016 Act: (i) increases the penalty for entering into benami transactions from imprisonment for three years to seven years, and (ii) specifies the penalty for providing false information.

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

Indian Trusts (Amendment) Bill, 2015 passed by Parliament

The Indian Trusts (Amendment) Bill, 2015 was passed by Parliament in July 2016.³⁴ The Bill amended the Indian Trusts Act, 1882. The principal Act regulates the functioning of private trusts and trustees. It also outlines the manner in which surplus funds of the trust can be invested. The principal Act specifies categories of securities where trust money can be invested. These categories included some pre-independence references such as securities issued by the United Kingdom, Presidency towns, and the port trust of Karachi.

The 2016 Act amended the principal Act to delete these categories of securities. Trust money may now be invested in securities which are authorised by the instrument of the trust, or notified by the centre.

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

Two Bills related to Taxation Laws passed by Parliament

The Taxation Laws (Second Amendment) Bill, 2016 was passed by Parliament in November 2016.³⁵ It amends the Income Tax Act, 1961 and Finance Act, 2016. Key features of the law include:

- **Declaration of undisclosed income:** The law introduces the Pradhan Mantri Garib Kalyan Yojana, 2016. Under the scheme, taxpayers may declare their undisclosed income before a notified date. Table 5 presents the taxes and penalties to be levied on such income.

Table 5: Levies on undisclosed income

Levy	Rate
Tax	30% on undisclosed income
Cess	33% on tax (9.9% of undisclosed income)
Penalty	10% on undisclosed income
Total	49.9% of undisclosed income

Sources: The Taxation Laws (Second Amendment) Bill, 2016; PRS.

- The cess is known as the Pradhan Mantri Garib Kalyan Cess, and will be used for welfare of economically weaker sections. In addition, the taxpayer has to deposit 25% of the undisclosed income into the Pradhan Mantri Garib Kalyan Deposit Scheme, 2016. The deposit will not earn any interest. This deposit may be withdrawn only after four years from the date of deposit.
- **Disclosure of unexplainable income:** Currently, a tax is levied when the taxpayer is not able to explain any of his income. The law: (i) increases the tax rate and surcharges levied on such income, and (ii) levies a penalty. The proposed changes are presented in Table 6.

Table 6: Changes in taxes on unexplained income

	Current	Proposed
Tax	30% of unexplained income	60% of unexplained income
Penalty	-	10% of tax if the assessing authority finds the unexplained income
Surcharge	2%-15% on tax payable	25% on tax payable

Sources: The Income Tax Act, 1961; The Finance Act, 2016; The Taxation Laws (Second Amendment) Bill, 2016; PRS.

- **Income found during search:** Currently, the income tax assessment authorities may initiate an investigation and search of assets of a taxpayer on the suspicion of possessing undisclosed income. If undisclosed income is found, a

penalty will be levied in addition to the payable tax. The law increases the penalty from 30% to 60%, if the taxpayer does not admit possession of the undisclosed income.

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

The Taxation Laws (Amendment) Bill, 2016 was introduced and passed by Parliament in August 2016.^{36,37} It amends two Acts, the Income Tax Act, 1961, and the Customs Tariff Act, 1975.

The amendment Act provides clarity that provisions of the 1961 Act will apply in case a public sector company demerges, and the resultant company is no longer a public sector company. It also allows apparel manufacturers to be eligible for income tax exemptions under the 1961 Act. In addition, it amends the Customs Tariff Act, 1975 to increase customs duty on marble and granite.

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

Taxation Laws Amendment Bill, 2017 introduced in Lok Sabha

The Taxation Laws (Amendment) Bill, 2017 was introduced in Lok Sabha in March 2017.³⁸ It seeks to amend the Customs Act, 1962, the Customs Tariff Act, 1975, the Central Excise Act, 1944, the Finance Act, 2001, the Finance Act, 2005, and repeal provisions of a few other Acts. Key features of the Bill include:

Customs Act, 1962

- **Furnishing information to proper officer:** The Bill inserts a provision that requires certain category of persons to furnish information to a proper officer (customs officer) under the 1962 Act. These persons include: (i) income tax and state GST authorities, (ii) Reserve Bank of India, (iii) banks and financial institutions, (iv) stock exchanges and depositories (v) state electricity boards, (vi) Registrar of Companies, (vii) Registrar and Sub-registrar under the Registrar Act, 1908, (viii) registration authority under the Motor Vehicles Act, 1988, and (ix) Post Master General. The information will have to be furnished in a manner notified by the central government.
- The officer may serve a notice if the information is not furnished within the specified time. He may impose a fine of Rs 100/day, after 30 days of serving the notice.

Customs Tariff Act, 1975

- **Levy of IGST on imports:** Goods imported will be liable to pay the Integrated Goods and Service Tax (IGST). IGST will be levied on the aggregate value of the imported good, customs duty, and any other amount chargeable under any law.
- **GST Compensation Cess on imports:** Goods imported will be liable to the GST Compensation Cess. The Cess will be levied on the aggregate value of the imported good, customs duty, and any other amount chargeable under any law.

Central Excise Act, 1944

- **Levy of Excise Duty:** Currently, central excise duty is levied on various excisable goods including tobacco, petroleum products, rubber, oils, and vehicles. This is proposed to be changed to levy duty only on certain kinds of: (i) petroleum products such as motor spirit, high speed diesel, aviation turbine fuel, and (ii) tobacco products.
- Currently, goods on which excise duty is levied are mentioned in the Central Excise Tariff Act, 1985. These will be moved to the newly inserted Fourth Schedule in the Central Excise Act, 1944. Note that the 1985 Act is proposed to be repealed under the Central GST Bill, 2017.

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

Committee on Digital Payments submitted its report

The Committee on Digital Payments (Chair: Mr. Ratan P. Watal) submitted its report to the Ministry of Finance in December 2016.³⁹

The Committee had been constituted in August 2016 with terms of reference including: (i) recommending changes to various laws including the Payment and Settlements Act, 2007, (ii) recommending ways to leverage Aadhaar or other identity proofs, and (iii) studying the feasibility of creating a payments history of all digital and card payments and recommending ways to incentivise card transactions.⁴⁰

Key recommendations in the report include:

- **Legislative changes:** The function of regulating payments should be independent of the RBI. In addition, amendments to the Payment and Settlements Act, 2007 should be made to provide for: (i) competition and innovation in the payments market, and (ii) consumer protection.

- **Promotion of digital payments:** The government should promote digital payments for its own transactions. In addition, convenience fees, service charge or surcharge levied on electronic payments (at petrol pumps, railway stations or airports) should be withdrawn.
- **DIPAYAN fund:** A fund called DIPAYAN (Digital Payments Action Network) should be created using savings generated from cashless transactions. It should be used for promoting and incentivising digital payments.
- **Dis-incentivise cash:** A cash handling charge should be levied for transactions above a certain threshold. The threshold of quoting of PAN for cash transactions should be reduced from the current threshold of Rs 50,000 for banking and Rs 2,00,000 for other transactions.
- **Upgrade payment systems:** The RBI should extend the working hours of RTGS to ensure that RTGS and NEFT facilities are available 24x7.

The Committee identified the Ministry of Finance, the RBI, and the NITI Aayog, among other agencies to implement its recommendations.

Committee of Chief Ministers submitted interim report on digital payments

The Committee of Chief Ministers on Digital Payments (Convener: Mr. N. Chandrababu Naidu, Chief Minister, Andhra Pradesh) submitted its interim report in January 2017.⁴¹ The terms of reference of the Committee included: (i) identifying best practices for implementing an economy based on digital payments, (ii) indicating a one-year road map to expand the use of digital payment methods, and (iii) evolving an action plan to create public awareness regarding digital payments.

The Committee compared the infrastructure available in India for digital payments with those available in other countries such as China, Brazil, South Africa and United Kingdom. It found that, among these countries, India had the lowest number of pay points per million people. The Committee also identified some constraints in moving towards a cashless economy, which include: (i) lack of hardware, (ii) higher cost of digital transactions vis-à-vis cash, and (iii) lack of interoperability.

Key recommendations of the report include:

- Lower the merchant discount rate (rate charged by banks to merchants for accepting cards) for digital payments.

- Levy a Banking Cash Transaction Tax on cash transactions over Rs 50,000.
- Provide a subsidy of Rs 1,000 to small merchants to purchase mobiles.
- Provide tax refunds to consumers using digital payments, up to a proportion of their annual income. Tax incentives may be offered for micro ATMs and biometric sensors.
- Provide a 50% subsidy on biometric sensors to all merchant points for Aadhaar Pay. Further, make Aadhaar the primary ID for Know Your Customer (KYC) authentication.
- Government departments such as the ones relating to insurance, fertilisers and PDS should switch to digital payments.

Cabinet approved recommendations of the Seventh Central Pay Commission

The Union Cabinet approved the recommendations of the Seventh Central Pay Commission in June 2016.⁴² The Commission had recommended an overall increase of 23.55% in the expenditure on pay, allowances and pensions of central government employees, in November 2015. They will be implemented with effect from January 1, 2016. Key recommendations of the Commission were:

- **Pay:** The overall government expenditure was expected to increase by 16% on basic pay, 63% on allowances and 24% on pension. The net increase in remuneration was expected to be 23.55%. The rate of annual increment for employees was retained at 3%.
- **Allowances:** Out of the 196 allowances that could have been given to employees by various departments, 52 were abolished and 36 were either merged under existing heads, or made a part of proposed new allowances. A risk and hardship matrix was formulated, to determine the allowances for employees, based on the degree of risk or hardship faced by them.
- With a proposed increase in basic pay, a recalibration of the House Rent Allowance (HRA) rate was proposed. An increase in the Dearness Allowance (DA) beyond 50% and 100% would raise the HRA rate.

Table 7: HRA Rates as % of basic pay

Population of City	Present	Proposed	DA above	
			50%	100%
Above 50 lakh	30%	24%	27%	30%
5 lakh to 50 lakh	20%	16%	18%	20%
Below 5 lakh	10%	8%	9%	10%

Sources: Seventh Pay Commission Report; PRS.

- An increase in the ceiling of gratuity from Rs 10 lakh to Rs 20 lakh was proposed. The ceiling would be raised by 25%, every time the DA goes up by 50%.
- **Pension:** A new methodology for the computation of pension, for pensioners who have retired before January 1, 2016 was proposed. Two methods for calculation of pension were prescribed, and the pensioner could opt for either one of them.
- **Other recommendations:** Performance Related Pay (PRP) for all employees was proposed. This would be based on a Result Framework Document and an Annual Performance Appraisal Report of the employee. Further, a merger of existing bonus schemes with the performance related pay was suggested.

More information on recommendations of the Pay Commission is available [here](#) and [here](#).

Committee constituted to review the FRBM Act, 2003 submitted its report

A Committee (Chair: Mr. N.K. Singh) to review the Fiscal Responsibility and Budget Management (FRBM) Act, 2003 set up in May 2016 submitted its report to the Ministry of Finance in January 2017.^{43,44} The FRBM Act, 2003 sets yearly fiscal deficit targets to be met by the government. The terms of reference of the Committee included: (i) reviewing the functioning of the Act over the last 12 years and suggesting the way forward, (ii) reviewing the factors taken into consideration while determining yearly targets under the Act, (iii) examining the need and feasibility to have a fiscal deficit target range for every year, as opposed to a fixed target, and (iv) examining the feasibility for the government to align fiscal deficit with changes in the credit flow in the economy.

The Finance Minister during his Budget Speech for 2017-18 indicated that the Committee had recommended a debt to GDP ratio of 60% for the country by 2023.⁴⁵ This consists of 40% for the central government, and 20% for the state government. Within this framework, the Committee recommended maintaining a fiscal deficit at 3% of

GDP for the next three years. It also provided certain conditions under which deviations of up to 0.5% from this target may be allowed.

A PRS summary of the report is available [here](#).

Cabinet approved fiscal deficit targets for states

The Union Cabinet approved fiscal deficit limits for states in April 2016.⁴⁶ These limits were recommended by the Fourteenth Finance Commission in February 2015.⁴⁷ Fiscal deficit is the difference between the total expenditure and total revenue (excluding borrowings) of a state. It is presented as a percentage of Gross State Domestic Product (GSDP).

The Finance Commission had recommended a fiscal deficit limit of 3% for states, which could be relaxed to 3.5%, if certain targets were met. Any state desiring to increase the limit will have to amend its Fiscal Responsibility and Budget Management Act.

The fiscal deficit limits would be relaxed by 0.25% for each of the following cases:

- If the debt-GSDP ratio of a state was under 25%, in the preceding year, and
- If interest payments of the state were less than or equal to 10% of its revenue receipts, for the preceding year.

The states would be able to avail these additional limits between 2016-17 and 2019-20.

A PRS summary of the Fourteenth Finance Commission Report is available [here](#).

Report of Task Force on Financial Redress Agency released

The Ministry of Finance released the report of the Task Force (Chair: Mr. Dhirendra Swarup) on the Financial Redress Agency (FRA) in December 2016.⁴⁸ The setting up of an FRA was earlier proposed by the Financial Sector Legislative Reforms Commission in 2013.

The FRA is envisaged as a redress system for retail consumers filing complaints against regulated financial service providers (such as banks and insurance companies). Key recommendations of the Task Force include:

- **Legislative framework:** The government should conceive a financial consumer protection and redress legislation and amend existing legislations accordingly. This could be done by

adopting provisions from the draft Indian Financial Code.⁴⁹

- **Design and organisation:** The FRA should be designed using a technology intensive model, and discourage court-like processes. The mediators and adjudicators should focus on providing redress services to consumers, and should not be burdened with support or management functions.
- **Funding of FRA:** The government should provide an overall budget of Rs 90 to Rs 100 crore for the FRA. The regulators and the FRA should determine a model to levy fees on the financial service providers to fund the FRA. No fee should be charged from the consumers.
- **Implementation:** A phased roll-out of the FRA was recommended. The government should establish a shell FRA through an executive order, and hire consultants to scale it up to be a fully functional redress agency. The shell FRA should be empowered to enter into contracts, build infrastructure, hire staff, and receive or spend funds, among others. Further, the FRA should be given statutory backing through a financial consumer protection and redress legislation.
- **Transition:** The FRA should start functioning in 12 months after the shell FRA has been created. It should be empowered to redress complaints currently handled by the financial sector regulators, or their Ombudsman.

Cabinet accepts recommendations of Sub-Group of Chief Ministers on CSS

The Union Cabinet accepted the recommendations of the Sub-Group of Chief Ministers on Centrally Sponsored Schemes (CSS) in November 2016.⁵⁰ The Sub-Group of Chief Ministers was set up under the NITI Aayog in March, 2015 to rationalise CSS. The Sub-Group submitted its recommendations in October 2015.⁵¹ Key recommendations of the Sub-Group include:

- **Number of CSS:** The existing 66 CSS should be restructured and reduced to a maximum of 30 schemes.
- **Categorisation:** CSS should be divided into the following schemes: (i) core schemes, (ii) core of core schemes, and (iii) optional schemes.
- States are required to participate in core and core of core schemes. Core of core schemes will have the highest preference in fund allocation. On the

other hand, states may opt out of the schemes classified as optional.

A summary of the recommendations of the Sub-Group is available [here](#).

Cabinet approved acquisition of subsidiaries by State Bank of India

The Union Cabinet approved the acquisition of five of its subsidiary banks by the State Bank of India (SBI) in February 2017.⁵² These subsidiary banks are: (i) State Bank of Bikaner and Jaipur, (ii) State Bank of Hyderabad, (iii) State Bank of Mysore, (iv) State Bank of Patiala, and (v) State Bank of Travancore. Later in March 2017, the Cabinet also approved the acquisition of the Bharatiya Mahila Bank by the SBI.⁵³

It also approved the introduction of a Bill in Parliament to repeal the State Bank of India (Subsidiary Banks) Act, 1959 and the State Bank of Hyderabad Act, 1956. Both these laws were enacted to constitute and manage these subsidiary banks.

The merger of these five subsidiary banks with the SBI is expected to result in recurring savings estimated at Rs 1,000 crore in the first year. This will be owing to improved operational efficiency and economies of scale.

Cabinet approved the creation of a Fund for start-ups

The Union Cabinet approved the creation of a Fund of Funds for start-ups in June 2016.⁵⁴ The creation of the Fund was announced in the Start-up India Action Plan, which was released in January 2016.⁵⁵ The Fund is expected to address the challenges faced by start-ups in obtaining funds from domestic investors.

The Fund would be established under the Small Industries Development Bank of India. It would be utilised to make contributions to investment funds, which extend financial support to start-ups. The Fund is expected to build a corpus of Rs 10,000 crore over the next nine years (2015-16 onwards). Towards this, Rs 500 crore was allocated to the Fund for 2015-16 and Rs 600 crore for 2016-17.

In March 2017, the Union Cabinet approved proposals specifying the proportion of: (i) investment into start-ups through Alternate Investment Funds (AIFs), and (ii) operating expenses which may be met from the Fund.⁵⁶ AIFs include private equity funds, venture capital funds and infrastructure funds.

The Department of Industrial Policy and Promotion would monitor the performance of the Fund, in line

with the Start-up India Action Plan. The Fund is expected to catalyse investments worth Rs 60,000 crore into start-up enterprises and generate employment for 18 lakh people.

More details related to the Start-up India Action Plan can be found [here](#).

Cabinet approved increase in foreign investment limit in stock exchanges

The Union Cabinet gave its approval to increase the limit on foreign direct investment by an investor in stock exchanges in July 2016.⁵⁷ This limit was increased from 5% to 15%. That is, an individual foreign investor (such as a banking or an insurance company) would be allowed to hold up to 15% of the shares of Indian stock exchanges (such as Bombay Stock Exchange).

The Cabinet also gave its approval to allow foreign investors to subscribe to shares during the initial public offer (IPO) of the Stock Exchange. Previously, these investors could purchase shares of the Exchange in a secondary sale, but were not allowed to take part in the IPO.

Cabinet approved foreign investment in Non-Banking Finance Companies

The Union Cabinet gave its approval to amend the regulations that allow foreign investment in Non-Banking Finance Companies (NBFCs) in August 2016.⁵⁸ NBFCs are involved in providing financial services (such as lending or acquiring shares), but are not allowed to take deposits.

The amendment allows foreign investment in ‘other financial services’ of NBFCs, via the automatic route (i.e. without prior government approval). These ‘other financial services’ include those regulated by financial sector regulators such as RBI and SEBI or other government agencies. Investment in financial services which did not fall under the purview of these regulators would continue to require prior government approval.

RBI released guidelines for ‘on tap’ licensing of banks in the private sector

The RBI released guidelines for ‘on tap’ licensing of banks in the private sector in August 2016.⁵⁹ The guidelines provided for applicants to apply for a bank license on a rolling basis. Earlier, an application for a license could be filed only when the RBI announced the grant of fresh licenses.

The applications would be screened by the RBI at the first stage. After this, the application would be referred to a Standing External Advisory Committee. The final decision would be taken by an Internal Screening Committee headed by the RBI Governor.

Key features of the guidelines are:

- **Promoter:** The following people, who are residents of India, would be eligible for a license: (i) an individual having at least 10 years of experience in banking, (ii) private sector entities having a successful track record of 10 years, and (iii) non-banking financial companies with a successful track record of 10 years.
- **Capital and Shareholding:** The minimum capital requirement to set up a bank is Rs 500 crore. The promoters would be required to hold at least 51% of the equity shares, if establishing a new company, or 40% if converting an existing company to a bank.
- **Other Conditions:** The guidelines specified various other conditions, including the requirements to open at least 25% bank branches in unbanked rural centres (population of less than 10,000 people).

RBI introduced a scheme for structuring of stressed assets

The Reserve Bank of India (RBI) introduced a 'Scheme for Sustainable Structuring of Stressed Assets' in June 2016.⁶⁰ Stressed assets refer to loans, (i) where the borrower has stopped making repayments, or (ii) which have been restructured (such as by changing their repayment schedule). The scheme would allow lenders to convert a part of the outstanding amount owed to them, into shares (i.e. debt to equity conversion).

An account would be eligible for the scheme if, (i) the project for which the loan was obtained had commenced operations, (ii) the total outstanding amount of all lenders was more than Rs 500 crore, and (iii) the borrower was in a position to repay more than 50% of the debt within the existing repayment schedule.

For the debt to equity conversion, the lenders would be required to draft a resolution plan. The plan would involve segregating the debt of the borrower into two parts, i.e. Part A and Part B. Part A would consist of the debt which the borrower would repay with its existing cash flows, or with additional funds that may be sanctioned within the next six months.

Part B, which would consist of the remaining debt, would be converted into equity or preference shares of the company. The lenders may also choose to convert a portion of the debt into debentures, subject to some conditions.

The resolution plan would have to be agreed upon by a majority of the lenders, after which it would be sent to an overseeing committee for final approval. This committee would be appointed by the Indian Banks' Association, in consultation with the RBI.

RBI announced steps to develop fixed income and currency markets

The Reserve Bank of India (RBI) announced steps to develop fixed income and currency markets in August 2016. These steps related to the development of the corporate bond market, among others.⁶¹ A working group (Chair: Mr. H. R. Khan) on development of corporate bond market in India also submitted its report to the RBI in August 2016.⁶² Several recommendations of the Committee were accepted by RBI.

Key steps announced by the RBI included:

- The RBI would accept corporate bonds as collateral security to give banks credit as part of its Liquidity Adjustment Facility (LAF). Previously, it accepted only government securities under LAF.
- Banks would be permitted to issue rupee denominated bonds (also known as masala bonds) to raise capital and financing for infrastructure and affordable housing. Previously, these bonds could be issued by corporate bodies, among others.
- To improve participation in the bond market, brokers would be permitted to trade in bonds, for profit. Previously, participation in the bond market was restricted to entities such as banks and mutual funds, among others.

Public Debt Management Cell created under the Finance Ministry

The Ministry of Finance constituted a Public Debt Management Cell within the Ministry in October 2016.⁶³ The Cell would be an interim arrangement, which would be upgraded to a statutory Public Debt Management Agency in about two years. Note that Finance Bill, 2015 contained provisions to set up a statutory agency, which were dropped from the Bill before it was passed by Parliament.

Public debt refers to the loans and borrowings taken by the government, and may be broadly categorised as internal debt (borrowings from within the country) and external debt (borrowing from international sources). The RBI manages the internal debt of the country, while the Finance Ministry manages the external debt. A Middle Office was created in the Ministry in 2008 to formulate a debt management strategy for the government.⁶⁴

The Public Debt Management Cell would subsume the Middle Office, and carry out advisory functions on matters such as: (i) planning borrowings of the central government, (ii) managing central government liabilities, (iii) advising government departments on external borrowings, (iv) developing an integrated database for all government liabilities, and (v) undertaking preparatory work for establishing the Public Debt Management Agency.

The transition from the Cell to the Public Debt Management Agency would be implemented by a Joint Implementation Committee. The Committee will consist of members from the Finance Ministry and the RBI.

Finance Ministry released draft Bill on resolution of financial firms

The Ministry of Finance released the report of the Committee to draft a Code on Resolution of Financial Firms, along with a draft Bill in September 2016.^{65,66}

The Committee identified several issues in the existing framework of dealing with insolvency resolution of financial firms such as banks and insurance companies. The Committee observed that, (i) multiple laws govern resolution for similar entities (e.g. both the RBI Act, 1934 and SBI Act, 1955 have provisions for merger / resolution of State Bank of India), (ii) resolution is dealt with by sector-specific regulators, which impedes expertise sharing across similar types of financial businesses, and (iii) various types of financial firms are not covered by legal provisions related to resolution, such as companies managing mutual funds.

The draft Bill proposed to consolidate the current framework by repealing the Deposit Insurance and Credit Guarantee Corporation Act, 1961, and amending 13 other laws. Key provisions of the draft Bill include:

- **Resolution Corporation:** The draft Bill proposes to create a Resolution Corporation, responsible for resolving insolvency of financial firms. The Board of the Corporation would have

representatives of RBI, SEBI, IRDA, and the central government, among others.

- **Coverage:** The draft Bill covers financial firms such as banks, insurance companies, and non-banking financial companies. It also has special provisions for cooperative banks. In addition, the government can notify any other entity or fund to be covered under the draft Bill.
- **Funds of the Corporation:** Three Funds are proposed to be created under the Corporation for: (i) payment of insurance on deposits, (ii) incurring resolution costs, and (iii) meeting administrative expenses.
- **Viability risk:** The viability risk of the financial firms would be categorised as low, moderate, material, imminent or critical. This would be done by taking into account factors including their capital, asset quality, and liquidity.
- **Resolution process:** The resolution process for critical firms would have to be completed within two years, extendable by a year. The tools available with the Corporation would include the merger or liquidation of the firm.
- **Cross-border insolvency:** The draft Bill allows the government to enter into agreements with other countries to enforce the provisions of the proposed law.

Draft Bill to ban unregulated deposit schemes released

The Ministry of Finance released the draft Banning of Unregulated Deposit Schemes and Protection of Depositors' Interests Bill, 2016 in November 2016.⁶⁷ Earlier in 2016, a draft Bill was submitted by an inter-ministerial group on deposit taking.⁶⁸ Deposit-taking involves accepting money for investment, which has to be returned at a later date. Key features of the draft Bill include:

- **Unregulated schemes:** The draft Bill prohibits a person from accepting deposits for an unregulated scheme. An unregulated scheme is one which is not registered with any regulatory body such as SEBI or RBI. The central government can exempt an unregulated scheme from the provisions of the draft Bill.
- **Investigation and trial:** States would appoint a competent authority to investigate matters related to an unregulated scheme. Where investigation involves multiple states, the case could be referred to the Central Bureau of Investigation. Trials under the draft Bill would be held in a

district court designated by the state government. Appeals against the order of such courts would be heard by the respective High Court.

- **Database:** The draft Bill creates an online central database for information related to deposit taking.
- **Offences and penalties:** The draft Bill specifies penalties for accepting deposits for an unregulated scheme, or fraudulently defaulting in repayment of such deposits. Such offences would be punishable with imprisonment along with the payment of a fine.

Task Force released draft Bill to establish a Financial Data Management Centre

A Task Force (Chair: Mr. Ajay Tyagi) set up by the Ministry of Finance released the draft Financial Data Management Centre Bill, 2016 in December 2016.⁶⁹ The draft Bill proposes to set up a Financial Data Management Centre to collect and analyse data from financial sector regulators such as the RBI and SEBI. It also seeks to amend the RBI Act, 1934, and the Banking Regulation Act, 1949.

Key features of the draft Bill include:

- **Data Centre:** A Data Centre would be established consisting of: (i) a chief executive officer, (ii) a chief data officer, (iii) a chief economist, and (iv) two non-executive members. This Centre would collect, maintain, and analyse financial data to assist the Financial Stability and Development Council (FSDC). The FSDC is responsible for inter-regulatory coordination and development of the financial sector. It is headed by the Finance Minister and its members include heads of various financial sector regulators.⁷⁰
- **Levy of fee:** The Data Centre may charge regulators a fee for collecting, storing and allowing access to data. The Centre and the regulators or the FSDC will determine the manner in which data would be accessed.
- **MoU with regulators and Council:** The Data Centre would enter into Memoranda of Understanding (MoUs) with regulators for subjects including: (i) role of the Centre and the regulator, and (ii) development of standardised formats for data collection. The Centre would also enter into an MoU with the FSDC to determine the manner in which it would access the data.
- **Offences:** The draft Bill specifies penalties for offences such as accessing data without

authorisation, introduction of a computer virus, and destroying data. The penalty for such offences would be imprisonment ranging between three to 10 years, with a fine ranging from Rs one lakh to three times the gain made by the offender.

Sports infrastructure included under the harmonised master list of infrastructure sub-sectors

The Ministry of Finance included sports infrastructure in the harmonised master list of infrastructure sub-sectors in September 2016.⁷¹ This list consists of five core sectors: (i) transport, (ii) energy, (iii) water and sanitation, (iv) communication, and (v) social and commercial infrastructure. Sports has been included as a sub-sector under social and commercial infrastructure. This inclusion pertains to provision of sports stadia and infrastructure for academies involved in training and research in sporting activities.

This status makes the sports sector eligible for obtaining long term financial support from banks and other financial institutions at par with other infrastructure projects. Such parity in financial support is expected to: (i) bolster investment in sports infrastructure, (ii) encourage private investment, (iii) promote health and fitness, and (iv) provide more opportunities for employment.

Cabinet approved measures to revive the construction sector

The Cabinet Committee on Economic Affairs approved several measures to revive the construction sector in August 2016.⁷² Currently, about 45% of the bank loans in the sector are under stress. Further, about Rs 70,000 crore is tied up in arbitration cases in the sector. Some of the measures approved included:

- **Transfer of arbitration cases:** Public sector undertakings (PSUs) or departments may transfer arbitration cases initiated prior to the 2015 amendments of the Arbitration Act, 1996 to the amended Act. The 2015 amendments allowed for fast-tracking of arbitration. These transfers can be done with the consent of the contractors or concessionaires.
- **Challenges to arbitral awards:** In cases where the arbitral award has been challenged, the PSU may pay 75% of the award amount to the contractor or concessionaire against a bank guarantee. This guarantee would be margin free. The amount will be deposited in an escrow account. The escrow account can be used to

repay bank loans or to meet commitments in ongoing projects.

- **Conciliation Committees:** All PSUs and departments issuing public contracts may set up Conciliation Committees or Councils. These would comprise independent subject experts, and be responsible for ensuring the speedy disposal of pending or new cases.
- **Type of contracts:** Item-rate contracts (costing is done based on the rate of each item) may be substituted by Engineering Procurement Construction (EPC) contracts (work is executed on a lumpsum basis). Further, PSUs and departments may adopt the Model EPC contracts for construction works.
- **Schemes:** The Department of Financial Services in consultation with Reserve Bank of India, may evolve a scheme to address the stressed bank loans in the construction sector.

CCEA approved disinvestment of 10% paid up equity of HUDCO and 15% in NBCC

The Cabinet Committee on Economic Affairs (CCEA) approved the disinvestment of 10% paid up equity of Housing and Urban Development Corporation Ltd. (HUDCO) in June 2016.⁷³ It also approved the disinvestment of 15% paid up equity of the National Buildings Construction Corporation Limited (NBCC) in July 2016.⁷⁴ The government's disinvestment target for 2016-17 (budget estimate) was Rs 56,500 crore.

- **HUDCO:** HUDCO is a government owned enterprise under the Ministry of Housing and Urban Poverty Alleviation. It provides long term financing for construction of residential houses. It also finances and undertakes housing and urban development projects in the country. The paid up equity capital of HUDCO is Rs 2,002 crore. Currently, the central government owns 100% of the equity. The net worth of the company is approximately Rs 7,800 crore.
- **NBCC:** NBCC is an enterprise wholly owned by the government, and is under the administrative control of the Ministry of Urban Development.⁷⁵ It works primarily on two type of projects: (i) buying land from private or government agencies, developing the land and selling it off; and (ii) re-development of government properties.
- The paid up equity capital of NBCC is Rs 120 crore. Currently, the central government has 90% shareholding in NBCC. The face value of

each NBCC share is two rupees. The government estimates to raise about Rs 1,706 crore from the disinvestment.

Supreme Court upheld constitutional validity of the levy of entry tax

A constitutional bench of the Supreme Court upheld the constitutional validity of the levy of entry tax by state governments in November 2016.⁷⁶ Several states have enacted laws that tax the entry of goods into local areas in the states. Jindal Stainless Limited and other parties challenged the levy of the entry tax in 2002. The High Courts held that the tax affected free trade and struck down the levy of the tax.

While hearing an appeal, the Supreme Court examined the: (i) validity of levy of entry tax, and validity of the state laws used to levy entry tax, and (ii) validity of the principle of compensatory tax which was upheld by previous Supreme Court judgements. The Court held the following:

- **Validity of levy of entry tax:** The levy of entry tax by states is valid. However, such levy should not discriminate between the goods imported from other states and the ones locally produced.
- However, the validity of these state laws in levying the entry tax in a non-discriminatory manner should be scrutinised by regular benches of the Supreme Court on a case-by-case basis.
- **Compensatory tax:** The Supreme Court overruled its previous decisions on the levy of entry tax. In the past, the Supreme Court had held that entry tax levied on goods should be for the purpose of compensating states for the services provided by them.⁷⁷ Examples of such services provided may be provision of weighing scales on highways. The Court in this judgement held that the levy of entry tax need not be just for compensatory purposes.

Note that the entry tax will be subsumed with GST.

SIT on black money made fifth round of recommendations

The Special Investigation Team (SIT) on black money released its fifth round of recommendations in July 2016.^{78,79} The SIT was set up in May 2014 to make recommendations on issues relating to black money.⁸⁰ This round provides suggestions on limiting cash transactions to curb black money.

Key recommendations of the SIT include:

- **Cash transactions:** A large amount of unaccounted wealth is stored and used in the

form of cash. To limit this unaccounted wealth, the SIT recommended that cash transactions above Rs three lakh should be banned. A law should be enacted to make such transactions illegal and punishable. Note that Finance Act, 2017 contained provisions to limit the use of cash above Rs two lakh.

- **Cash holding:** The amount of cash an individual or a firm can hold should be limited to Rs 15 lakh. However, exceptions to this requirement can be made with the permission of Commissioner of Income Tax.

Committee to examine the feasibility of a new commencement date of financial years constituted

The Ministry of Finance constituted a Committee (Chair: Dr. Shankar Acharya) in July 2016 to examine the desirability and feasibility of adopting a new commencement date of financial years.⁸¹

Terms of reference of the Committee included:

- Examining the appropriate timing for the commencement of the financial year, taking into consideration: (i) taxation systems and procedures, (ii) agriculture and other working seasons, (iii) impact on business, and (iv) convenience of legislatures for transacting budget work; and
- If the Committee recommends a change in financial year, it may also recommend: (i) appropriate time of change, (ii) transitional period for the change, and (iii) related change in taxation and other laws.

Corporate Affairs

Standing Committee submitted report on the Companies (Amendment) Bill, 2016

The Standing Committee on Finance (Chair: Mr Veerappa Moily) submitted its report on the Companies (Amendment) Bill, 2016 in December 2016.⁸² The Bill was introduced in Lok Sabha in March 2016. It seeks to amend the Companies Act, 2013, which regulates the incorporation, management, functioning and winding up of companies. Key observations and recommendations of the Committee include:

- **Objects clause:** Currently, the Act requires the memorandum of association of a company to state the objects behind incorporating a

company. The Bill removes this requirement, and only requires companies to state that they will engage in lawful activities or businesses. The Committee was of the opinion that the proposed amendment which allows companies to have such an unrestricted objects clause should be reconsidered as it may lead to the creation of bogus entities. Further, specifying the objects clause at the time of incorporation is not a complex issue as the creation of company should be for a specific business activity to attract investors. The Committee recommended that the status quo should be restored.

- **Compliance requirements:** The Act has various compliance requirements for companies, such as minimum number of members on the Board. These requirements vary based on the nature of the company (public or private). The Committee noted that these compliance requirements are difficult to follow and should be simplified for both public and private companies. Further, the Committee noted that the compliance requirements may be determined based on the business volume of the company, instead of the nature of the company.
- **Managerial remuneration:** The Act requires if remuneration of management of a company exceeds prescribed limits, it requires the approval of the central government. The Bill seeks to omit this requirement. The Committee endorsed the proposed amendment. However, the Committee noted that the government should exercise some element of control. This should be done by the government retaining the right to seek necessary information of managerial remuneration of listed companies and companies operating with public funds.
- **Harmonization between SEBI and the Act:** The Committee noted that certain provisions of the Act have differences with Securities and Exchange Board's (SEBI) regulations. Such differences have led to practical difficulties in following compliance requirements. Examples include differences in provisions related to independent directors and related party transactions. The Committee noted that such provisions should be harmonized with SEBI's regulations to avoid confusion.

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

National Company Law Tribunal and National Company Law Appellate Tribunal constituted

The Ministry of Corporate Affairs constituted the National Company Law Tribunal (NCLT) and the National Company Law Appellate Tribunal (NCLAT) in June 2016.^{83,84} The Companies Law Board, set up under the Companies Act, 1956, has been dissolved.

The NCLT and the NCLAT have been created under the Companies Act, 2013. In 2013, a petition was filed challenging the constitutionality of NCLT and NCLAT and qualification of their members. The Supreme Court, in May 2015 held that the constitution of both the tribunals is constitutional.⁸⁵ The Court however stated that certain provisions of the 2013 Act related to: (i) qualification of technical members of the NCLT and (ii) selection committee of the NCLAT are unconstitutional.

The Companies (Amendment) Bill, 2016, introduced in May, 2016 in Parliament has provisions to align the Companies Act, 2013 with the directives of the Supreme Court, with respect to qualification and selection of the members of the tribunals.⁸⁶ The Bill is currently pending in Lok Sabha.

Commerce and Industry

The Industries (Development and Regulation) Amendment Bill, 2015 passed by Parliament

The Industries (Development and Regulation) Amendment Bill, 2015 was passed by Parliament in April 2016.⁸⁷ The Bill amends the Industries Act, 1951 which regulates telecommunication, transportation and alcohol industries, among others.⁸⁸

The 1951 Act regulates the production of alcohol for industrial and potable (drinkable) purposes. The 2016 Act excludes the production of alcohol for potable purposes from its ambit.

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

The Footwear Design and Development Institute Bill, 2017 introduced in Lok Sabha

The Footwear Design and Development Institute Bill, 2017 was introduced in Lok Sabha in March 2017.⁸⁹ The Bill seeks to establish the Footwear Design and Development Institute as an institution of national importance. Currently, there are 12 campuses under this Institute. Key features of the Bill include:

- **Functions of the Institute:** The functions of the Institute include: (i) developing and conducting courses and research related to footwear and leather products' design and development, and (ii) granting degrees, diplomas and certifications.
- **Key authorities of the Institute:** The authorities of the Institute include: (i) a Governing Council, which is responsible for the administration of the Institute and reviewing the work of the Senate, and (ii) a Senate, as the principal academic body, which specifies admission procedures, and the academic content and calendar.

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

The National Capital Goods Policy, 2016 approved by Cabinet

The Union Cabinet approved the National Capital Goods Policy, 2016 in May 2016.⁹⁰ The Policy contains recommendations and suggests actions to address challenges faced by the capital goods sector in the country. Capital goods consist of plant machinery, equipment, and other accessories required for the manufacturing and production of goods or provision of services.

The Policy objectives include: (i) increasing the total production of the capital goods sector, (ii) increasing the domestic employment in the sector, (iii) increasing the domestic market share, and the share of exports in total production, (iv) improving skill availability and use of technology, and (v) promoting small and medium enterprises.

Key policy actions and recommendations include:

- **Increasing competitiveness of the sector:** To develop a globally competitive capital goods sector by: (i) developing a stable and rationalised tax and duty structure, and (ii) creating a start-up centre with pre-incubation, management, services, and financial guidance.
- **Export of capital goods:** Indian exports in the capital goods sector would be promoted by: (i) initiating trade agreements with countries where India has good export potential, (ii) purchasing equipment in Indian rupees and negotiating trade agreements with countries where the value of our imports is higher than our exports.
- **Use of technology:** The depth of technology use in the sector would be increased by: (i) incentivising foreign direct investment in high technology manufacturing by increasing the investment allowance from 15% to 25% spread

over five years, (ii) setting up an insurance fund and developing an insurance product to cover the risk of the failure of locally developed technology.

- **Small and medium enterprises (SME):** SMEs to be promoted by (i) developing supplier clusters and manufacturing clusters for SMEs around large manufacturers, (ii) providing schemes for cluster development including forming a special purpose vehicle and establishing common research & development, product development, and design and testing facilities in these clusters.
- **Other recommendations:** Other policy actions recommended by the Policy included (i) undertaking human resource development by promoting the existing training institutes of skill development and establishing linkages with local special economic zones and industry chambers to develop skilling clusters, and (ii) evolving the current standards for capital goods, to bring them up to par with the global benchmarks of performance.

Cabinet approved special package for employment and exports in textile sector

The Union Cabinet approved a special package for employment generation and promotion of exports in the textile and apparel sector in June 2016.⁹¹ Key features of the package include:

- **Employee Provident Fund (EPF) scheme reform:** Under these reforms, central government will bear the entire 12% of the employer's contribution to the EPF scheme for new employees of the garment industry who earn less than Rs 15,000 per month for the first three years. Presently, 8% of the employer's contribution is already provided by government under the Pradhan Mantri Rozgar Protsahan Yojana. Under the EPF scheme reforms, the Ministry of Textiles will provide an additional 3.6% of the employer's contribution, which will amount to Rs 1,170 crores over the next three years. In addition, the EPF scheme will be made optional for all employees, including those earning less than Rs 15,000 per month.
- **Overtime work hours:** Overtime hours of work for workers should not exceed eight hours per week, in line with the International Labour Organization norms.
- **Fixed term employment:** Owing to the seasonal nature of the garment sector, fixed term

employment would be introduced. A fixed term workman will be considered at par with a permanent workman, in terms of working hours, wages, allowances, etc.

- **Additional incentives:** Subsidy under the amended Technology Upgradation Fund Scheme (ATUFS) was increased from 15% to 25% in the garment sector to boost employment generation. The scheme provides a subsidy to facilitate investment and exports in the textile industry. The additional subsidy will be provided only after the expected jobs are created.

Trade Infrastructure for Export Scheme launched by the Ministry of Commerce

The Ministry of Commerce and Industry launched the Trade Infrastructure for Export Scheme in March 2017.⁹² Under the scheme, central government will extend financial support to states in the creation of export infrastructure. Central and state agencies such as the Export Promotion Councils, Commodities Boards, Special Economic Zone authorities and apex trade bodies are eligible for financial support under the scheme.

The central government may give the implementing agencies grants-in-aid upto Rs 20 crore towards each infrastructure project. Such grants may not be more than the equity put by an implementing agency or 50% of the project equity.

Labour

Bill amending Child Labour Act, 1986 passed by Parliament

The Child Labour (Prohibition and Regulation) Amendment Bill, 2012 was passed by Parliament in July 2016.⁹³ The Bill seeks to amend the Child Labour (Prohibition and Regulation) Act, 1986. The 1986 Act prohibits employment of children (i.e. those below 14 years) in hazardous occupations. Key features of the Bill include:

- **Employment of children:** The Act prohibits employment of children in hazardous occupations, such as automobile workshops and bidi-making. The Bill seeks to prohibit their employment in all occupations, except: (i) where the child is helping his family or family enterprise outside school hours, and (ii) the audio-visual entertainment industry and sports.

- **Employment of adolescents:** The Bill adds a new category of persons, called ‘adolescents’, to the Act. Adolescents refer to those between 14-18 years of age. The Bill prohibits their employment in hazardous occupations. These include mines, inflammable substances and hazardous processes (like coal and glass manufacturing). The Bill also requires central and state governments to regulate employment of adolescents in non-hazardous occupations.
- **Penalty for employing children and adolescents:** Violation of the Act is punishable with an imprisonment up to a year, and/or fine up to Rs 20,000. The Bill doubles the penalties in case of an employer (imprisonment up to two years and/or fine up to Rs 50,000). In case of parents of the rescued child or adolescent, the Bill does not allow any penalty to be imposed for a first-time offence. For subsequent offences, a fine up to Rs 10,000 may be imposed.

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

The Maternity Benefit (Amendment) Bill, 2016 passed by Parliament

The Maternity Benefit (Amendment) Bill, 2016 was passed by Parliament in March 2017.⁹⁴ The Bill amends the Maternity Benefit Act, 1961. The Act regulates the employment of women during the period of child birth, and provides maternity benefits. The Act applies to factories, mines, plantations, shops and other establishments. Salient features of the Bill include:

- **Duration of leave:** The Act states that every woman will be entitled to maternity benefit of 12 weeks. The Bill increases this to 26 weeks.
- Under the Act, leave should not be availed before six weeks from the date of expected delivery. The Bill changes this to eight weeks.
- Further, under the Bill, in case of a woman who has two or more children, the maternity leave will continue to be 12 weeks. Such benefits cannot be availed before six weeks from the date of the expected delivery.
- **Maternity leave for adoptive and commissioning mothers:** The Bill introduces a provision to grant 12 weeks of maternity leave to: (i) a woman who legally adopts a child below the age of three months, and (ii) a commissioning mother. A commissioning mother is defined as a biological mother who uses her egg to create an embryo implanted in another woman (surrogate mother).

- The 12-week period of maternity benefit will be calculated from the date the child is handed over to the adoptive or commissioning mother.
- **Crèche facilities:** The Bill introduces a provision which requires every establishment with 50 or more employees to provide crèche facilities within a prescribed distance. The woman will be allowed four visits to the crèche in a day. This will include her interval for rest.

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

The Payment of Wages (Amendment) Bill, 2017 passed by Parliament

The Payment of Wages (Amendment) Bill, 2017 was introduced and passed in Parliament in February 2017.⁹⁵ The Bill amends the Payment of Wages Act, 1936, in relation to the method of payment of wages.

The Bill replaced the Payment of Wages Ordinance, 2016 which was promulgated in December 2016.⁹⁶ Salient provisions of the Bill include:

- Under the 1936 Act, all wages must be paid either in coin or currency notes, or both. However, the employer may pay his employee’s wages either by cheque or through his bank account, after obtaining his written authorisation.
- The Bill amends the 1936 Act to permit the employer to pay an employee’s wages: (i) in coin or currency notes, or (ii) by cheque, or (iii) by crediting them into his bank account. The Bill removes the requirement of obtaining written authorisation for payment of wages through a cheque or bank account.
- Further, the relevant central or state government may specify certain industrial or other establishments where the employer should pay his employees only by: (i) cheque, or (ii) crediting the wages in his bank account.

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

The Employee’s Compensation (Amendment) Bill, 2016 passed by Parliament

The Employee’s Compensation (Amendment) Bill, 2016 was passed by Parliament in March 2017.⁹⁷ The Bill amends the Employee’s Compensation Act, 1923. The Act mandates payment of compensation to employees and their dependants in case of injury by industrial accidents, including occupational diseases. The Bill requires an employer to inform the employee of his right to compensation in writing. The Act permits appeals against the Labour’s Commissioner’s orders related to compensation,

distribution of compensation, and award of penalty or interest, among others. However, this is only if the amount in dispute is at least Rs 300. The Bill raises this amount to Rs 10,000. It permits the central government to further raise this amount.

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

The Factories (Amendment) Bill, 2016 passed by Lok Sabha

The Factories (Amendment) Bill, 2016 was introduced and passed in Lok Sabha in August 2016.⁹⁸ The Bill amends the Factories Act, 1948. The Act regulates the safety, health and welfare of factory workers. Salient features of the Bill include:

- **Power to make rules on various matters:** The Act permits the state government to prescribe rules on matters such as double employment, conditions related to exemptions to certain workers, etc. The Bill gives such rule making powers to the central government as well.
- **Overtime hours of work in a quarter:** The Act permits the state government to make rules related to the regulation of overtime hours. However, the total hours of overtime must not exceed 50 hours for a quarter. The Bill raises this limit to 100 hours. Rules in this regard may be prescribed by the central government as well.
- **Overtime hours if higher workload:** The Act enables the state government to permit workers in a factory to work overtime hours if the factory has an exceptional work load. Further, the total number of hours of overtime work in these circumstances must not exceed 75 hours in a quarter. The Bill permits the central or state government to raise this limit to 115 hours. This may further be increased to 125 hours in case of: (i) excessive work load in the factory, and (ii) public interest.

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

Ministry of Labour and Employment released the Draft Labour Code on Social Security

The Ministry of Labour and Employment released the Draft Labour Code on Social Security in March 2017.⁹⁹ The Draft Code seeks to harmonise 15 existing labour laws related to social security, including the Employees' Provident Fund Act, 1952, the Maternity Benefit Act, 1961, Payment of Gratuity Act, 1972, Employees' Compensation Act, 1923 and the Unorganised Workers' Social Security Act, 2008. Key features of the Draft Code include:

- **Application of the Code:** The Draft Code will apply to: (i) workers employed by any entity, (ii) owners or proprietors of an entity, (iii) international workers, and (iv) Indian citizens outside India, who opt to become members of social security schemes under the Code.
- The Code will not apply to employees of the central and state government as they are covered under separate schemes.
- **Social Security Organisations:** The Draft Code sets up three such bodies: (i) the National Social Security Council, headed by the Prime Minister, which will review and monitor the implementation of the Code, (ii) the Central Board of Social Security, headed by the Minister for Labour and Employment, and (iii) the State Board for Social Security, headed by the Chief Minister of that particular state.
- **Registration of workers:** The state boards, in coordination with the Central Board, will provide a portable social security account, called the 'Vishwakarma Karmik Suraksha Khata' (VIKAS). This account will be linked to the Aadhaar number of the worker.
- **Funds and schemes:** The Code establishes: (i) a social security fund, and (ii) a gratuity fund, in every state, to be administered by the state board. The employer and workers will both make contributions to these funds, which will be a percentage of wages.
- The central and state governments may establish other welfare funds for workers as specified through notifications.

Model Bill related to employment in shops and establishments approved by Cabinet

The Union Cabinet approved the Model Shops and Establishment (Regulation of Employment and Conditions of Service) Bill, 2016 in June 2016.¹⁰⁰ As this is a state list subject, states and union territories may adopt this Model Bill as per their requirements. The Model Bill seeks to bring about uniformity in working conditions of shop workers across states, and generate employment.

Salient features of the Model Bill include:

- **Applicability:** The Bill will only cover establishments that employ 10 or more workers, except manufacturing units.
- **Working hours:** Establishments are permitted to operate all days in a year. They may also decide their opening and closing times.

Currently, most states require weekly holidays and regulate timings of the business.

- **Facilities for workers:** An establishment must provide for clean and safe drinking water. Further, a single or a group of establishments must provide a lavatory, crèche, first aid and canteen for its workers. Government is empowered to make rules in relation to measures to be taken by an employer to protect the health and safety of its workers.
- **Recruitment of women:** There should be no discrimination in the appointment, trainings, transfer or promotion of women. If an establishment has shelter, restroom, protection and transport facilities, women may be permitted to work there during the night shifts.
- **Exemptions to highly skilled workers:** Highly skilled workers (including those employed in information technology and biotechnology) would be exempt from the maximum limit of working nine hours a day, 48 hours a week, and up to 125 hours of over-time in a quarter.

Agriculture

Expert Committee of NITI Aayog submitted report on land leasing

An Expert Committee on land leasing (Chair: Dr. T. Haque) constituted by the NITI Aayog, submitted its report in March 2016.¹⁰¹ The Committee sought to: (i) review the existing agricultural tenancy laws of states, (ii) suggest appropriate amendments to legalise and liberalise land leasing, and (iii) prepare a model Agricultural Land Leasing Act.

Key observations and recommendations of the Committee include:

- **Land leasing laws in states:** Land leasing laws in states differ from each other on several grounds, including the people who can lease out land, and the duration of lease. The Committee observed that most states have either legally banned or imposed restrictions on agricultural land leasing.
- **Agricultural efficiency:** The Committee observed that restrictions on land leasing have led to informal tenancy across the country. Informal tenants do not have access to institutional credit, insurance and other support services. This in turn affects the productivity of land cultivated by them.

- **Land lease and equity:** Presently, 36% of tenant farmers are landless and nearly 56% of tenant households are marginal land owners, with less than one hectare of land. These farmers lease in more land for their agricultural use than they lease out. Legalisation of land leasing would result in availability of more land which the rural poor can lease in.
- **Occupational diversification and rural growth:** Presently, 64% of the rural workforce is employed in agriculture. The Committee observed that high dependence on agriculture was the main reason for low size of land holdings and the consequent low per-capita income. Legalisation of land leasing would encourage large land owners to lease out small uneconomic land holdings without fear of losing their ownership rights. It would further enable large land owners to invest in non-farm enterprises leading to occupational diversification and rural growth.
- **Model Land Leasing Act:** The model Act seeks to permit and facilitate leasing of agricultural land to improve access to land for the landless and marginal farmers. It also enables farmers cultivating on leased land to access institutional credit and insurance. Key features of the model Act include: (i) legalising land tenancy to provide complete security of land ownership rights for land owners and security of tenure for tenants for the lease period, and (ii) mutual determination of terms and conditions of lease by the land owner and the tenant.

A PRS report summary is available [here](#). A summary of the Model Land Leasing Act is available [here](#).

Report on incentivising production of pulses through Minimum Support Price released

The Ministry of Finance constituted a Committee (Chair: Dr. Arvind Subramanian) to address policy issues related to production and prices of pulses. The Committee submitted a report on 'Incentivising Pulses Production through Minimum Support Price (MSP) and related policies' in September 2016.¹⁰² Key observations and recommendations of the Committee include:

- **Availability of pulses:** The production of pulses in the country increased from 11 million tonnes in 2002-03 to 19.3 million tonnes in 2013-14.¹⁰³ Further, imports grew from 0.06 million tonnes in 2000-01 to 5.53 million tonnes in 2015-16. The domestic production of pulses must grow at

8% per year to meet the shortfall in availability, as opposed to the current growth of 3%.

- **MSPs for pulses:** The Committee recommended that the MSP for tur and urad should be about Rs 60/kg, adjusted for inflation. The MSP for Rabi pulses such as gram should be set at Rs 40/kg, and should be announced immediately. The Committee noted that the factors currently considered by the Commission for Agricultural Costs and Prices in the determination of MSPs do not include risks and externalities. The Committee recommended that the Commission should review its current methodology and include these factors.
- **Procurement of pulses:** The Committee recommended that the government should make a focused effort to procure pulses such as moong, tur and urad at their respective MSPs. The market prices of these pulses have currently fallen below their MSPs. To increase procurement, the government should allocate an additional Rs 10,000 crore to procurement agencies such as Food Corporation of India, and state co-operatives, among others. Further, procurement operations should be monitored, through weekly reporting to the central government, and physical verification of procurement through visual images.
- **Price management of pulses:** Stock limits and export bans set for pulses should be lifted in order to prevent a decline in prices of pulses. State governments should be encouraged to delist pulses from their Agricultural Produce Market Committee Acts, so that produce may be traded outside of the state-owned mandis.
- **Review of Essential Commodities Act, 1955:** The Essential Commodities Act, 1955 controls the supply and distribution of agricultural produce including cereals, pulses, oilseeds, sugar and others. It also discourages agricultural marketing firms by requiring producers to sell their commodities in state-owned mandis. This has affected the competitiveness and efficiency of the sector. In addition, private players are unable to purchase stocks in order to stabilise prices, due to the stock limits imposed upon them. The Committee recommended that the Act must be reviewed to address these issues.

A PRS summary of the report is available [here](#).

Cabinet approved amendments to the NABARD Act, 1981

The Union Cabinet approved amendments to the National Bank for Agriculture and Rural Development (NABARD) Act, 1981 in March 2017.¹⁰⁴ The proposed amendments include:

- **Transfer of RBI's share in NABARD to the central government:** The Reserve Bank of India (RBI) currently holds 0.4% of the equity share in NABARD, which amounts to Rs 20 crore. As per the proposed amendment, this equity share of RBI will be transferred to the central government.
- **Capital of NABARD:** The amendments enable the central government to increase the authorised capital of NABARD from Rs 5,000 crore to Rs 30,000 crore. Further, this capital can be increased to more than Rs 30,000 crore by the central government in consultation with the RBI.

Draft Model APMC Act, 2016 released

The Ministry of Agriculture and Farmers Welfare released the draft model Agricultural Produce Market Committee (APMC) Act, 2016 in February 2017.¹⁰⁵

The model Act seeks to facilitate free flow of agricultural produce and provide a direct interface for farmers with the exporters or end users. The aim of the model Act is to create a barrier free single market in the country. Key features include:

- **Unified Market Area:** A state government/UT administration may declare the whole state/UT as a single unified market area to regulate its agricultural produce.
- **Setting up of market yards:** Agricultural produce is marketed in market yards. Under the Model Act, Private market yards may be set up to facilitate operations of traders, commission agents, etc. Further, farmer-consumer market yards may also be set up by providing infrastructure to farmers and consumers directly. Storage infrastructure like warehouses and cold storages may be declared as market-sub yards.
- **Market yard of National Importance (MNI):** A state may declare any market yard as a MNI based on parameters such as total agricultural produce managed at the market yard, the number of consumers served, and the infrastructure of the market yard. A separate Market Committee may be constituted to manage the MNI.
- **E-Trading:** A state may set up an electronic trading platform, which shall provide

infrastructure and services for trading in agricultural produce. A person may obtain license to establish and run an e-trading platform. Further, e-trading platforms may be integrated with private market yards and sub-yards. Under a unified National Agricultural Market, e-platforms shall be interlinked.

- **Single point levy of market fee:** The Market Committee shall levy market fee on agricultural produce from a buyer only once, whether brought from outside or within the state/UT.

Cabinet approved Interest Subvention Scheme 2016-17 for farmers

The Union Cabinet approved the Interest Subvention Scheme 2016-17 for farmers in July 2016.¹⁰⁶ Interest subvention is the provision of subsidy on the interest payable on a loan. The government allocated Rs 18,276 crore for this scheme. Key features of the scheme are:

- Farmers would be provided with an interest subvention of 5%. This would be applicable on short term crop loans of one year, of up to three lakh rupees, which were taken in 2016-17. Farmers would have to pay only 4% interest, out of the 9% interest rate.
- In case a farmer did not repay the loan on time, he would be eligible for a 2% interest subvention as opposed to 5%.
- Small and marginal farmers (with land holdings of less than two hectares) who borrowed money for post-harvest storage would be eligible for a 2% interest subvention on loans of up to six months.
- In case of a national calamity, banks would be provided an interest subvention of 2% on the loaned amount, for the first year.

CCEA approved minimum support prices of Kharif and Rabi crops for 2016-17

The Cabinet Committee on Economic Affairs (CCEA) approved the Minimum Support Prices (MSPs) for Kharif crops for 2016-17 in June 2016, and for Rabi crops in November 2017.^{107,108}

Table 8 shows the change in MSPs for Kharif crops as compared to 2015-16. The MSP for paddy has been increased by 4.3% over 2015-16. Bonuses of Rs 425/quintal and Rs 200/quintal have been declared for pulses and oilseeds respectively, over and above the MSPs.

Table 8: Minimum support prices of Kharif crops (in Rs/quintal)

Crop	2015-16	2016-17	% Change
Paddy Common	1,410	1,470	4.3%
Jowar Hybrid	1,570	1,625	3.5%
Bajra	1,275	1,330	4.3%
Maize	1,325	1,365	3.0%
Ragi	1,650	1,725	4.5%
Tur (Arhar)	4,625*	5,050**	9.2%
Moong	4,850*	5,225\$	7.7%
Urad	4,625*	5,000\$	8.1%
Groundnut-in-shell	4,030	4,220#	4.7%
Soyabean	2,600	2,775#	6.7%
Sunflower seed	3,800	3,950#	3.9%
Sesamum	4,700	5,000^	6.4%
Nigerseed	3,650	3,725#	2.1%
Cotton medium staple	3,800	3,860	1.6%
Cotton long staple	4,100	4,160	1.5%

*includes Rs 200/quintal bonus; ** includes Rs 425/quintal bonus; ^ includes Rs 200/quintal bonus; # includes Rs 100/quintal bonus. Sources: Directorate of Economics and Statistics, Ministry of Agriculture; PRS.

Among Rabi crops, the MSPs of gram and masur (lentil) have seen the highest increase over the 2015-16 season. In order to incentivise the production of pulses and oilseeds, the government has announced bonuses for certain crops, over the approved MSPs. Table 9 shows the change in MSPs of Rabi crops in 2016-17 as compared to 2015-16.

Table 9: Minimum support prices of Rabi crops (in Rs/quintal)

Crop	2015-16	2016-17	% Change
Wheat	1,525	1,625	6.6%
Barley	1,225	1,325	8.2%
Gram	3,500*	4,000##	14.3%
Masur (lentil)	3,400*	3,950#	16.2%
Rapeseed/mustard	3,350	3,700**	10.4%
Safflower	3,300	3,700**	12.1%

Note: *includes bonus of Rs 75/quintal; **includes bonus of 100/quintal; #includes bonus of Rs 150/quintal; ##includes bonus of Rs 200/quintal.

Sources: Directorate of Economics and Statistics, Ministry of Agriculture; PRS.

Infrastructure

Power

CERC issued orders on revising tariff for power generated from imported coal

The Central Electricity Regulatory Commission (CERC) issued two orders, allowing private companies to revise their power tariff due to the increase in price of imported coal in December 2016.^{109,110} The petitioners in the cases, Adani Power Limited and Coastal Gujarat Power Limited (a subsidiary of Tata Power Company Ltd.) were supplying power to their consumers (power distribution companies in Haryana, Gujarat, Maharashtra, Rajasthan, and Punjab) by importing coal from Indonesia. In 2010, due to a change in the mining regulations in Indonesia, the price of coal being exported from the country increased, and hence affected the commercial viability of the generating plants in India.

The CERC noted that since the petitioners had Coal Sales Agreements for imported coal for the entire quantum of coal required for supply of power, the change in regulations completely changed the premises on which they had quoted tariffs in their bids to their consumers. The CERC ruled that the petitioners could invoke ‘force majeure’ (unforeseeable circumstances that prevents a contract from being fulfilled). Losses arising due to the increase in price of coal will be paid up by the consumers (through higher power tariff). It also ordered the petitioners to source domestic coal and reduce dependence on imported coal.

Ministry of Power released guidelines on cross-border trading of electricity

The Ministry of Power released guidelines on cross-border trading of electricity to facilitate transparency and consistency across jurisdictions and minimise regulatory risks in December 2016.¹¹¹ Key aspects of the guidelines are:

- **Objectives:** Objectives of the guidelines include: (i) facilitating cross border trade of electricity between India and neighbouring countries, (ii) meeting the energy demand of participating countries by utilising the available resources in the region, and (iii) evolving a robust electricity infrastructure for cross border transactions of electricity.
- **Institutional framework:** The Ministry of Power will appoint a Designated Authority to

facilitate the approval process and lay down the procedure for cross border transaction and trade in electricity. The Central Electricity Regulatory Authority will frame the regulations to facilitate cross-border trading of electricity in accordance with these guidelines.

- **Cooperation with neighbouring countries:** Transactions related to the cross border trading of electricity will be governed by the policies of the respective countries. Eligibility to participate in cross border trading will depend on the fulfilment of certain conditions. For example, electricity can be imported by Indian entities from: (i) projects (public or private or government owned) that have at least 51% Indian ownership, or (ii) projects that have 100% equity by an Indian entity or the neighbouring country’s government.
- **Tariff determination:** For transaction of electricity through government negotiations, the tariff will be determined through similar negotiations. For transaction of electricity through agreements, the tariff will be determined through competitive bidding.
- **Dispute resolution:** Disputes within the Indian territory will be settled as per the Electricity Act, 2003. The disputes involving entities of separate countries may be settled through the Singapore International Arbitration Centre or as may be mutually agreed by the participating entities.

Ministry of Power released draft National Electricity Plan (generation)

The Ministry of Power released the draft National Electricity Plan (generation) in December 2016.¹¹² As per the Electricity Act, 2003, the Central Electricity Authority is required to prepare a National Electricity Plan in accordance with the National Electricity Policy. The National Electricity Policy, 2005 aimed at making electricity available in all households by 2010, and fully meeting the demand for power by 2012. Key features include:

- **Capacity addition:** The generation capacity addition target for 2012-17 was set at 88,537 MW. As of March 2016, the capacity added was 57,721 MW. By the end of the term, the total capacity addition is expected to go up to 101,645 MW. With regard to renewable energy, while the target for the same time period was 24,920 MW, the installed capacity as of March 2016

was 42,849 MW. Most of the capacity addition was in thermal power generation.

- For the period 2022-27, priority has been given to development of hydro and nuclear based projects for power generation. Coal based capacity addition will not be required in this period, as a capacity of 50 GW is already under construction against a requirement of 44 GW.
- **Demand side management and energy efficiency:** Demand side management helps reduce the end-user's energy demand by encouraging the use of energy efficient technologies. Such measures help reduce the operation and maintenance cost and the customer's overall electricity bill. Between 2006 and 2014, 36,323 MW of energy was saved through energy efficiency schemes. Some measures to improve energy efficiency could include: (i) developing an energy efficiency code for buildings, (ii) undertaking energy efficiency schemes in the small and medium enterprise sector, (iii) using energy efficient pump sets in agriculture, and (iv) bringing in regulatory instruments such as demand based pricing.

Draft National Wind-Solar Hybrid Policy released

The Ministry of New and Renewable Energy released the draft National Wind-Solar Hybrid Policy in June 2016.¹¹³ The Policy seeks to provide for a framework for the promotion of a large grid connected wind and solar photovoltaic system for: (i) optimal and efficient utilisation of transmission infrastructure, and (ii) reducing variability in renewable power generation. In case of wind-solar hybrid plants, wind and solar PV systems will be configured to operate at the same point of the grid connection (backbone network of interconnected transmission lines, etc.).

Key features of the Policy include:

- **Existing projects:** Existing wind and solar power projects, willing to install solar photovoltaic or wind turbine generators may be allowed to do so with conditions including: (i) the hybrid power passed on to the system will not be more than the transmission capacity sanctioned for the existing wind/ solar project (no increase in transmission capacity will be required), and (ii) no additional transmission capacity charges will be levied for installing these systems, considering that the same transmission capacity will be used.

- **New projects:** In case of a new project, the developer can use the hybrid power: (i) for captive use (specific end-use), or (ii) for third party sale, or (iii) to sell to distribution companies (at a price determined by the State Electricity Regulatory Commission). The hybrid power purchased by the distribution companies can be used to meet their solar and non-solar renewable purchase obligation (requirement to purchase certain amount of energy requirement from renewable energy sources).
- **Incentives to projects:** All financial incentives available to wind and solar power projects may be made available to the hybrid projects.
- **Role of regulator:** The Central Electricity Regulatory Commission will lay down the guidelines for the determination of tariff for wind-solar hybrid system. The Commission will also frame regulations for forecasting and scheduling for hybrid systems.

Petroleum and Natural Gas

Cabinet approved revised Policy for crude oil imports for oil PSUs

The Union Cabinet approved the revised Policy for crude oil imports for oil Public Sector Undertakings (PSUs) in April 2016.¹¹⁴ It was observed that certain limitations in the existing policy limit the potential sources and methods of procurement for the PSUs. It was recommended that in order to compete effectively in the market, PSUs must adopt the current market practice for purchasing crude oil on spot basis.

The revised Policy enables the oil PSUs to evolve their own policies for crude oil imports. It seeks to provide oil PSUs with operational and commercial flexibility and enable them to adopt effective crude oil procurement practices. The Policy adopted by oil PSUs must be consistent with the guidelines of the Central Vigilance Commission. The Policy adopted must also be approved by the respective PSU boards.

CCEA approved revision of ethanol price for public sector oil marketing companies

The Cabinet Committee on Economic Affairs approved the revision of ethanol price for supply to public sector oil marketing companies (OMCs) in October 2016.¹¹⁵ Blending ethanol with petrol helps reduce vehicle exhaust emissions and reduces the import burden for petroleum. The Ethanol Blended

Petrol (EBP) Programme was launched in 2003 to promote the use of alternative and environment friendly fuels. However, since 2006 OMCs were not able to procure the required quantity of ethanol due to pricing issues of ethanol. In light of this, the government had fixed the price of ethanol at OMC depots between Rs 48.5 per litre and Rs 49.5 per litre.

Key changes approved with the new revision include:

- Between December 1, 2016 and November 30, 2017 (ethanol supply period), the price of ethanol under the EBP programme will be Rs 39 per litre. This may be reviewed and revised by the government during the supply period.
- In addition, ethanol suppliers will be paid excise duty, VAT/GST, and transportation charges as decided by the OMCs.
- An increase or decrease in the retail price of petrol would proportionately factor in the requirement of maintaining the purchasing cost of ethanol fixed during the supply period.

CCEA approved marketing and pricing freedom for Coal Bed Methane gas

The Cabinet Committee on Economic Affairs (CCEA) approved marketing and pricing freedom for Coal Bed Methane (CBM) contractors in March 2017.¹¹⁶ This would enable the CBM contractors to sell CBM in the domestic market at arm's length price. An arm's length transaction is one where the buyer and seller of a product are acting in their own self-interest, independent of each other.

While discovering the market price for arm's length sale of CBM, the contractor will have to ensure a fully transparent and competitive process. The objective will be to realize the best possible price for the gas without any restrictive commercial practices.

In case CBM contractors cannot identify any buyer, they have been permitted to sell the CBM to any of their affiliates. However, royalty and any other dues to the government will be payable on the basis of prices notified by the Petroleum Planning & Analysis Cell (PPAC) or selling prices, whichever is higher.

CCEA approved extension of Production Sharing Contracts awarded for pre-NELP exploration blocks

The Cabinet Committee on Economic Affairs (CCEA) approved a policy granting extension to the Production Sharing Contracts (PSCs) signed by the central government, and awarded in the pre-New Exploration Licensing Policy (NELP) regime, in

March 2017.¹¹⁷ In the pre-NELP regime, 28 exploration blocks were awarded to private companies since 1980.¹¹⁸ The national oil companies had the rights for participation in these blocks after hydrocarbon discoveries. The New Exploration Licensing Policy was implemented in 1999. Under NELP, licenses for oil and gas exploration are awarded through a competitive bidding system, with the national oil companies competing with private firms on an equal footing.¹¹⁹

The extension of PSCs from pre-NELP regime seeks to enable and facilitate investment to extract the remaining oil and gas reserves. In certain oil and gas fields, additional hydrocarbons can be recovered through technology improvements. In such cases, the production would extend beyond the current duration of PSC. The central government's share of profit from petroleum during the extended period of contract will be 10% higher for these fields. During the extension period, an additional investment of \$5,430 million is expected from contractors.

In 2016-17 (up to February 2017), production from oil and gas blocks, allotted in the pre- NELP regime, was 55 million barrel of oil and 965 Million Metric Standard Cubic Meters of natural gas. The recoverable reserve from these blocks is estimated to be more than 426 million barrel of oil equivalent.

Coal

Cabinet allowed flexibility in the utilisation of domestic coal

The Union Cabinet approved proposals for allowing flexibility in the utilisation of domestic coal in May 2016.¹²⁰ The proposal sought to reduce the cost of power generation. The proposal provided for flexibility in the use of coal for generating plants of state owned utilities, other state power utilities, companies owning central generating stations, and independent power producers.

The approval provided for clubbing of coal linkages of individual state generating stations and central generating stations. The clubbed coal linkages of the state generating station will be assigned to the respective state nominated agency. Similarly, individual central generating station will be assigned to the company that owns these stations. This will enable efficient coal utilisation among end use generating stations.

For the use of coal by state and central generating plants, the deciding criteria will be plant efficiency,

coal transportation cost, and overall cost of power, among others. In case of coal assigned to the state in private generating stations, the electricity procurement through the substituted coal will be done on a bidding basis. This will be carried out amongst competing private sector plants. In this case, the information regarding the source of the coal, quantum of power, and delivery point for receiving electricity will be mentioned upfront.

The Central Electricity Authority (through stakeholder consultation) will issue the methodology for the implementation of the usage of assigned coal to states in their own generating stations.

Ministry of Coal amended the New Coal Distribution Policy

The Ministry of Coal amended the New Coal Distribution Policy (NCDP) in September 2016.¹²¹ The NCDP provides guidelines for the distribution and pricing of coal to various sectors (such as independent power producers, and steel plants), and was released in October 2007.

Previously, the distribution of coal to units with requirement of up to 4,200 tonne per annum was done through agencies nominated by the state government. The amendments increased this limit to 10,000 tonne per annum.

Under NCDP, coal was allocated to consumers in the small and medium consumers sector (whose requirement was less than 4,200 tonnes per annum). These consumers did not have any access to purchase coal or get into fuel supply agreements with coal companies. The amendments expanded the consumer categories to 'small, medium, and others'.

Mining

Mines and Minerals (Development and Regulation) Amendment Bill, 2016 passed by Parliament

The Mines and Minerals (Development and Regulation) Amendment Bill, 2016 was passed by Parliament in May 2016.¹²² The Bill was introduced in March 2016, and amends the Mines and Minerals (Development and Regulation) Act, 1957. The 1957 Act regulates the mining sector in India and specifies requirements for obtaining and granting mining leases. Key features of the 2016 Act include:

- **Transfer of mining leases:** The 1957 Act allows for the transfer of mining leases which

have been granted through an auction process. The holder of these mining leases may transfer the lease to any eligible person, with the approval of the state government, and as specified by the central government.

- The 2016 Act allows for the transfer of mining leases which were granted through procedures other than auction, and where the minerals were used for captive purpose. Captive purpose is the use of the entire quantity of mineral extracted in the lessee's own manufacturing unit. Such lease transfers are subject to terms and conditions, and transfer charges, as prescribed by the central government. These transfers will be in addition to the existing transfers that are allowed.
- **Leased area:** The 2016 Act adds a definition of leased area, as the area within which mining operations can be undertaken. This will also include the non-mineralised area required for the activities defined under mine in the 1952 Act. The 1952 Act defines mine as any excavation where any operation for searching or obtaining of minerals is carried out. It includes (i) borings, bore wells, and oil wells, (ii) all workshops and stores within the precinct of a mine, and (iii) any premises used for depositing waste from a mine, or where any operations in connection with such waste are carried out.

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

National Mineral Exploration Policy released

The Ministry of Mines released the National Mineral Exploration Policy in July 2016.¹²³ The Policy provides for an action plan to ensure comprehensive exploration of mineral resources (non-fuel and non-coal) in the country. Key details of the Policy are:

- **Exploration strategy:** The basic features of the exploration strategy include: (i) pre-competitive baseline data will be made available by the government free of charge (baseline data is used to understand the geology and structure of minerals), and (ii) a special initiative will be launched to probe deep seated mineral deposits.
- **Private participation:** Under the Policy, private agencies can be engaged to carry out exploration work in the identified blocks. They will obtain a certain share in the revenue received by the state government throughout the lease period. The revenue sharing could be: (i) in the form of a percentage of royalty received throughout the lease period (50 years), or (ii) through a lump sum amount.

- This amount (revenue share) will be paid by the successful bidder of the block to the exploration agency when the mineral blocks are put up for e-auction (based on successful exploration). The exploring agency can participate in e-auctioning. The government will compensate the agency on a normative cost basis (estimation of costs based on certain levels of efficiency), if the agency did not discover any mineral reserves in the respective areas.

Telecom

Supreme Court struck down TRAI's amendment mandating service providers to compensate consumers for call drops

The Supreme Court struck down an amendment to the Telecom Consumers Protection Regulations, 2012, which was issued by the Telecom Regulatory Authority of India (TRAI), in May 2016.¹²⁴ The amendment, issued in October 2015, mandated mobile service providers to provide compensation to consumers for call drops. Call drops represent the service provider's inability to maintain a call once it has been correctly established. Therefore, these are calls dropped or interrupted prior to their normal completion by the user.

The Supreme Court examined whether the amendment was arbitrary and unreasonable, and in violation of Article 14 and Article 19(1)(g) of the Constitution. Article 14 guarantees right to equality, and Article 19(1)(g) guarantees freedom to practise any profession.

The Court held that the amendment was arbitrary and unreasonable, and in violation of Articles 14 and 19(1)(g). It observed that cause for call drops could be twofold: owing to the fault of the consumer or owing to the fault of the service provider. However, the amendment made the service provider pay for all call drops, irrespective of who was at fault. Further, the Court noted that while TRAI permitted an average of 2% of call drops per month, the amendment was penalising service providers who complied with this standard.

Expert Committee submitted report on certification of films by CBFC

An Expert Committee (Chair: Mr. Shyam Benegal) constituted to recommend guidelines for certification of films by the Central Board of Film Certification (CBFC) submitted its report in April 2016.¹²⁵ The

Committee was created in January 2016 by the Ministry of Information & Broadcasting. Key recommendations of the Committee include:

- **Role of CBFC:** The Committee observed that an owner of a film had complete rights over it. Any alteration or change in the film could only be made by the owner or with his consent. It recommended that the existing system of suggesting modifications and amendments to a film by the CBFC should be done away with and the Board must function only as a film certification body.
- **Modification to 1991 guidelines:** Guidelines were issued in 1991 under section 5B of the Cinematograph Act, 1952. Section 5B states that a film will not be certified if a part of it or the entire film is against the interest of the sovereignty and integrity of the country, decency or morality, etc.
- The Committee noted that some of the objectives under these guidelines, such as requiring the film to be sensitive to the values of the society, providing clean and healthy entertainment, were not within the ambit of the CBFC. In this regard, the Committee drafted a new set of guidelines. The objectives of the guidelines are: (i) artistic expression and creative freedom of filmmakers be protected through parameters that are objective, (ii) audiences are empowered to make informed viewing decisions, and (iii) the process of certification is responsive to social change.
- The proposed guidelines also state that an applicant must mention in his application, (i) the category of certification he seeks, and (ii) the target audience. Further, any cuts in a film can only be made by the applicant, depending on the certification he needs for his film.
- **Separate rating for films with explicit scenes:** The Committee noted that there was a need to extend the present four categories of certification to include an A-C (films suitable for adults only, with caution) category, for films that may contain explicit material such as nudity, violence, etc.

A PRS summary of the report is available [here](#).

Cabinet approved the Pradhan Mantri Gramin Digital Saksharta Abhiyan

The Union Cabinet approved the Pradhan Mantri Gramin Saksharta Abhiyan in February 2017.¹²⁶ The scheme aims to provide digital literacy to six crore rural households by March 2019. Under the scheme,

25 lakh households will be trained in 2016-17, followed by 2.75 crore households in 2017-18, and three crore in 2018-19. Rs 2,351 crore is estimated to be spent on the project.

Railways

Railways Budget merged with Union Budget 2017-18

The Union Cabinet approved merging the Railways Budget with the Union Budget in September 2016. Following this, the Railways finances for 2017-18 were presented by the Finance Minister Mr. Arun Jaitley along with the year's Union Budget on February 1, 2017. This is the first time since 1924, that the Railways Budget has been merged with the Union Budget. Key highlights with regard to Railways expenditure for 2017-18 include:

- **Merger with the Union Budget:** The merger of the Railways Budget with the Union Budget has been done to facilitate multi modal transport planning between railways, highways and inland waterways. However, the functional autonomy of the Railways will continue.
- **Plan outlay:** The proposed plan outlay for 2017-18 is Rs 1,31,000 crore which is an 8% increase from the 2016-17 budget estimates (Rs 1,21,000 crore).
- **Revenue:** Railways' revenue for 2017-18 is estimated at Rs 1,78,350 crore which is a 9% increase from the revised estimates of 2016-17. Total revenue in 2016-17, undershot budget estimates by Rs 6,300 crore (4%).
- **Expenditure:** Total expenditure for 2017-18 is projected at Rs 1,80,550 crore which is a 10% increase from the revised estimates of 2016-17. In 2016-17, total expenditure decreased from budget estimates by Rs 6,450 crore (4%).
- **Dividend:** Every year, Railways pays a return on the budgetary support it receives from the government, known as dividend. The rate of dividend was about 5%. In 2016-17, the proposed dividend payable was Rs 9,731 crore. From 2017-18, Railways will not be required to pay dividend to the central government.
- **Safety:** For passenger safety, a Rashtriya Rail Sanraksha Kosh will be created with a corpus of Rs one lakh crore over a period of five years (Rs 20,000 crore per year).

- **IPO:** The shares of Railway public sector enterprises such as IRCTC, Indian Rail Finance Corporation and Iacon International Limited will be listed in stock exchanges.

Flexi-fare system for certain categories of trains introduced

The Ministry of Railways introduced a flexi-fare system for Rajdhani, Duronto, and Shatabdi trains in September 2016.¹²⁷ Changes proposed under the system include:

- **General fare:** Under this system, the base fare for these trains will increase by 10% with every 10% of berths sold, subject to a ceiling of up to 1.5 times the base fare. Other supplementary charges such as reservation charges, superfast charge, catering charges, service tax, etc., will be levied separately.
- **Tatkal tickets:** Tatkal tickets are used for booking journeys at short notice, and incur additional charges. Under the new systems, the number of berths set aside for Tatkal quota in these trains will continue as per current guidelines. However, the additional Tatkal charges will not be levied. Tatkal tickets will be priced at 1.5 times of the base fare for all classes except first class AC and executive class. Further, the Tatkal quota has been reduced to 10% of the total class-wise accommodation.
- **Exemptions:** The system will not apply to first class tickets in Rajdhani and Duronto trains, and executive class tickets in Shatabdi trains. In December 2016, certain other categories in Shatabdi trains were also exempted from the flexi-fare system.¹²⁸

Cabinet approved productivity linked bonus for Railway employees

The Union Cabinet approved productivity linked bonus for eligible non-gazetted railway employees (excluding Railway Police Force personnel) in September 2016.¹²⁹ The bonus would be equivalent to 78 days' wages for the financial year 2015-16. The approval would incur an expenditure of about Rs 2,091 crore.

Draft policy for providing new suburban rail systems released

The Ministry of Railways released a draft policy for providing new suburban rail systems to cater to the growing demand of urban transport in December 2016.¹³⁰ These draft guidelines seek to help address

the growing demand for introduction and construction of suburban rail systems in various cities. Key guidelines from the draft policy include:

- **Objectives:** The key objective is to eliminate the conflict between long distance intercity transport and suburban transport, and build a financially sustainable transport model that can be replicated in other cities.
- **Project features:** The projects will be implemented through a Special Purpose Vehicle with equal equity participation from respective state governments and Indian Railways. Projects that would require integration with the existing Railway systems for operational purpose will be considered by Indian Railways depending upon technical, financial, and operational feasibility. In other cases, state governments may take up independent rail based suburban projects under their respective Metro Acts in line with National Urban Transport Policy.
- **Feasibility studies:** Feasibility studies for the projects will be carried out by state governments at their own cost. The feasibility reports will be examined by the concerned Zonal Railway for technical, financial and operational feasibility. Based on the state governments' request, Indian Railways will seek sanction of the competent authorities for the projects.
- **Land:** Indian Railways will provide land on lease for the projects after considering its own future requirements. The complete cost of land acquisition, leasing of Railway land, and any resettlement and rehabilitation will be met by the state governments.
- **Revenue:** All revenues will accrue to the Special Purpose Vehicle. Operation and maintenance expenses, depreciation and revenue accrual to Indian Railways will be binding on the state government. The state governments will set up a dedicated urban transport fund at state and city level for partly financing the capital cost of the project, and replacement of assets. This fund will be funded through levy of dedicated taxes, levies, betterment tax, impact fee, and development charges around the proposed railway stations.

Roads

Motor Vehicles (Amendment) Bill, 2016 introduced in Lok Sabha

The Motor Vehicles (Amendment) Bill, 2016 was introduced in Lok Sabha in August 2016.¹³¹ The Bill amends the Motor Vehicles Act, 1988 to address issues around road safety. The Standing Committee on Transport, Tourism and Culture submitted its report on the Bill in February 2017.¹³² Key provisions of the Bill include:

- **Motor Vehicle Accident Fund:** The Bill requires the central government to constitute a Motor Vehicle Accident Fund. The Fund will provide compulsory insurance cover to all road users in India. The Fund will be utilised for: (i) treatment of persons injured in road accidents, (ii) compensation to representatives of a person who died in a hit and run accident, and (iii) compensation to a person grievously hurt in a hit and run accident, in accordance with schemes framed by central government.
- **Third party insurance:** Under the 1988 Act, third party insurance is compulsory for all motor vehicles and the liability of the third party insurer is unlimited. The Bill caps the maximum liability for third party insurance at Rs 10 lakh in case of death and at five lakh rupees in case of grievous injury. The Standing Committee noted that in case courts award compensation higher than this amount, the vehicle owner will have to pay the remaining amount to the third party. Since this will be against the interest of road users and will expose them to unlimited risk, it recommended deleting the provision relating to capping liability.
- **Aggregator licenses:** The Bill defines an aggregator as a digital intermediary or market place whose services may be used by a passenger to connect with a driver for transportation purposes. State governments will grant licenses to aggregators on the basis of guidelines issued by the central government. The Standing Committee recommended that it should be optional for state governments to follow central government guidelines regarding aggregators.
- **Offences and penalties:** The Bill increases the penalties for several offences under the Act. For example, the maximum penalty for driving under the influence of alcohol or drugs has been increased from Rs 2,000 to Rs 10,000. In addition, if a motor vehicle manufacturer fails to comply with construction or maintenance

standards of motor vehicles, the penalty may be a fine of up to Rs 100 crore, or imprisonment up to one year, or both.

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

Group of Ministers on Road Safety submitted recommendations

The Group of Ministers on Road Safety (Chair: Mr. Yuans Khan, Minister for Transport, Rajasthan), formed by the Ministry of Road Transport and Highways, submitted the third set of its recommendations in June 2016.¹³³ The group had submitted interim reports in April 2016 and May 2016. Key recommendations of the group include:

- **Road Transport and Safety Bill:** The group examined the proposed Road Transport and Safety Bill and suggested that it requires detailed deliberations and subsequent modifications, and may take more time. It recommended that in the meanwhile, the Motor Vehicles Act, 1988 may be amended to address urgent issues.
- **Safety:** A National Road Safety and Traffic Management Board should be created, which would be the lead agency for implementing road safety strategies. States must amend law and rules to improve non-motorised and pedestrian movement. The central government will fund road safety measures by states.
- **Good samaritan guidelines:** The good samaritan guidelines issued by the Supreme Court in May 2015 must be included in the Motor Vehicles Act, 1988.
- **Registration of vehicles:** Currently people have to get their vehicles registered at the Regional Transport Offices themselves. However, with vehicle data available from the manufacturers through an online database, registration of vehicles should be allowed at the dealer's end.
- **Penalties:** Higher penalties should be imposed to reduce violation of traffic regulations. In addition, higher penalties have been proposed for the enforcers of traffic regulations, such as traffic police personnel.
- **Freight transport:** Barrier free movement of freight across states should be facilitated. States should relax transit time provisions. In addition, a Centralised Transportation Information and Payment Network should be set up to allow smooth movement of freight across states.
- **Taxis:** City-taxi permit systems should be liberalised. City-taxis should follow rules, and

fare limits set up by the Transport Department. Further, aggregators may operate, but they should only aggregate taxis with valid permits.

Committee to propose taxi policy guidelines submitted report

The Committee to propose taxi policy guidelines to promote urban mobility, constituted by the Ministry of Road Transport and Highways, submitted its report in December 2016.¹³⁴ The Committee reviewed issues related to taxi permits in cities and suggested taxi policy guidelines. The guidelines will provide states with a common detailed framework to formulate regulations for taxi operations. Key observations and recommendations include:

- **Growth of cars:** The Committee noted that Indian cities suffer from severe traffic congestion which amounts to losses of about Rs 60,000 crore every year, and also adds to the existing pollution levels. One of the major reasons behind this is the uncontrollable growth of cars in Indian cities. Lack of reliable and convenient transport alternatives has resulted in the growth of car ownership in the country. Further, the current challenges exist despite only about 5% of Indians owning cars. With car ownership increasing, the problem will only worsen in the future. The Committee recommended a national level policy intervention to promote shared mobility over private vehicle ownership.
- **Taxi permits:** The Committee noted that, in most cities, taxi permits have not been issued after 1998. Further, several conditions attached to these permits have become outdated with technology. These act as barriers to entry into the market. It recommended that states should facilitate unhindered grant of permits for all taxis without any restrictions. In addition, online grant of permits should be allowed.
- **Aggregators:** The Committee recommended that taxi aggregators must get their apps validated from the Standardisation Testing and Quality Certification or any other agency authorised by the Ministry of Electronic and Information Technology. They must also include a firewall for the security of personal data of passengers. The aggregators must have a physical presence in the states where they are operating. They must also provide a grievance redressal mechanism and have an emergency response centre to handle SOS alerts.
- **Taxi permissions:** The Committee recommended that city taxis may be allowed to

ply on aggregator platforms. Taxis with All India Tourist Permit may be allowed to operate for all purposes except as street hailing taxis.

A PRS summary of the report is available [here](#).

Supreme Court passed several orders related to motor vehicles

The orders passed by the Supreme Court include:

- **Registration of vehicles:** In August 2016, the Court removed the ban on registration of all new private diesel cars in Delhi and NCR, with capacity above 2,000 cc.¹³⁵ The ban had been ordered by the Court in December 2015, and was to be effective till March 31, 2016.¹³⁶ Both the orders sought to address the high air pollution levels in Delhi and NCR.
- In its order, the Court further stated that these diesel vehicles can be registered if car manufacturers, dealers, or purchasers pay 1% of the ex-showroom price of the car as a cess. The amount collected will be maintained in a separate account in a public sector bank, opened by the Central Pollution Control Board.
- **Sale of vehicles:** The Court banned the sale of vehicles that are not compliant with Bharat Stage IV (BS IV) fuel from April 1, 2017 on March 29, 2017.¹³⁷ This would be applicable to all two wheeler, three wheeler, four wheeler, and commercial vehicles. The Court also directed all vehicle registering authorities under the Motor Vehicles Act, 1988 to not register vehicles that do not comply with BS IV fuel standards from April 1, 2017, unless these vehicles were sold before March 31, 2017. As compared to BS III, BS IV fuel is considered a cleaner fuel, and has lesser emissions of carbon monoxide, hydrocarbons, nitrogen oxide and sulphur oxide.

Vehicle manufacturers to provide emission and noise details for each vehicle

The Ministry of Road Transport and Highways released a notification in October 2016, requiring motor vehicle manufacturers to declare emission levels of vehicles manufactured by them.¹³⁸ This will be applicable from April 1, 2017.

Currently, manufacturers have to certify that a vehicle complies with provisions of the Motor Vehicles Act, 1988 and the Rules under it. This information is provided through Form 22 of the Central Motor Vehicles Rules, 1989. The notification amends these Rules to provide that

manufacturers will also be required to provide emission details for each vehicle in Form 22.

Emission details will include levels of each pollutant such as carbon monoxide, hydro-carbon, non-methane hydro-carbon, etc. and sound levels for horns. The amended Rules will apply to all vehicles that run on petrol, compressed natural gas, liquefied petroleum gas, electricity, diesel and hybrid vehicles, including agricultural and construction vehicles, as well as e-rickshaws and e-carts.

CCEA authorized NHAI to monetize public funded national highway projects

The Cabinet Committee on Economic Affairs (CCEA) authorized the National Highway Authority of India to monetize certain public funded National Highway projects in August 2016.¹³⁹ Projects can be monetized if they are operational and have been generating toll revenues for at least two years after the commercial operations date. This would be known as the Toll Operate Transfer (TOT) model. The monetization will be subject to approval by a competent authority within the Ministry of Road Transport and Highways on a case-to-case basis.

The revenue generated from project monetization could be utilized by the government for future development and operation and maintenance of highways. It will create business opportunities for: (i) developers specializing in operation and maintenance of highways, and (ii) investors who are averse to taking construction risks but are equipped to make long term investments in road infrastructure. About 75 operational National Highways have been identified for potential monetization using the Toll Operate Transfer model.

Civil Aviation

National Civil Aviation Policy, 2016 released

The Ministry of Civil Aviation released the National Civil Aviation Policy, 2016 in June 2016.¹⁴⁰ The Policy seeks to make airline travel affordable for people. It also seeks to enable 30 crore domestic ticketing by 2022, and 50 crore by 2027, and increase cargo volume to 10 million tonnes by 2027. Key features of the Policy include:

- **Objectives:** The major objectives are: (i) establish an ecosystem leading to the growth of the civil aviation sector; (ii) ensure safety, security, and sustainability of the aviation sector through the use of technology and effective

monitoring; and (iii) enhance regional connectivity through fiscal support and infrastructure development.

- **Policy coverage:** The Policy covers 22 areas including: (i) regional connectivity, (ii) safety, (iii) air transport operations, (iv) route dispersal guidelines, (v) air navigation services, and (vi) maintenance repair and overhaul.
- **Regional Connectivity Scheme (RCS):** The regional connectivity scheme will come into effect in the second quarter of 2016-17. On RCS routes, for a one-hour flight, the Ministry will target an all-inclusive airfare of up to Rs 2,500 per passenger, indexed to inflation. RCS will be made operational only in states which reduce VAT on aviation turbine fuel at airports to 1% or less. One of the ways to implement RCS would be through viability gap funding (VGF). VGF will be shared between the Ministry and state government in the ratio of 80:20.
- **Modification of the 5/20 Rule:** The 5/20 Rule stipulates that for Indian carriers to fly abroad, they must have flown on domestic routes for at least five years and have a fleet of at least 20 aircrafts. The Rule has been modified to allow all airlines to commence international operations if they deploy: (i) 20 aircrafts, or (ii) 20% of their total capacity, whichever is higher for domestic operations. Capacity of an airline means the average number of seats on all departures put together.

Ministry of Civil Aviation released the Regional Connectivity Scheme

The Ministry of Civil Aviation released UDAN (Ude Desh ka Aam Nagrik) - the Regional Connectivity Scheme (RCS) in October 2016, with the objective of facilitating regional air connectivity by making it affordable.¹⁴¹ Key features of the scheme include:

- **Guiding principles:** RCS will be made operational only in states and at airports which are willing to provide concessions required under the scheme. A Regional Connectivity Fund (RCF) will be created to subsidise operations under the RCS.
- **Details of Regional Connectivity Fund (RCF)¹⁴²:** The RCF will be funded by a levy per departure on all domestic flights except: (i) flights on category II routes under Route Dispersal Guidelines, (ii) flights on RCS routes, and (iii) aircrafts having maximum certified take-off mass (the maximum weight at which a

flight is allowed to take off) of up to 40,000 kg. Category II routes include routes connecting stations in the north-eastern region, Jammu and Kashmir, Lakshadweep, and Andaman and Nicobar Islands.

- **Tenure of Scheme:** Benefits under the scheme will be available for a period of 10 years from the date of its notification.
- **Financial support:** Financial support to airlines will be provided in the form of: (i) concessions by central and state governments (such as reducing excise duty on aviation fuel, and VAT), (ii) concessions by airport operators (such as not levying landing and parking charges), and (iii) viability gap funding (VGF). VGF will be provided to the selected airline operators from RCF, and state governments will be required to reimburse the applicable share. VGF will be provided for three years from the date of commencement of operations of RCS flights.
- **Applicability of scheme:** The scheme will be applicable to RCS airports and helipads. The list of RCS airports and helipads will be published after consultation with the state governments. If an airline operator wants to connect an airport not in the published list, they can approach the implementing agency (Airports Authority of India) with an expression of interest.
- **Airfare and other specifications:** The airfare per RCS seat will not exceed Rs 3,500 and will be determined based on the flight distance. Further, it will not be subject to any levies or charges imposed by the airport operators. The selected airlines will have to commit 50% of the seats on RCS flights as RCS seats. Further, the number of RCS flights to be operated in a week must be at least three and at most seven.

Ministry of Civil Aviation released draft Aircraft (Amendment) Bill, 2016

The Ministry of Civil Aviation released the draft Aircraft (Amendment) Bill, 2016 in October 2016.¹⁴³ It seeks to amend the Aircraft Act, 1934. The 1934 Act provides for the control of the manufacture, possession, use, operation, sale, import and export of aircrafts. Key features of the draft Bill include:

- **Safety and security oversight:** The draft Bill provides that the Director General of Civil Aviation will be appointed by the central government and will head the Directorate General of Civil Aviation. Under the 1934 Act, the Director General of Civil Aviation or any

other officer appointed by the Central Government performs safety oversight functions. The draft Bill extends the functions of the Director General to add matters related to civil aviation security, and investigation of accidents.

- **Power of central government to make rules:** The 1934 Act provides for the central government to make rules with regard to several matters, such as: (i) the licensing, inspection and regulation of aerodromes, and (ii) the registration and marking of aircraft. The draft Bill requires the central government to make rules with regard to air navigation services also.
- **Penalties:** Under the 1934 Act, the penalty for contravening any provision with regard to: (i) carrying of arms, explosives or other dangerous goods in the aircraft, or (ii) providing false information with regard to the carriage of such items, is imprisonment of up to two years, and a fine of up to Rs 10 lakh. The draft Bill seeks to extend the fine to Rs one crore.
- Under the 1934 Act, the penalty for contravening any provision with regard to: (i) the prohibition of slaughtering of animals, and (ii) depositing rubbish, filth and other polluted matter, within a radius of ten kilometres from the aerodrome reference point is imprisonment of up to three years, or a fine of up to Rs 10 lakh. The draft Bill seeks to extend the fine to Rs one crore.

Orissa, Kerala, Hyderabad, and any other High Court notified by the central government. Under the Bill, the jurisdiction with respect to maritime claims will vest with the respective High Courts and will extend up to the territorial waters of their respective jurisdictions. The central government may extend the jurisdiction of these High Courts.

- **Maritime claims:** The High Courts may exercise jurisdiction on maritime claims arising out of conditions including: (i) disputes regarding ownership of a vessel, (ii) disputes between co-owners of a vessel regarding employment or earnings of the vessel, (iii) mortgage on a vessel, (iv) construction, repair, or conversion of the vessel, and (v) environmental damage caused by the vessel. The Bill defines a vessel as any ship, boat, or sailing vessel which may or may not be mechanically propelled.
- **Priority of claims:** Among all claims in an admiralty proceeding, highest priority will be given to maritime claims, followed by mortgages on the vessel, and all other claims. Within maritime claims, the highest priority will be given to claims for wages due with regard to employment on the vessel. This would be followed by claims with regard to loss of life or personal injury in connection with operation of the vessel. Such claims will continue to exist even with the change of ownership of the vessel.

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

Shipping

The Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill, 2016 passed by Lok Sabha

The Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill, 2016 was passed by Lok Sabha in March 2017.¹⁴⁴ The Bill was introduced in Lok Sabha in November 2016. The Bill seeks to consolidate the existing laws on civil matters of admiralty jurisdiction of courts, admiralty proceedings on maritime claims, and arrest of ships. Admiralty laws deal with cases of accidents in navigable waters, or contracts related to commerce on such waters. The Bill repeals laws such as the Admiralty Court Act, 1861, and the Colonial Courts of Admiralty Act, 1890. Key features of the Bill are:

- **Admiralty jurisdiction:** Currently, admiralty jurisdiction applies to the Bombay, Calcutta and Madras High Courts. The Bill further extends this to the High Courts of Karnataka, Gujarat,

The Merchant Shipping Bill, 2016 introduced

The Merchant Shipping Bill, 2016 was introduced in Lok Sabha in December 2016.¹⁴⁵ The Bill seeks to bring in reforms in the shipping sector to promote ease of doing business, and develop Indian coastal shipping. The Bill replaces the Merchant Shipping Act, 1958, and repeals the Coasting Vessels Act, 1838. Key features of the Bill include:

- **National Shipping Board and Seafarer's Welfare Board:** The Bill allows the central government to establish a National Shipping Board, which will advise the central government on the development of the Indian shipping sector. Members of the Shipping Board will include: (i) six Members of Parliament, and (ii) up to 16 members representing the central government, ship-owners, and seafarers.
- The Bill allows the central government to create a Seafarer's Welfare Board. The central government may provide for the composition, term of office, and procedures for conduct of

business of the Welfare Board. The Board will advise the central government on measures to promote the welfare of seafarers with regard to the following: (i) lodging and boarding, (ii) provision of hospitals and medical treatment, and (iii) measures to be taken for the welfare of distressed or abandoned seafarers.

- **Registration of Indian vessels:** Every Indian vessel must be registered at a port or place in India that has been declared as a port of registry by the central government. The Registrar of Indian vessels at each port will grant a certificate of registry, and a tonnage certificate (indicating the capacity of the vessel) to the vessel. The Bill also specifies the procedure to transfer the ownership of a registered vessel. An Indian vessel may also be registered in another country subject to certain conditions.
- **Safety and security:** The Bill requires all ships to comply with various international conventions, including: (i) the Safety Convention, 1974, (ii) the Convention on the International Regulations for Preventing Collisions at Sea, 1972, and (iii) the International Convention for Safe Containers, 1972.

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

The Major Port Authorities Bill, 2016 introduced

The Major Port Authorities Bill, 2016 was introduced in Lok Sabha in December 2016.¹⁴⁶ The Bill seeks to provide greater autonomy and flexibility to major ports. The Bill repeals the Major Port Trusts Act, 1963. Key features of the Bill include:

- **Application:** The Bill will apply to the major ports of Chennai, Cochin, Jawaharlal Nehru Port in Navi Mumbai, Kandla, Kolkata, Mumbai, New Mangalore, Mormugao, Paradip, V.O. Chidambaranar in Tuticorin, and Vishakhapatnam. The central government may notify other major ports.
- **Major Port Authorities Board:** Under the 1963 Act, all major ports are managed by the respective Board of Port Trusts that have members appointed by the central government. The Bill provides for the creation of a Board of Major Port Authority for each major port. The Boards will succeed the existing Port Trusts.
- **Composition and powers of Board:** The Board will comprise a Chairperson and a deputy Chairperson, both of whom will be appointed by the central government on the recommendation

of a select committee. The Board will also include one member each from: (i) the respective state governments, (ii) the Railways Ministry, (iii) the Defence Ministry, and (iv) the Customs department. The Bill allows the Board to use its property, assets and funds as it considers fit for the development of the major ports. The Board can also make rules on: (i) declaring availability of port assets for port related activities and services, and (ii) developing and providing infrastructure facilities such as setting up of new ports and jetties.

- **Fixing of rates:** Currently, the Tariff Authority for Major Ports, established under the 1963 Act, fixes the scale of rates for assets and services available at ports. Under the Bill, the Board or committees appointed by the Board will determine these rates. Rates may be determined for: (i) services that will be performed at ports, (ii) the access to and usage of the port assets, and (iii) different classes of goods and vessels.

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

Guidelines for implementation of Shipbuilding Financial Assistance Policy released

The Ministry of Shipping released guidelines for the implementation of the Shipbuilding Financial Assistance Policy in June 2016.¹⁴⁷ The Policy seeks to promote shipbuilding in the country by providing financial assistance to ships constructed in the country. Key guidelines include:

- **Validity of the Policy:** The Policy will be effective for shipbuilding contracts signed between April 1, 2016 and March 31, 2026.
- **Financial assistance:** Only those ships, which are constructed and delivered within a period of three years from the date of contract, will be eligible for financial assistance under the Policy. This period may be extended up to six years. The financial assistance for standard ships will not exceed Rs 40 crore.
- **Other conditions:** The major portion of the hull of the ship (watertight body of the ship) for which financial assistance is required should be constructed and assembled in India. The installation and commissioning of the major machinery and equipment, and trials of ships should be conducted in India.
- **Grievance redressal:** Any grievances arising from acts of the designated competent authority will be referred to the institutional mechanism.

The institutional mechanism will be designated by the Ministry of Shipping.

- **Ships excluded:** Ships excluded from availing the financial assistance include: (i) ships built for Indian owners which are smaller than 24 m in length, (ii) ships made of wood, (iii) ships which receive any other subsidies for construction, and (iv) ships built for defence purposes.

Ministry of Shipping proposed new Model Concession Agreement for ports sector

The Ministry of Shipping proposed a new Model Concession Agreement (MCA) for the ports sector in September 2016.¹⁴⁸ MCA is a contract that sets the terms and conditions for the execution of a project, and is signed between the concessionaire (private party) and the government. The new MCA will replace the existing MCA that was released in January 2008. Key features include:

- **Objectives:** Objectives of the proposed MCA are: (i) more equitable allocation of project risks, (ii) providing for handling unforeseen circumstances, (iii) removing ambiguity in existing provisions, and (iv) attracting more private sector investment.
- **Exit route for concessionaires:** Currently, the concessionaire is free to exit a project after six years from the commercial operation date (COD). COD is the date on which the concessionaire receives the project completion

certificate. The concessionaire holds 51% equity in a project until three years after the COD, and 26% for the balance contract period (or next three years, if no specific period is prescribed). The proposed MCA provides that if performance parameters are achieved during the first three-year period, the concessionaire may approach the Concessioning Authority to waive the equity holding requirement for the next three-year term.

- **Refinancing of debt:** On completion of one year of operation, the concessionaire can issue bonds for refinancing of debt. This would help with optimizing the financial cost of projects.
- **Commercial operations before COD:** Currently, commercial operations are allowed after COD, once the completion certificate is received. Under the proposed MCA, commercial operations may be permitted before COD. This would be subject to project specific terms and conditions about level of operations and payments to the port.
- **Grievance redressal system:** The proposed MCA provides for a grievance redressal system. Under the system, the concessionaire will create a grievance redressal portal on their website with adequate monitoring system and timelines for redressal. The current MCA does not provide for a grievance redressal system.

Development

Education and Skill Development

Institutes of Technology (Amendment) Bill, 2016 passed by Parliament

The Institutes of Technology (Amendment) Bill, 2016 was introduced in July 2016 and passed by Parliament in August 2016.¹⁴⁹ It amends the Institutes of Technology Act, 1961, which declares certain IITs as institutions of national importance. The 2016 Act adds six new IITs in Tirupati, Palakkad, Goa, Dharwar, Bhilai, and Jammu. All these institutions will be declared as institutes of national importance. It also seeks to bring the Indian School of Mines, Dhanbad within the ambit of the Act. It states that until the statutes in relation to IIT (Indian School of Mines), Dhanbad are made under the Act, the statutes applicable to IIT Roorkee will apply to it.

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

NITSER (Amendment) Bill, 2016 passed by Parliament; NITSER (Second Amendment) Bill, 2016 passed by Lok Sabha

The National Institutes of Technology, Science Education and Research (Amendment) Bill, 2016 was passed by Parliament in August 2016.¹⁵⁰ It establishes the National Institute of Technology (NIT), Andhra Pradesh as an institute of national importance under the National Institutes of Technology, Science Education and Research Act, 2007. The NIT will be deemed to have been an institute of national importance since August 2015.

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

A second amendment Bill, amending the 2007 Act was passed in Lok Sabha in March 2017 and is currently pending in Rajya Sabha.¹⁵¹ The Bill adds two institutes under the NITSER Act: (i) Indian Institute of Science Education and Research, Tirupati (Andhra Pradesh); and (ii) Indian Institute of Science Education and Research, Berhampur (Odisha).

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

Central Agricultural University (Amendment) Bill, 2016 passed by Parliament

The Central Agricultural University (Amendment) Bill, 2016 was introduced and passed in Parliament in August 2016.¹⁵² It amends the Central Agricultural University Act, 1992.

The 1992 Act provides for the establishment of a University in the north eastern region for the development of agriculture, and advancement of research in agriculture and allied sciences. It states that the University is responsible for teaching and research in the field of agriculture in the following states: Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Sikkim and Tripura. The 2016 Act extends the jurisdiction to Nagaland as well.

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

Rajendra Central Agricultural University Bill, 2015 passed by Parliament

The Rajendra Central Agricultural University Bill, 2015 was passed by Parliament in May 2016.¹⁵³ It replaces the Bihar Agricultural University Act, 1987. It converts the existing Rajendra Agricultural University at Pusa, Bihar into the Rajendra Central Agricultural University, and declares it as an institute of national importance.

The new University will aim to: (i) undertake research in agriculture and allied sciences, (ii) hold examinations and grant degrees, diplomas and other titles, and (iii) collaborate with other universities and institutions, among other things.

The Act specifies the officers who will be in charge of the administration and academic affairs of the University. It also specifies the composition of the selection committee which will recommend the appointment of these officers.

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

Indian Institute of Management Bill, 2017 introduced in Lok Sabha

The Indian Institute of Management (IIM) Bill, 2017 was introduced in Lok Sabha in February 2017.¹⁵⁴ The Bill declares the IIMs as institutes of national importance. IIMs provide post-graduate, doctoral, post-doctoral and research education in the field of management and allied areas of knowledge. Key features of the Bill include:

- **Power to grant degrees:** Under the Bill, IIMs will have the power to grant degrees, diplomas and other academic distinctions or titles. All IIMs are separate autonomous bodies registered under the Societies Act, 1860. Being societies, IIMs are currently not authorised to award degrees and, hence, they award the Post

Graduate Diploma and the Fellowship Programme in Management.

- **Board of Governors:** The Board of Governors will be the executive body of each institute, comprising upto 19 members. The Board will appoint its own Chairman. Other than a nominee each from the central and state governments, the 17 other Board members will also be nominated by the Board of Governors.
- **Appointment of the Director:** The Director of each IIM will be recommended by the search-cum-selection Committee, which will be constituted by the Board of Governors. If the Board is not satisfied with the recommendation of this Committee, it may ask for fresh recommendations for the post of the Director.
- **Academic Council:** The Academic Council will be the principal academic body of each institute. Its functions will include: (i) specification of the academic content of the academic programmes and the criteria for admission to courses, (ii) specification of the academic calendar, and (iii) recommendations for the grant of degrees, diplomas and other academic distinctions.

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

The IIT (Amendment) Bill, 2017 introduced in Lok Sabha

The Indian Institutes of Information Technology (Amendment) Bill, 2017 was introduced in Lok Sabha in March 2017.¹⁵⁵ The Bill amends the Indian Institutes of Information Technology Act, 2014. The Act declares certain institutes of technology as institutes of national importance. Further, it seeks to: (i) develop new knowledge in information technology, and (ii) provide manpower of global standards for the information technology industry. Key features of the Bill include:

- **Appointment of Director:** Under the Act, there is a search-cum-selection committee which recommends names to the central government for the appointment of the Director of an institute. The Bill modifies the composition of this committee by replacing the Director of an Indian Institute of Information Technology with the Director of an Indian Institute of Technology.
- **Appointment for posts of Assistant Professor and above:** The Act permits the Board of Governors to appoint Assistant Professors. The Bill extends the power of the Board to appoint Assistant Professors and all the posts above that level as well.

- **Incorporation of an institute:** The Bill seeks to declare the Indian Institute of Technology, Design and Manufacturing, Kurnool as an institution of national importance.

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

Policy inputs for the draft National Education Policy, 2016 released

The Ministry of Human Resource Development released some inputs towards the draft National Education Policy (NEP), 2016 in July 2016.¹⁵⁶ The vision of the draft NEP is an education system that ensures quality education and learning opportunities for all. The draft Policy highlights key challenges in the education sector and establishes a policy framework for action. Key policy initiatives highlighted in the draft NEP include:

- **Pre-school education:** A program for pre-school education for children in the age group of four to five years will be implemented in coordination with the Ministry of Women and Child Development.
- **Learning outcomes in school education:** Under the Right of Children to Free and Compulsory Education Act, 2009, norms for learning outcomes will be developed and applied uniformly to both private and government schools. The existing no-detention policy (promoting all students of a class to the next class) will be amended and limited up to primary level (Class 5). At the upper primary level of education (Class 6 onwards), the system of detention will be restored.
- **Examination reforms:** In order to reduce failure rates in class 10, examination for the subjects of Mathematics, Science and English in class 10 will be conducted at two levels, Part A at a higher level and Part B at a lower level. Students who wish to opt for the vocational stream or courses for which mathematics, science and English are not compulsory, will be able to opt for Part B level examination.
- **Teacher development:** At the national level, a Teacher Education University will be set up, with a particular focus on teacher education and faculty development.
- **Reforms and regulation in higher education:** An Education Commission, comprising academic experts will be set up every five years to: (i) assist the Ministry of Human Resource Development in identifying new disciplines, and

(ii) undertake curriculum and assessment reforms in higher education

- **Financing education:** The government will take steps for raising the investment in education sector to at least 6% of GDP.

Report of the Committee for Evolution of the New Education Policy released

The Committee for Evolution of the New Education Policy (Chair: Mr. T. S. R Subramanian) submitted its report in May 2016.¹⁵⁷ It was made available in the public domain in August 2016. The Committee was constituted under the Ministry of Human Resource Development. Key features of the Policy proposed by the Committee include:

- **Early Childhood Care and Education:** Early Childhood Care and Education for four to five year old children should be declared as a right. This will facilitate pre-school education by the government instead of the private sector until children reach the age of six.
- **School exam reforms:** Scaled scores and percentiles should be used instead of the traditional marking scheme. Students should be given the choice to pick the difficulty level for the subjects of mathematics and science exams in class 10.
- **Information and Communication Technology (ICT) in Education:** The integration of ICT and the education sector was observed to be inadequate despite computer literacy and studies in schools. ICT should be available for teacher training, adult literacy, remedial education and as a learning tool in higher education.
- **Teacher Management:** In order to deal with the steep rise in teacher shortages, absenteeism and grievances, an Autonomous Teacher Recruitment Board should be established. Teaching licenses should be subject to renewal every 10 years.
- **Vocational education and training:** The existing National Skills Qualification Framework should be scaled up to bring more students into the skilling system. Further, there is a need to include vocational education at the secondary level of education.

A PRS summary of the report is available [here](#).

Report of the Committee on the Reform of the Indian Medical Council Act, 1956 released

The Committee on the Reform of the Indian Medical Council (IMC) Act, 1956 (Chair: Dr. Aravind Panagariya) submitted its report in August 2016.¹⁵⁸ It was set up under the NITI Aayog to examine the provisions of the IMC Act and provide recommendations to improve the outcomes of medical education.

The Committee proposed that the IMC Act should be replaced by a new Act, and proposed a draft Bill for this purpose. The Committee recommended a complete overhaul of the existing regulatory structure for medical education. Key observations and recommendations of the Committee include:

- **Issues with the Medical Council of India (MCI):** The Committee noted the following issues in the functioning of the Council: (i) the conflict of interest where the regulated (includes management of medical colleges) elect the regulators, preventing the entry of skilled professionals for the job, (ii) centralisation of powers allowing no segregation of responsibilities, (iii) input based regulation consisting of inspections and a focus on infrastructure rather than on teaching quality and outcomes, and (iv) failure to meet the contemporary challenges of medical education.
- **New regulatory architecture:** The Committee recommended that the National Medical Commission (NMC) should be set up to replace the existing MCI. NMC would be the policy-making body for medical education in India.
- **‘For-profit’ organisations to establish medical colleges:** Currently, only ‘not-for-profit’ organizations are permitted to establish medical colleges. The Committee recommended that the sector should be opened to ‘for-profit’ organisations as well to address the supply gaps in medical education. This would also help to deal with the lack of transparency regarding funding sources that currently exist despite a ban on ‘for-profit’ organisations in this sector.

A PRS summary of the report is available [here](#).

Pradhan Mantri Yuva Yojana launched for entrepreneurship education and training

The Ministry of Skill Development and Entrepreneurship launched the Pradhan Mantri Yuva Yojana in November 2016.¹⁵⁹ The scheme relates to

entrepreneurship education and training. Key features of the scheme include:

- **Target group:** The scheme will provide entrepreneurship education and training to over seven lakh students in a period of five years, through 3,050 institutes. It will also include easy access to information and mentor network, credit, incubators and accelerators and advocacy for the youth covered under the scheme.
- **Duration and cost:** The scheme will span over five years (2016-17 to 2020-21) with a project cost of Rs 500 crore.
- **Institutes covered under the Scheme:** The scheme includes 2,200 institutes of higher learning (colleges, universities, and premier institutes), 300 schools, 500 Industrial Training Institutes and 50 Entrepreneurship Development Centres, through Massive Open Online Courses.

National Apprenticeship Promotion Scheme notified by the Ministry of Skill Development

The government notified the National Apprenticeship Promotion Scheme under the National Policy for Skill Development and Entrepreneurship, 2015 in September 2016.¹⁶⁰ The Policy seeks to work with the industry and Ministry of Small and Medium Enterprises to facilitate an industry led and practice oriented formal training. Key features include:

- **Financial outlay and disbursement:** The scheme has an outlay of Rs 10,000 crore with a target of 50 lakh apprentices to be trained by March 2020. The central government will reimburse the employer 25% of the prescribed stipend payable to an apprentice.
- **Online administration:** An online portal for the ease of administering the scheme will be set up. All transactions including registration by employers, apprentices, contract and payment to employers will be on this portal.
- **Employer related responsibilities:** Eligible employers will employ apprentices in the range of 2.5% to 10% of the total workforce strength of the establishment.

Cabinet approved the IIIT (Public- Private Partnership) Bill, 2017

The Union Cabinet approved the introduction of Indian Institutes of Information Technology (Public-Private Partnership) Bill, 2017 in March 2017.¹⁶¹ In 2010, a scheme of setting up of 20 new Indian Institutes of Information Technology (IIITs) in

Public-Private Partnership was approved by the Union Cabinet. Currently, academic sessions are underway in 15 of these IIITs.

The Bill aims to: (i) grant statutory status to the 15 IIITs in Public-Private Partnership and declare them as institutes of national importance, and (ii) enable these IIITs to grant degrees like Bachelor of Technology, Master of Technology and Doctorates.

Cabinet approved amendment to the RTE Act, 2009

The Union Cabinet approved an amendment to the Right of Children to Free and Compulsory Education Act, 2009, in March 2017.¹⁶² The aim of this amendment is: (i) to enable untrained elementary teachers to complete their training, and (ii) ensure that all teachers at the elementary level have minimum standards of qualifications.

The amendment specifies that all teachers at elementary level, who at the commencement of this Act did not possess the minimum qualifications as laid down under the Act, need to acquire these within a period of four years, i.e., by March 31, 2019.

Cabinet approved establishment of Higher Education Financing Agency

The Union Cabinet approved the creation of the Higher Education Financing Agency (HEFA) in September 2016.¹⁶³ HEFA will promote the creation of high quality infrastructure in premier educational institutions. Key features of the agency include:

- **Financing:** The HEFA will be jointly promoted by an identified promoter and the Ministry of Human Resource Development with an authorised capital of Rs 2,000 crore. The government equity will be Rs 1,000 crore. The HEFA will be formed as a Special Purpose Vehicle within a public sector bank or a non-banking financial company. HEFA will raise up to Rs 20,000 crore for infrastructure and development projects in IITs/IIMs/NITs and other such institutions.
- **Eligibility of institutions:** All the centrally funded higher educational institutions would be eligible for joining as members of the HEFA. To join, the institution will have to agree to escrow a specific amount from their internal finances to HEFA for a period of 10 years. This amount will be securitised by the HEFA in order to mobilise further funds. Each member institution will be eligible for a credit limit decided by

HEFA based on the specific amount escrowed by the institution.

- **Corporate Social Responsibility (CSR) funds:** The HEFA would also mobilise CSR funds from PSUs/corporates, which would in turn be used for promoting research and innovation in higher education institutions on a grant basis.

Cabinet approved establishment of National Academic Depository

The Union Cabinet approved the establishment and operationalisation of a National Academic Depository (NAD) under the vision of digital India in October 2016.¹⁶⁴ The NAD will be rolled out throughout the country in 2017-18.

NAD will provide a digital or a printed copy of the academic award to students or other authorised users. It will register educational institutions /boards/ eligibility assessment bodies, students and other user entities like banks, employer companies and government agencies. Academic institutions would be responsible for the authenticity of data digitally uploaded by them into the system.

Requests for access to academic awards, from users such as potential employers and academic institutions will only be accepted upon the consent of the student.

CCEA approved upgradation of 13 existing government medical colleges under PMSSY

The Cabinet Committee on Economic Affairs (CCEA) approved the upgradation of 13 existing government medical colleges/institutes under the Pradhan Mantri Swasthya Suraksha Yojana (PMSSY) in August 2016.¹⁶⁵ The scheme aims to provide for availability of affordable and reliable tertiary level healthcare in the country, and to augment facilities for quality medical education in backward states.

The upgradation will be done at a cost of Rs 200 crore for each government college or institute (central share: Rs 120 crore and state share: Rs 80 crore). Accordingly, the total upgradation cost will be Rs 2,600 crore, and it will be completed within 36 months. The colleges which are to be upgraded are located in Uttar Pradesh, Bihar, Gujarat, Madhya Pradesh, Delhi, Rajasthan, Chhattisgarh and Odisha. The upgradation would involve strengthening the existing departments as well as building Super Speciality Blocks/Trauma Centres or other necessary facilities as Centres of Excellence.

Cabinet approval of Pradhan Mantri Kaushal Vikas Yojana

The Union Cabinet approved the Pradhan Mantri Kaushal Vikas Yojana (PMKVY) in July 2016.¹⁶⁶ PMKVY aims at skilling one crore people over the next four years (April 2016 to March 2020) with an outlay of Rs 12,000 crore. The scheme will impart fresh training to 60 lakh individuals and certify skills that have been acquired non-formally of 40 lakh individuals.¹⁶⁷ The scheme aims to enable Indian youth to take up industry-relevant skill training and help them secure a better livelihood. The major features of PMKVY include:

- **Training centres:** Training centres under the scheme will be categorised on the basis of their infrastructure, training capacity, past performance and other relevant parameters, to improve the quality of training imparted by them. In addition, targets assigned to these training centres will be on a long term basis along with a review mechanism.
- **Common norms:** The scheme will be aligned to common norms (these norms outline the base cost of training per candidate for different sectors in various job roles).¹⁶⁸ The scheme will be based on a grant based model where the training and assessment cost will be directly reimbursed to training providers and assessment bodies, in accordance with the common norms.
- **Special projects:** A special cell will be created to aggregate demand for training across various sectors. Special projects will be promoted for sector specific skilling initiatives, such as Swachh Bharat, Digital India and Smart Cities. 10%-15% of the respective schemes' budgets will be made available for these special projects.
- **Validation of candidates through Aadhaar number:** Under the scheme, training partners will be required to ensure the validation of the Aadhaar number when enrolling a candidate.
- **Involvement of state governments:** Respective state governments will be responsible for 25% of the total training targets under the scheme.

Draft UGC Guidelines and Regulations for establishment of World Class Institutions released

The Ministry of Human Resource Development released the draft guidelines and regulations for establishment of world class institutions in October 2016.¹⁶⁹ The draft regulations aim to provide an enabling regulatory architecture to ten public and

private institutions each, to grow into world class teaching and research institutions in India.

The draft guidelines will be applicable to all government owned and controlled higher educational institutions. The regulations will apply to privately owned and controlled institutions. While the government institutions would be financed through a fund of Rs five crore, the private institutions would have an external sponsorship organisation. Key features of the draft guidelines and regulations are:

- **Characteristics of world class institutions:** World class institutions are expected to have certain characteristics, including: (i) promotion of multi-disciplinary learning, (ii) a reasonable mix of Indian and foreign students and faculty, (iii) merit based admission process, (iv) freedom to fix fees according to internal policies, (v) accreditation by the National Assessment and Accreditation Council or a similar agency which conforms to UGC guidelines, and (vi) consideration in the top 500 institutions in any of the world renowned rankings within the first ten years of setting them up.
- **Empowered Experts Committee (EEC):** The Committee will be involved in the scrutiny and appraisal of applications submitted to the Ministry by universities to become world class institutions. Additionally, it will also play an advisory role and monitor the implementation plans of these institutions.
- **Review and penalties:** These world class institutions will be reviewed once in three years regarding their adherence to the implementation plans. Yearly updates of the progress being made would have to be submitted to the EEC. The EEC will recommend penalties applicable to these institutions in cases of non-performance in carrying out implementation plans.

Notification of setting up Indian Skill Development Service issued

The Ministry of Skill Development and Entrepreneurship issued a notification for setting up of Indian Skill Development Services (ISDS) in January 2017.¹⁷⁰ Key features of the ISDS are:

- **Group ‘A’ service:** ISDS will be a Group ‘A’ service where induction will take place through Indian Engineering Service Examination conducted by Union Public Service Commission. The academy for training of the cadre will be the National Institute of Skill Development.

- **Number of posts:** ISDS will have 263 all-India posts. The cadre will consist of three posts at Senior Administrative Grade, 28 posts at Junior Administrative Grade, 120 posts at Senior Time Scale and 112 posts at Junior Time Scale.

Health

Rights of Persons with Disabilities Bill, 2014 passed by Parliament

The Rights of Persons with Disabilities Bill, 2014 was passed by Parliament in December 2016.¹⁷¹ It confers rights and entitlements to disabled persons. The law repeals the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. Key features include:

- **Definition of disability:** Disability has been defined to include 19 conditions, such as, autism, low vision and blindness, cerebral palsy, mental illness, among others. Persons with at least 40% disability (benchmark disability) are entitled to certain benefits. These include reservations in education and employment, and preference in government schemes.
- **Nature of guardianship:** District courts will review decisions regarding the support to be given to a person with disability where limited guardianship (decisions taken by guardian in consultation with the person with disability) is granted repeatedly. Further, any person with a disability who is aggrieved by the decision of the appointment of a legal guardian may appeal against it to an appellate authority.
- **Reservation provision:** At least four percent of the vacancies in government establishments are to be filled by persons or class of persons with at least 40% disability. Of this, one percent each will be reserved for persons with the following disabilities: (i) blindness and low vision, (ii) deaf and hard of hearing, (iii) locomotor disability and leprosy cured, dwarfism, acid attack victims, and (iv) autism, intellectual disability, specific learning disability, mental illness, and multiple disabilities.

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

The Mental Healthcare Bill passed by Parliament

The Mental Healthcare Bill was passed by Parliament in March 2017.¹⁷² It repeals the Mental Health Act, 1987. The 2017 Act seeks to: (i) protect and promote the rights of mentally ill persons, (ii) provide for care and treatment of mentally ill persons, to improve their capacity, and (iii) improve access to mental healthcare services. Key features include:

- **Advance directive:** A mentally-ill person will have the right to make an advance directive that states how he wants to be treated for a mental illness and who his nominated representative will be. If a mental health professional does not wish to follow the directive while treating the person, he must make an application to the Mental Health Board to review, alter, or cancel the advance directive.
- **Mental health establishments:** Every mental health establishment has to be registered with the relevant Central or State Mental Health Authority. In order to be registered, the establishment has to fulfil various criteria prescribed in the 2017 Act. It also specifies the process and procedure to be followed for admission, treatment and discharge of mentally ill individuals.
- **Decriminalising suicide, prohibiting electroconvulsive therapy and seclusion:** Electro-convulsive therapy is allowed only with the use of muscle relaxants and anaesthesia. The use of seclusion for mentally ill persons is prohibited. A person who attempts suicide shall be presumed to be suffering from severe stress and not mental illness at that time. Such a person will not be punished under the Indian Penal Code, 1860.

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

The HIV and AIDS (Prevention and Control) Bill, 2014 passed by Rajya Sabha

The Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Bill, 2014 was passed by Rajya Sabha in March 2017.¹⁷³ The Bill seeks to prevent and control the spread of HIV and AIDS and prohibits discrimination against persons with HIV and AIDS. Key features of the Bill include:

- **Prohibition of discrimination against HIV positive persons:** The Bill lists the various 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: (i) employment, (ii) educational establishments, (iii) health care services, (iv) residing or renting property, and (v) standing for public or private office. The requirement for HIV testing as a pre-requisite for obtaining employment or accessing health care or education is also prohibited.

- **Informed consent and disclosure of HIV status:** The Bill requires that no HIV test, medical treatment, or research will be conducted on a person without his informed consent. Further, no person shall be compelled to disclose his HIV status except with his informed consent, and if required by a court order.
- **Role of the ombudsman:** 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. The ombudsman will submit a report to the state government every six months stating the number and nature of complaints received, the actions taken and orders passed.

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

Indian Medical Council (Amendment) Bill, 2016 and Dentists (Amendment) Bill, 2016 passed by Parliament

The Indian Medical Council (Amendment) Bill, 2016 and the Dentists (Amendment) Bill, 2016 were passed by Parliament in August 2016.^{174,175,176} They seek to amend the Indian Medical Council Act, 1956 and the Dentists Act, 1948, respectively.

The Indian Medical Council Act, 1956 and the Dentists Act, 1948 provide for the constitution of the Medical Council of India (MCI) and the Dental Council of India (DCI), respectively. These Councils regulate: (i) permission to start colleges, courses or increase the number of seats; (ii) registration of professionals, and (iii) standards of professional conduct of these professionals, among others.

The MCI in 2010 and the DCI in 2012 amended their regulations. The amendments provided for admissions to MBBS, BDS and post graduate courses in government and private medical colleges, etc. solely through a uniform common entrance exam also called as the National Eligibility cum Entrance Test (NEET). In July 2013, the Supreme Court struck down the MCI and DCI regulations providing for the NEET.¹⁷⁷ The Court held that the rights of private individuals to administer an educational institution

includes the right to admit students, and requirement of NEET as the sole basis for admission to courses violated this right, among other reasons.

In April 2016, the Supreme Court recalled its 2013 judgement and reinstated the NEET.¹⁷⁸ It stated that the 2013 judgement needed to be reconsidered and started hearings on the matter. The Court stated that NEET will be conducted for the year 2016. It held that the test will be conducted in two phases: Phase I on May 1, 2016, and Phase II on July 24, 2016.¹⁷⁹ Key features of the 2016 Acts are:

- A uniform entrance examination will be introduced for all MBBS, BDS and postgraduate courses for all colleges.
- If a state has not opted for such a uniform entrance examination, then it would not be applicable at the undergraduate level for the academic year 2016-17. This would apply to state government seats in government and private medical or dental colleges.

More information is available [here](#) and [here](#).

Surrogacy (Regulation) Bill, 2016 introduced in Lok Sabha

The Surrogacy (Regulation) Bill, 2016 was introduced in Lok Sabha in November 2016.¹⁸⁰ The Bill defines surrogacy as a practice where a woman gives birth to a child for an intending couple and agrees to hand over the child to them after the birth. Key features of the Bill include:

- **Regulation of surrogacy:** The Bill prohibits commercial surrogacy, but allows altruistic surrogacy. Altruistic surrogacy involves no monetary compensation to the surrogate mother other than the medical expenses and insurance coverage. Commercial surrogacy includes surrogacy or its related procedures undertaken for a monetary benefit or reward (in cash or kind) exceeding the basic medical expenses and insurance coverage.
- **Eligibility criteria for intending couple:** The intending couple should have a 'certificate of essentiality' and a 'certificate of eligibility' issued by the appropriate authority. A certificate of essentiality will be issued upon fulfilment of these conditions: (i) a medical certificate of proven infertility of one or both members of the intending couple, (ii) an order of parentage and custody of the surrogate child passed by a Magistrate's court, and (iii) insurance coverage for the surrogate mother.

- The certificate of eligibility will be issued upon fulfilment of these conditions by the intending couple: (i) Indian citizens who are married for at least five years, (ii) females between 23-50 years and males between 26-55 years, (iii) not having any surviving child (biological, adopted or surrogate), except if the surviving child is mentally or physically challenged or suffers from a fatal illness. Other conditions may be specified by regulations.
- **Eligibility criteria for surrogate mother:** To obtain a certificate of eligibility from the appropriate authority, the surrogate mother has to be: (i) a close relative of the intending couple, (ii) a married or previously married woman, having a child of her own, (iii) 25 to 35 years old, (iv) a surrogate only once in her lifetime, and (v) possessing a certificate of medical and psychological fitness.

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

National Health Policy, 2017 released

The Ministry of Health and Family Welfare released the National Health Policy, 2017 in March 2017.¹⁸¹ The last National Health Policy was released in 2002. The objective of the Policy is to improve the health status of all age groups by expanding: (i) preventive, (ii) promotive, (iii) curative, (iv) palliative, and (v) rehabilitative services provided through the public health sector. The key features of the Policy are:

- **Investment in health:** The Policy proposes a target of 2.5% of the GDP as public health expenditure. The Policy advocates allocating major proportion (two-thirds or more) of resources to primary care followed by secondary and tertiary care. General taxation will remain the predominant means for financing health care.
- **Public Health Management Cadre:** The Policy proposes creation of Public Health Management Cadre in all states. States could decide to place these public health managers, with medical and non-medical qualifications, in cadre streams related to directorates of health.
- **Access to healthcare services:** The Policy regarding provision to healthcare services is: (i) free primary care provision by the public sector, and (ii) strategic purchase of secondary care hospitalisation and tertiary care services from both public and the non-government sector.
- Strategic purchasing refers to the government acting as a single payer. The order of preference for strategic purchase by the government with

regard to secondary and tertiary care would be public sector hospitals followed by not-for profit private sector and then commercial private sector in the underserved areas.

- **Private sector involvement:** The Policy proposes certain measures to encourage greater participation by the private sector. These measures include: (i) preferential treatment in collaborating with private hospitals for Central Government Health Scheme (covers the healthcare needs of central government employees and members of their families), and (ii) non-financial incentives like skill upgradation to the private sector hospitals/practitioners for providing public health services.

NITI Aayog launched the National Index for Performance on Health Outcomes

A composite index for health outcomes of states was launched by NITI Aayog and the Ministry of Health and Family Welfare in December 2016.¹⁸² It will be calculated and disseminated annually. Monitorable indicators that form a part of the Sustainable Development Goal for health have been included in the index. The aim of this index is to: (i) assist in state level monitoring of performance, (ii) serve as an input for providing performance based incentives, and (iii) improve health outcomes. Key features of the index include:

- The indicators are categorised into the domains of 'health outcomes', 'governance and information' and 'key inputs/processes'.
- The index has been changed from a base year to a reference year. Further, in each subsequent year, the index will measure incremental improvement of each state, relative to its own baseline performance. The indicators have been selected based on their periodic availability through existing data sources such as the Sample Registration System, Civil Registration System, and Health Management Information Systems.

Report on regulatory reforms for Indian systems of medicine and homeopathy released

A Committee set up by NITI Aayog to examine the Indian Medicine Central Council Act, 1970 and the Homoeopathy Central Council Act, 1973 submitted its report in March 2017.¹⁸³ Under these Acts, the statutory bodies of Central Council of Indian Medicine and Central Council of Homoeopathy were constituted to regulate the Indian Systems of

Medicine (Ayurveda, Siddha, Unani and Sowa-Rigpa) and homoeopathy, respectively.

The Committee proposed that the 1970 Act and 1973 Act should be repealed and replaced by new Acts providing for a different structure and governance system. The Committee proposed a National Commission for Indian Systems of Medicine to replace the Central Council of Indian Medicine and the National Commission for Homoeopathy to replace the Central Council of Homeopathy. Key reasons behind the suggested reforms include:

- **Issues in the functioning of Central Councils of Indian Medicine, and Homeopathy:** The Committee noted several issues in the functioning of the Councils and regulation of medical education for these systems of medicine. These issues include failure in: (i) bringing in competent and qualified persons for regulation, (ii) creating standard curricula to produce quality doctors in Indian systems of medicine and homoeopathy, and (iii) ensuring ethics in professional practice.
- **Separation of functions:** The Committee noted that the concentration and centralisation of all functions in one body such as the Councils makes them unwieldy and slow. In this context, it recommended setting up of independent bodies with separate functions.
- For example, for Indian Systems of Medicine, it recommended that five mutually independent and autonomous boards be set up and coordinated through the National Commission for Indian Systems of Medicine. Three of these boards will be responsible for: (i) determining standards, and (ii) overseeing all aspects of medical education. The other two Boards will be responsible for: (i) accreditation and assessment of institutions, and (ii) regulation of the practice of the profession.
- **Fee regulation of private colleges:** The Committee observed that proposed Commissions of Indian Medicine and Homeopathy should not engage in fee regulation of private colleges. A fee cap would discourage entry of private colleges or encourage the continuation of the underground economy which consists of capitation fees.

Draft Indian Medicine Central Council (Amendment) Bill, 2016 released

The Ministry of AYUSH released the draft Indian Medicine Central Council (Amendment) Bill, 2016 in

June 2016.¹⁸⁴ The draft Bill seeks to amend the Indian Medicine Central Council Act, 1970. The Act regulates the standards of education and professional conduct of practitioners in Indian medicine (such as Ayurveda, Siddha and Unani). Key features of the draft Bill include:

- **New batch:** Under the Act, prior permission from the central government is required for matters including: (i) establishing a medical institution, (ii) introducing new courses of study, and (iii) increasing admission capacity in any course of study. Apart from the above mentioned matters which require prior permission, the Bill adds a provision that prior permission will also be required to admit a new batch of students in any course of study. These permissions once procured will be valid for a period of five years. Medical qualifications granted by a college that fails to obtain permission will not be recognised.
- **Terms of Office:** Under the Act, the President, Vice President, and members of the Central Council will hold office for a period of five years or until their successor is elected (or nominated), whichever is longer. The draft Bill modifies this provision to state that the members can remain in office only for a period of five years. The draft Bill also introduces a provision to state that the President and the Vice President can be re-elected only for one more term.
- **Dissolution of the Council:** The draft Bill introduces a provision for the dissolution of the Central Council. The Central Council is responsible to carry out functions including: (i) appointing inspectors to conduct inspection of medical colleges, and (ii) maintaining a central register containing the names of practitioners.
- The Bill states that the central government can dissolve the Council, if it considers that the Council is unable to perform its functions, or has defaulted in performing its duties. Until the reconstitution of the Council, the central government can appoint a board of administrators to perform its functions.
- **Penalties:** The penalty in case of a person practicing Indian medicine without a recognised medical qualification has been increased from Rs 1,000 to Rs 25,000.

Draft Medical Treatment of Terminally-ill Patients Bill released

The Ministry of Health and Family Welfare released the draft Medical Treatment of Terminally-ill Patients (Protection of Patients and Medical Practitioners) Bill in May 2016.¹⁸⁵ The draft Bill provides protection to patients and medical practitioners (from liability) for withdrawing medical treatment of terminally ill patients. Key provisions of the draft Bill include:

- **Rights of a competent patient:** Every competent patient (including minors above the age of 16 years) will have the right to decide and request the medical practitioner to withhold, withdraw, or continue medical treatment in case of a terminal illness. The practitioner will act on the request if he is satisfied that the patient is competent to take an informed decision.
- Before proceeding with the decision, the medical practitioner will be required to inform persons including the spouse, or parent, etc. of the need (or otherwise) for withdrawing or withholding the treatment of the patient.
- **Protection to medical practitioners and competent patients:** If a patient suffering from terminal illness refuses medical treatment, he will not be liable for any offence under the Indian Penal Code, 1860. Without regard to provisions in any other law, in cases where a medical practitioner withdraws treatment on the request of a patient, his action will be lawful.
- **Procedure for incompetent patients:** In case of an incompetent patient (persons of unsound mind), a near relative, medical practitioner etc., can apply to the High Court for granting permission to withdraw or withhold medical treatment. The Court having considered the report of a panel of experts (providing expert medical opinion) and the wishes of the spouse or parents will grant or refuse permission (or grant permission with certain conditions).

Draft Indian Medical Council (Amendment) Bill, 2016 released

The Ministry of Health and Family Welfare has released the draft Indian Medical Council (Amendment) Bill, 2016 in December 2016.¹⁸⁶ It seeks to amend the Indian Medical Council Act, 1956. The key features of the draft Bill include:

- **Common exit exam for MBBS level:** A uniform national exit test (NEXT) for all medical educational institutions at the undergraduate

level will be conducted. NEXT will substitute the uniform entrance examination at the postgraduate level currently provided for in the 1956 Act.

- **Common counselling for MBBS level and post graduate level admission:** Common counselling for admission of candidates to all medical educational institutions at the undergraduate level and postgraduate level will be conducted.
- Counselling for 15% all India quota seats at the undergraduate level and 50% all India quota seats at the postgraduate level will be conducted by Directorate General of Health Services and the remaining seats by a designated authority set up by the concerned state/ UT government.
- **Reservation for medical officers:** Up to 50% of the seats in post graduate courses in government colleges may be reserved by the relevant state government for medical officers in the government services. These medical officers should have served for a minimum of three years in remote and difficult areas.

Draft Public Health (Prevention, Control and Management of Epidemics, Bio-Terrorism and Disasters) Bill, 2017 released

The draft Public Health (Prevention, Control and Management of Epidemics, Bio-Terrorism and Disasters) Bill, 2017 was released in February 2017.¹⁸⁷ The Bill seeks to repeal the Epidemic Diseases Act, 1897. The Bill aims to provide for the prevention, control and management of: (i) epidemics, (ii) public health consequences of disasters, and (iii) acts of bio terrorism or threats. Key features of the draft Bill include:

- **Definition of public health emergency:** ‘Public health emergency’ is defined as any sudden state of danger to public health, including: (i) extension or spread of any infectious or contagious disease or pests affecting humans, animals or plant, (ii) occurrence of or threat of dangerous epidemic disease, and (iii) disaster or bio-terrorism or potential public health emergency requiring immediate action for its prevention, control and management.
- **Powers of central government:** If a situation of public health emergency arises in the country, the central government can: (i) give directions to the state government, district or local authority to implement the provisions of the Bill, (ii) order measures to be observed by the general public to

prevent, control and manage the public health emergency, and (iii) require any person to take measures that may be necessary to prevent, control and manage the public health emergency.

- **Penalties:** (i) Violation of any provisions of the Bill due to negligence will be punishable with a fine upto Rs 10,000 for the first time and upto Rs 25,000 for subsequent times. (ii) Violation of any provisions of the Bill intentionally will be punishable with a fine upto Rs 50,000 for first time and upto Rs 1,00,000 for subsequent times. Wilful violation may also lead to imprisonment extendable upto a period of two years.

Draft Dentists (Amendment) Bill, 2017 released

The draft Dentists (Amendment) Bill, 2017 was released by the Ministry of Health and Family Welfare in February 2017.¹⁸⁸ The Bill seeks to amend the Dentists Act, 1948.

The draft Bill proposes modifications to the provisions of the Act with regard to membership of the Dental Council of India. The Act states that out of six members nominated by the central government, at least one will be a registered dentist in a Union Territory and at least two shall be registered in the Part B of a state register. The draft Bill removes the provision regarding at least two members being registered in the Part B of a state register. The register of dentists is maintained in two parts, Part A and Part B. Persons possessing recognised dental qualifications are registered in Part A and persons not possessing such qualifications are registered in Part B. The persons not possessing such qualifications are citizens of India who have been practicing as dentists as the principal means of livelihood for a period of not less than 2 years (before the application of registration) and have passed (within a period of 10 years after such registration) an examination recognised for this purpose by the central government.

Medical Devices Rules, 2017 notified

The Ministry of Health and Family Welfare notified Medical Devices Rules, 2017 in February 2017.¹⁸⁹ The rules have been framed in conformity with Global Harmonisation Task Force (GHTF) framework and conform to best international practices. The purpose of the GHTF is to encourage a convergence in standards and regulatory practices related to the safety, performance and quality of medical devices. The rules aim to: (i) remove regulatory bottlenecks, (ii) facilitate ease of doing

business, and (iii) ensure availability of better medical devices for patient care and safety. Key features of the rules are:

- **Classification according to level of risk:** Medical devices will be classified as Class A (low risk), Class B (low moderate risk), Class C (moderate high risk) and Class D (high risk). The manufacturers of medical devices will be required to meet risk proportionate regulatory requirements that are specified in the Rules.
- **No requirement of periodic renewal:** Requirement of periodic renewal of licences has been removed. As a result, manufacturing and import licences will remain valid till these are suspended, cancelled or surrendered.
- **Third party conformity assessment and certification:** Notified Bodies will be allowed to undertake third party conformity assessment and certification. Any institute, organisation or body corporate may seek accreditation as a Notified Body by applying to the National Accreditation Body (NAB). NAB will undertake verification and assessment of medical device manufacturers of Class A and Class B category. NAB may also render assistance for regulation of Class C and Class D medical devices.
- **Regulation of clinical trials of new devices:** Conduct of clinical trials for new devices must aim to ensure: (i) patient safety and welfare, and (ii) discovery of new medical devices. Medical management and compensation will be provided to the subjects of clinical trial in accordance with the predefined criteria.

Food Safety and Standards (Import) Regulations, 2017 released

The Food Safety and Standards (Import) Regulations, 2017 were released in March 2017.¹⁹⁰ These regulations lay down the procedure for clearance of food products imported into India. Key features of the regulations are:

- **Licensing of food importers:** No person will import any article of food without an import license from the Central Licensing Authority under the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011. This license can be cancelled on grounds including import of articles of food which are: (i) unsafe, and (ii) prohibited or are from prohibited sources.
- **No clearance required for imports meant for personal use:** The regulations will not apply to

any person bringing in any article of food for his personal use, provided that the value of such article of food does not exceed the amount allowed by customs.

- **Prohibition and restrictions on import of article of food:** The Food Safety and Standards Authority of India may prohibit or restrict import of any article of food based on risk perception or outbreak of disease. Further, it may issue an order or advisory or guideline as it deems fit, from time to time for ensuring the safety of articles of food imported into India.

FSSAI launched scheme to strengthen food testing infrastructure

The Food Safety and Standards Authority of India (FSSAI) launched a scheme for strengthening of food testing infrastructure in the country in November 2016.¹⁹¹ This is following the observations of the Bombay High Court regarding the urgent need to upgrade Food Testing Laboratories in India. The estimated cost of the scheme is Rs 482 crore. Key features of the scheme include:

- **Food testing labs:** Under this scheme, 45 State food testing labs (at least one in each state/UT with a provision of two labs in larger states) and 14 referral food testing labs will be upgraded to enable them to obtain accreditation from the National Accreditation Board for Testing and Calibration Laboratories (NABL). NABL is an autonomous body under the Department of Science and Technology.
- **Mobile testing labs:** 62 mobile testing labs will be established across all states/UTs. Currently, there are four mobile food testing labs in Punjab, Gujarat, Kerala and Tamil Nadu, which will serve as a model for these new mobile testing labs. Capacity building of the food testing labs is also an important component of this scheme.
- **School Food and Hygiene Programme:** A School Food and Hygiene Programme will be implemented as part of the scheme. Under the scheme, basic food testing labs will be set up in 1,500 schools/colleges across the country to promote safe and wholesome food.

Proposals from seven states/UTs, namely, Goa, Delhi, Karnataka, Kerala, Madhya Pradesh, Tamil Nadu and Punjab were considered for strengthening their food testing infrastructure. Two proposals from Chandigarh and Calicut (Kerala) were approved in principle with the rest being advised to revise and resubmit their proposals.

Urban Development and Housing

Ministry of Housing notified Real Estate (Regulation and Development) (General) Rules, 2016

The Ministry of Housing and Urban Poverty Alleviation notified the Real Estate (Regulation and Development) (General) Rules, 2016 in October 2016.¹⁹² The Rules have been notified under the Real Estate (Regulation and Development) Act, 2016. These will be applicable to the five Union Territories without legislature, i.e., Andaman and Nicobar Islands, Dadra and Nagar Haveli, Daman and Diu, Lakshadweep, and Chandigarh. Key provisions of the Rules include:

- **Information to be furnished by the promoter:** For registering projects with the Real Estate Regulatory Authorities, real estate promoters will have to provide various details regarding the projects. These include: (i) PAN Card, (ii) annual report, (iii) balance sheets, (iv) cash flow statements and auditors report of the promoter for the immediate three preceding years, and (v) authenticated copy of legal title deed.
- Information to be published on the website will include: (i) details of the promoter such as address, registration details, financials (PAN card, audited balance sheets), etc., (ii) track record of the promoter (years of experience, number of projects), (iii) past or ongoing litigations, (iv) project details (registration, development plan, number of apartments, status of the project, status of approvals, etc.), (v) details of agents, consultants, and (vi) all legal documents. The promoters will have to upload all details on the website within 15 days before the end of each quarter.
- **Registration fee:** The Rules specify the fee for registering different types of projects. For example, the fee for a group housing project will be: (i) Rs 5/sq.mt. for project size of up to 1,000 sq.mt. and (ii) Rs 10/sq.mt. above the limit, subject to a maximum of five lakh rupees per project. Real estate agents will have to pay a registration fee of: (i) Rs 10,000 for an individual, and (ii) Rs 50,000 for others.
- **Compounding of offences:** Under the Act, imprisonment may be compounded (settled) by courts on payment of a certain amount. The amount to be paid to the courts will be 10% of the project cost in case of promoters, and 10% of

the cost of the property purchased in case of allottees and agents.

Working Group on Migration submitted report

The Working Group on Migration, set up by the Ministry of Housing and Urban Poverty Alleviation, submitted its report in January 2017.¹⁹³ The terms of reference of the Group included: (i) reviewing the trend of migration in India and its impact on urban areas, rural areas and smaller towns, (ii) analysing the impact of migration on housing, infrastructure, livelihoods and the economy, and (iii) analysing migration trends across various economic groups. Key observations and recommendations include:

- **Migration:** As per Census 2011, migration in India is majorly between rural to rural areas (47.4%), followed by urban to urban areas (22.6%), rural to urban areas (22.1%), and urban to rural areas (7.9%). Between Census 2001 and 2011, rural to urban migration increased marginally from 21.8% to 22.1%, and urban to urban migration increased from 15.2% to 22.6%. In urban areas, about 33% of the male workforce, and 56% of the female workforce is composed of migrant workers.
- **Reasons for migration:** The share of family related migration (marriage) has increased from 28% to 36% (as share of total migrants) between Census 2001 and 2011. While 87% women migrants move due to family related reasons, for men this share is 36%. 50% of men move due to work. The share of work-related migration decreased from 16% to 13% between Census 2001 and 2011. However, the Group noted that in terms of absolute numbers work-related migrants increased from 5.7 million to 6.9 million for rural areas and from 2.8 million to 4.8 million for urban areas.
- **Access to employment:** The Group noted that certain states have introduced domicile requirements with regard to employment. This puts migrants at a disadvantage. The Group recommended that states should remove such domicile requirements, and other laws specifically looking at inter-state migration. It also recommended a review of the existing legislative framework and providing basic guarantees on wage and work conditions for all workers. It suggested that a comprehensive law should be brought in for the unorganised sector workers.

A PRS summary of the report is available [here](#).

Ministry of Urban Development released list of 27 new Smart Cities

The Ministry of Urban Development announced 27 more cities under the Smart Cities Mission in September 2016.¹⁹⁴ Before this, 33 cities had been selected under the Smart Cities Mission. 20 of these cities were selected in January 2016, and 13 were selected in May 2016.^{195,196} This brings the total number of cities under the Mission to 60. Table 10 lists the cities under the Smart Cities Mission.

Table 10: Cities under the Smart Cities Mission

State	Cities
Andaman and Nicobar Islands	Port Blair
Andhra Pradesh	Kakinada, Tirupati, Visakhapatnam
Arunachal Pradesh	None
Assam	Guwahati
Bihar	Bhagalpur
Chandigarh	Chandigarh
Chhattisgarh	Raipur
Delhi	New Delhi Municipal Council
Goa	Panaji
Gujarat	Ahmedabad, Surat, Vadodara
Haryana	Faridabad
Himachal Pradesh	Shimla
Jammu & Kashmir	None
Jharkhand	Ranchi
Karnataka	Belagavi, Davanagere, Hubballi-Dharwad, Mangaluru, Shivamogga, and Tumakuru
Kerala	Kochi
Madhya Pradesh	Bhopal, Indore, Jabalpur, Gwalior
Maharashtra	Aurangabad, Solapur, Kalyan-Dombivli, Nagpur, Nashik, Pune, Solapur, Thane
Manipur	Imphal
Meghalaya	None
Mizoram	None
Nagaland	Kohima
Odisha	Rourkela, Bhubaneswar
Punjab	Amritsar, Jalandhar, Ludhiana
Rajasthan	Ajmer, Jaipur, Kota, Udaipur
Sikkim	Namchi
Tamil Nadu	Chennai, Coimbatore, Madurai, Salem, Thanjavur, Vellore
Telangana	Warangal
Tripura	Agartala
Uttar Pradesh	Agra, Kanpur, Lucknow, Varanasi
Uttarakhand	None
West Bengal	New Town Kolkata

Sources: Smart Cities Mission, Ministry of Urban Development; PRS.

The Ministry of Urban Development launched the Smart Cities Mission in June 2015.¹⁹⁷ The primary objective of the Mission is to promote cities that provide core infrastructure and give a decent quality of life to its citizens, a clean and sustainable environment and apply 'smart' solutions. The focus of this Mission is on sustainable and inclusive development.¹⁹⁸ The Mission targets to cover 100 cities and its duration is five years (2015-20).

Guidelines for Credit Linked Subsidy Scheme for Middle Income Group released

The Ministry of Housing and Urban Poverty Alleviation released the operational guidelines of the Credit Linked Subsidy Scheme (CLSS) for the Middle Income Group (MIG) in March 2017.¹⁹⁹ CLSS is one of the components under the Pradhan Mantri Awas Yojana – Urban. Under CLSS, a subsidy is provided on home loans taken by eligible urban poor (Economically Weaker Section/ Lower Income Group) for buying or constructing a house. In February 2017, the Union Cabinet approved amendments to extend benefits under CLSS to MIG groups as well.²⁰⁰ Key guidelines include:

- **Eligibility:** No member of the beneficiary family should own a pucca house anywhere in India. A beneficiary family should not have availed of central assistance under any other central government housing scheme.
- **Beneficiaries:** There will be two categories of MIG beneficiaries: (i) MIG-I (annual income between six lakh rupees and Rs 12 lakh), and (ii) MIG-II (annual income between Rs 12 lakh and Rs 18 lakh). A beneficiary family will comprise of husband, wife, and their unmarried sons and/or unmarried daughters. An adult earning member (irrespective of marital status) may be treated as a separate household, if he does not own a pucca house in his name in India.
- Further, in case of a married couple, either or both the spouses in joint ownership will be eligible for a single house, subject to income eligibility of the household under the scheme.
- **Timeline:** CLSS for MIG will be implemented initially for a period of one year in 2017, starting from January 1, 2017.
- **Benefits available:** Beneficiaries seeking loans from notified institutions will be eligible for an interest subsidy, as per the details shown in Table 11 below.

Table 11: Details of CLSS for MIG

Particulars	MIG I	MIG II
Household Income (in Rs per annum)	Between Rs six lakh and Rs 12 lakh	Between Rs 12 lakh and Rs 18 lakh
Interest subsidy (% per annum)	4%	3%
Maximum loan tenure (in years)	20	20
Eligible Housing Loan Amount for Interest Subsidy (in Rs)	Rs 9 lakh	Rs 12 lakh
Carpet Area of dwelling unit	90 sq.m.	110 sq.m.

Sources: Operational guidelines of CLSS for MIG; PRS.

Modified guidelines for Deendayal Antyodaya Yojana released

The Ministry of Housing and Urban Poverty Alleviation modified certain guidelines of the Deendayal Antyodaya Yojana - National Urban Livelihoods Mission (NULM) in July 2016.²⁰¹ NULM aims to reduce poverty and vulnerability of urban poor households by enabling them to access gainful self-employment and skilled employment opportunities. The Mission was launched in September 2013. The modified guidelines include:

- **Self Help Groups (SHGs):** The NULM envisages mobilisation of urban poor into SHGs, which serve as a support system for the poor, in meeting their financial and social needs. These SHGs are eligible for bank loans and a fund of Rs 10,000 per group. Earlier, SHGs could be formed by women or male handicapped persons, and at least 70% members were required to be urban poor.²⁰² Under the modified guidelines, men involved in vulnerable occupations such as sanitation workers, rag pickers, rickshaw pullers, etc., can also form SHGs.
- **Applications for loans:** Earlier, the applications for availing subsidized loans had to be recommended by SHGs. These loans could be used for setting up enterprises under the Self Employment Programme. The method of availing loans has been modified to allow beneficiaries to directly send loan applications to the banks. Each state will have one bank designated as the nodal agency. This bank will coordinate with all other banks to increase banking linkages for loan support.
- **Shelters for urban homeless:** Earlier, these shelters were funded by 75% central government funds, and 25% state funds.²⁰³ Now, these shelters can also be funded through Corporate

Social Responsibility funds and other donations. Further, construction of multi-storied shelters for urban homeless has also been permitted.

Ministry of Urban Development approved setting up of district level advisory and monitoring committees

The Ministry of Urban Development approved setting up district level advisory and monitoring committees in June 2016.²⁰⁴ The committees will review and monitor the implementation of urban development, affordable housing, and urban poverty alleviation schemes. Schemes that will be monitored are: (i) Swachh Bharat Mission, (ii) Atal Mission for Rejuvenation and Urban Transformation, (iii) Heritage City Development and Augmentation Yojana, (iv) Pradhan Mantri Awas Yojana - Housing for All (Urban), and (v) Deendayal Antyodaya Yojana - National Urban Livelihoods Mission.

Terms of reference of the committees include: (i) promoting effective citizen engagement, (ii) reviewing improvements in service level indicators such as water supply, (iii) reviewing the progress of implementation of reforms with focus on e-governance and ease of sanctioning of construction permits, and (iv) advising state and central governments regarding bottlenecks in implementation and suggesting mid-course correction in implementation.

The senior most Member of Parliament (MP) will be the Chairperson of the Committee and will be appointed by the state or Union Territory (UT). Two more MPs, one from Rajya Sabha and one from Lok Sabha will be the co-chairpersons. The District Collector or Municipal Commissioner of metropolitan cities will be the Member Secretary. Members of the district level committees will include: (i) Members of Legislative Assemblies from respective districts representing Urban Local Bodies (ULBs), (ii) Mayors and Chairpersons of the ULBs, (iii) Chairpersons and Chief Executives of Urban Development Authorities in districts, (iv) Commissioners and Chief Executive Officers of ULBs, and (v) senior officials from the Department of Public Health Engineering and other para-statal bodies such as the water and sewerage boards.

These committees will meet at least once in three months, and submit the Action Taken Plans to the respective states or UTs. The states and UTs will consolidate the reports and submit them to the Ministries of Urban Development, and Housing and Urban Poverty Alleviation.

Rural Development

Expert Group on Socio Economic and Caste Census 2011 submitted its report

The Expert Group on Socio Economic and Caste Census 2011 (Chair: Mr. Sumit Bose) submitted its report to the Ministry of Rural Development in January 2017.²⁰⁵ The Socio Economic and Caste Census (SECC) 2011 was conducted in both urban and rural areas in the country to collect socio-economic and caste data of households.

The Expert Group was set up in January 2016 to analyse the criteria for: (i) allocation of resources to states, and (ii) identification and prioritisation of beneficiaries under various programs using the SECC data. The Committee made observations and recommendations about the use of SECC data for various programs of the Ministry of Rural Development. These include:

- **Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS):** MGNREGS provides 100 days of guaranteed wage employment to a rural household. It is a demand driven scheme that aims at creating durable assets. The Committee observed that the focus of the scheme should be more towards regions where there is greater concentration of landless labourers. It suggested that the implementation of the scheme should be strengthened in gram panchayats with a higher concentration of deprived households and landless manual labour.
- **Pradhan Mantri Awaas Yojana- Gramin (PMAY-G):** PMAY-G is a housing scheme that provides financial assistance to rural households that are below poverty level to construct a dwelling unit. The Committee noted that as per SECC 2011, nearly four crore rural families need to be provided with safe houses. It also observed that states are now being allocated funds in proportion to the eligible households falling under them. Presently, resource allocation to states gives 75% weightage to SECC housing deprivation data and 25% to the existing head count ratio of poverty. The Committee recommended that from 2017-18 onward, funds should be allocated to the states only on the basis of the SECC housing deprivation data.
- **National Social Assistance Program (NSAP):** The NSAP presently comprises five social assistance programs, that primarily include

pension schemes for old age persons, widows, and differently abled persons. The Committee observed that SECC 2011 covers socio-economic profile of old age persons, widows and differently abled persons. It recommended that eligibility for assistance under NSAP may be decided on the basis of SECC.

A PRS summary of the report is available [here](#).

Women and Child Development

National Action Plan for Children, 2016 released

The National Action Plan for Children (NAPC), 2016 was released by the Ministry of Women and Child Development in December 2016.²⁰⁶ The Action Plan has four key priority areas: (i) survival; (ii) health and nutrition; (iii) education and development; and (iv) protection and participation of children. The NAPC 2016 attempts to address issues and concerns identified in each priority area of National Policy for Children, 2013 by aligning its objectives, strategies and implementation mechanism with these four priority areas. Key features of the Plan include:

- **Survival, health and nutrition:** Major issues with regard to survival, health and nutrition include: (i) high maternal and child mortality rates, (ii) higher child mortality rates for girls in rural areas, and (iii) high rates of undernutrition and anaemia among women and children.
- The NAPC 2016 aims to ensure equitable access to comprehensive, preventive, curative, and rehabilitative health care of the highest standard for all children before, during, and after birth, and throughout the period of their growth.
- **Education:** Major concerns with regard to education include: (i) poor retention and high drop-out rates at the elementary level (class 1-5), (ii) large number of children with special needs and SC/ST children are out of school, and (iii) lack of adequate and safe infrastructure in schools. The NAPC 2016 aims to develop each child to their full potential. It intends to do so by securing the right of every child to knowledge, and education, with regard for special needs and the provision of the requisite environment.
- **Protection and participation:** Major concerns with regard to protection and participation include: (i) large number of child labourers, (ii) rise in trafficking of children, (iii) large number of girls being married before the legal age, and

(iv) lack of information among children about their own rights and entitlements. The NAPC 2016 aims to protect all children from all forms of violence and abuse including economic and sexual exploitation, abandonment, separation, abduction, sale or trafficking. Further, it aims to enable children to be actively involved in their own development.

Model Guidelines for Foster Care, 2016 released

The Ministry of Women and Child Development released Model Guidelines for Foster Care, 2016 in November 2016.²⁰⁷ The 2016 guidelines revise the Model Guidelines for Foster Care, 2015, released in October 2015.²⁰⁸ The 2015 Guidelines were formulated under the Juvenile Justice Act, 2000, the Integrated Child Protection Scheme and the United Nations Convention on the Rights of the Child, 1989.

These guidelines have been revised taking into consideration the Juvenile Justice (Care and Protection) Act, 2015 and the Juvenile Justice Rules. The revised 2016 guidelines incorporate the following additional guidelines:

- **Group foster care:** The aim is to protect the well-being of children who are deprived of family care or who are at risk of being deprived. Such children in need of care and protection will be placed in an unrelated family foster care or group foster care.
- Group foster care is also practiced as an intermittent arrangement suitable for children picked up from streets before placing them in family foster care. Such placements help to make seamless transition from group to family care. The appropriateness of placement of a child in family foster care or in group foster care may be determined by a Child Welfare Committee under the Juvenile Justice (Care and Protection) Act, 2015.
- **Adoption of foster children:** The children in need of care and protection may be placed in foster care in a family which does not include the child's biological or adoptive parents or in an unrelated family recognised as suitable by the state government.²⁰⁹ Where the child has remained with a foster family for a minimum of five years other than in pre-adoption foster care, the foster family may apply for adoption of the child. For this, regulations prescribed by Regulations Governing Adoption of Children, 2016 will be followed.

Model Rules, 2016 released for Juvenile Justice Act, 2015

The Ministry of Women and Child Development released Model Rules, 2016 for the Juvenile Justice Act, 2015 in September 2016.²¹⁰ The Act came into force in January 2016, and specifies procedures to deal with children in conflict with law and those in need of care and protection.²¹¹ Key features include:

- **Apprehension of children:** The Act specifies the procedure to be undertaken when a child is alleged to be in conflict with law. The Rules provide that a child will be arrested only with regard to heinous offences (imprisonment more than seven years). For serious or petty offences (imprisonment less than 7 years), the specified authorities will submit a report of the offence and the socio-economic background of the child to the Juvenile Justice Board (JJB) and inform his parents or guardians as to when the child is to be produced before the Board.
- **Treatment of arrested child:** The police officer who arrests the child is not permitted to: (i) send the child to a lock-up or jail or keep him with adults who are accused of offences, (ii) handcuff or chain the child, (iii) ask the child to sign any statement, and (iv) subject the child to cruelty or use coercion on the child.
- **Determination of age:** Under the Act, the age of a child who is alleged to have committed a heinous offence is to be determined to ensure that he is above 16 years of age. The Rules state that all government hospitals will constitute a Medical Board comprising of a radiologist, dentist, and a general physician, for the purpose of determining the age of children. In cases where the Medical Board gives a range of the child's age, the Court or the JJB will consider the lower limit.
- **Preliminary assessment:** The Act states that in case of a child who is alleged to have committed a heinous offence, a preliminary assessment must be conducted to determine the mental and physical capacity of the child to commit such an offence. The Rules state that the JJB may take the assistance of psychologists or other experts for this purpose. During the assessment, the child will be presumed to be innocent unless it is proved otherwise.
- **Other provisions:** The Rules also provide for: (i) the composition and powers of the Juvenile Justice Boards and Child Welfare Committees, (ii) duties of the officers provided by the Act, such as the probation officer, the child welfare

officer and superintendent of a child care institution, (iii) details of the after-care programme for children after they turn 18 years old, and (iv) the procedures to be undertaken for foster care, adoption, and in cases where an offence is committed against a child, among other things.

Adoption Regulations, 2017 released

The Ministry of Women and Child Development released the Adoption Regulations, 2017 in January 2017.²¹² The regulations lay down the process of adoption of children by Indian nationals, Non Resident Indians, overseas citizens of India and foreign nationals. Key features of the regulations are:

- **Principles governing adoption:** The principles governing adoption include: (i) preference for adoption of a child by Indian citizens, (ii) due regard to the principle of placement of the child in his own socio-cultural environment, as far as possible; and (iii) all adoptions to be registered on Child Adoption Resource Information and Guidance System and the confidentiality of the same to be maintained.
- **Functions of State Adoption Resource Agency:** The State Adoption Resource Agency will function as the executive arm of the state government and perform functions including: (i) recommend for recognition one or more of the Child Care Institutions as Specialised Adoption Agencies in each district, and (ii) enforce standards for the adoption of orphan, abandoned and surrendered children.
- **Eligibility criteria for prospective adoptive parents:** The criteria for prospective adoptive parents include: (i) at least two years of a stable marital relationship, (ii) a single male will not be eligible to adopt a girl child, and (iii) minimum age difference of 25 years between the child and either of the prospective adoptive parents.

Draft Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016 released

The Ministry of Women and Child Development released the draft Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016 in May 2016.²¹³ The Bill sets up anti- trafficking bodies at three levels to prevent trafficking and rehabilitate victims and creates penalties if provisions of the Act are not complied with. Key features include:²¹⁴

- **Anti-Trafficking bodies:** Anti-Trafficking bodies will be constituted at the district, state and central level. District Anti-Trafficking Committee will perform duties in relation to prevention of trafficking and rescue and rehabilitation of victims. It will be headed by a district magistrate or district collector and will consist of five members. Anti-Trafficking bodies at the state and central level will oversee the implementation of the Act. The state Anti-Trafficking Committee will be headed by the chief secretary and will have nine members.
- **Protection and Rehabilitation:** Protection homes in every district will provide immediate care and protection to victims, in the form of shelter, food and medical care. For long-term institutional support, special homes will be set up. Both, protection and special homes will be required to be registered under the Act. Schemes for social integration of trafficked persons will be formulated by the government. An anti-trafficking fund will also be created for the effective implementation of the Act.
- **Offences:** Use of narcotic drug or alcohol for the purpose of trafficking and administering a chemical substance or hormones to a trafficked woman is punishable with imprisonment up to 10 years. Additionally, if a person commits either of these two offences, it will be presumed that such a person has committed the offence, unless proved otherwise. Penalties have also been defined when the identity of a victim is disclosed by any print or audio-visual media, and protection and shelter homes are not registered.
- **Investigation and prosecution:** A special agency will be constituted for investigation of offences. A Session's Court in each district will be specified as a Special Court.

Draft National Policy for Women, 2016 released for consultation

The draft National Policy for Women, 2016, was released by the Ministry of Women and Child Development for consultation in May 2016.²¹⁵ The Policy seeks to create an effective framework for developing policies and practices which will ensure equal rights and opportunities for women.²¹⁶

It covers seven priority areas, including: (i) health, including food security and nutrition, (ii) education, (iii) economy, (iv) governance and decision making, (v) violence against women, (vi) enabling environment through housing, drinking water, sanitation facilities and social security, and (vii)

environment and climate change. The Policy aims to address emerging issues that affect women by taking steps such as:

- Preparing family-friendly policies, which provide for childcare, dependent care, and paid leave for women and men, both in organized and unorganized sectors,
- Reviewing personal and customary laws in accordance with constitutional provisions to enable inclusive entitlements for women,
- Developing protective measures in light of an increase in cyber-crimes as victims of such frauds are largely women,
- Ensuring the rights of women who take the recourse of artificial reproductive techniques, such as surrogate mothers, commissioning mothers and children born as a result are protected, and
- Creating an ecosystem for women to participate in entrepreneurial activities and take up leadership roles in all sectors of the economy.

The Policy will be translated into an action plan through a participatory approach and will be adopted at the central and state level. There will be short term (one-year), mid-term (zero-five years) and long term (above five years) action plans with definite timelines and outcomes.

Environment

Compensatory Afforestation Fund Bill, 2016 passed by Parliament

The Compensatory Afforestation Fund Bill, 2016 was passed by Parliament in July 2016.²¹⁷ The new law sets up an administrative mechanism to regulate the funds collected by the government when forest land is diverted for non-forest use (such as infrastructure projects). Key features of the law include:

- **National and State Funds:** Compensatory Afforestation Funds will be set up at the national and state levels. The National Fund will receive 10% of the payments collected from the diversion of forest land. The State Funds in each state will receive 90% of these payments.
- **Utilisation of Funds:** The National Fund will primarily be spent on: (i) schemes and activities related to the forestry and wildlife, and (ii) monitoring of the activities undertaken with the National and State Funds. The State Fund will

be spent on: (i) planting new forests to compensate for the loss of diverted forest land (called 'compensatory afforestation'), (ii) forest protection, (iii) forest and wildlife related infrastructure development, etc.

- **Fund management authorities:** The National Compensatory Afforestation Fund Management and Planning Authority (CAMPA) and State CAMPAs will be set up to administer the National and State Funds. Each of the National and State CAMPAs will have: (i) a governing body to formulate policy, (ii) a monitoring/steering group to monitor and supervise the utilisation of money, and (iii) an executive committee to decide on which activities the money may be spent.
- The National and State CAMPAs will comprise Ministers, government and forest officers, experts (including environmentalists, economists and ecologists) and representatives of NGOs, local bodies and tribal communities.

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

Regional Centre for Biotechnology Bill, 2016 passed by Parliament

The Regional Centre for Biotechnology Bill, 2016 was passed by Parliament in July 2016.²¹⁸ The law provides legislative backing to the Regional Centre for Biotechnology Training and Education. It also declares it to be an institution of national importance.

The Regional Centre was set up in Faridabad, Haryana, by the central government in 2009. It was set up in light of an agreement between India and the United Nations Educational, Scientific and Cultural Organisation in 2006. This agreement provided that a research institute related to biotechnology should be established in India, to serve the member countries.²¹⁹ Key features of the law include:

- **Powers of the Regional Centre:** The powers of the Centre will include: (i) providing masters and doctoral degrees in biotechnology and related subjects (e.g. medical, agricultural and engineering sciences), (ii) determining standards of admission, and (iii) determining fees. Its functioning will be reviewed every four years by government appointed persons.
- **Authorities of the Regional Centre:** The Centre will have authorities responsible for its administration and functioning, including: (i) Board of Governors as the apex decision making body, (ii) Executive Committee to implement decisions of the Board, (iii) Programme

Advisory Committee as the principal academic body, and (iv) Finance Committee as the body responsible for reviewing the institute's finances.

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

India ratified the Paris Agreement on Climate Change

India ratified the Paris Agreement on Climate Change in October 2016.²²⁰ The Agreement came into force world-wide in November 2016.²²¹

The Agreement was adopted by the Conference of Parties to the United Nations Framework Convention on Climate Change (UNFCCC) in December 2015.²²² It aims to limit the increase in the global average temperature to a level between 1.5 degrees Celsius to two degrees Celsius above pre-industrial levels.

Under this Agreement, member countries have agreed to undertake voluntary domestic commitments (i.e., Intended Nationally Determined Contributions or INDCs) to pursue this target till 2030. For example, a country may commit to limiting greenhouse gas emissions and increasing forest cover. As of November 2016, 94 of the 197 member countries of the UNFCCC had ratified the Paris Agreement on Climate Change.²²¹

International agreement adopted on reducing Hydrofluorocarbon gases

An amendment to the Montreal Protocol was adopted by over 190 countries for the purpose of eliminating hydrofluorocarbon gases (HFCs), in October 2016.²²³ It is a binding agreement and will come into force on January 1, 2019. The Montreal Protocol came into force in 1989 to reduce the production and consumption of substances that are causing depletion of the ozone layer of the earth.

While HFC gases do not cause depletion of the ozone layer, they contribute to global warming.²²⁴ They are generally used in the air conditioner and refrigeration industries. The amendment to the Montreal Protocol provides a roadmap for the elimination of HFCs, laying down different time lines for developed and developing countries.

Process for granting environmental clearance for building and construction projects amended

The Ministry of Environment, Forest and Climate Change issued a notification amending the Environment Impact Assessment Notification, 2006, in December 2016.²²⁵

The 2006 notification provides that construction of new projects and expansion of existing projects may be undertaken only with prior environmental clearance. The amendment seeks to decentralise the process of granting clearance, and improve the ease of doing business.

Currently projects, covering a build-up area of 20,000 sq. metres and above, require environmental clearance from the State Level Environment Impact Assessment Authority. Under the amendment, projects with size:

- below 20,000 sq. metres may self-declare that they are compliant with environmental conditions (such as water conservation, energy efficiency, and green cover);
- between 20,000 and 1,50,000 sq. metres may apply to the local authority (e.g. municipal corporation) for the clearance along with the building permissions;
- between 1,50,000 and 3,00,000 sq. metres may apply to the State Level Environment Impact Assessment Authority; and
- above 3,00,000 sq. metres may apply to the central government.²²⁶

In addition, the amendment provides that local authorities must constitute Environmental Cells to support appraisal and monitoring of environmental conditions in building projects. These cells will also provide assistance with environmental planning and capacity building at the local level. They must comprise at least three experts in the fields of waste management, environmental and transport planning.

Note that the amendment will come into effect in each state only when the state makes the necessary changes to its building bye-laws, and integrates environmental conditions with building permissions.

Sustainable Sand Mining Guidelines, 2016 released

The Ministry of Environment, Forest and Climate Change published Sustainable Sand Mining Guidelines, 2016 in June 2016.²²⁷

Sand and gravel are used for construction of roads and buildings. In India, the main sources of sand include rivers (riverbeds and flood plains), lakes, agricultural fields and coastal sands. Mining in these areas can damage aquatic habitats, cause river bank erosion, degradation of site of extraction, and pollution of ground water. The guidelines aim to ensure that while sand is available in adequate

quantity, it should be mined in an environmentally sustainable manner. Key aspects include:

- Consumption of sand may be reduced by using recycled building and quarry dust material as a substitute. Alternative sources such as bottom of dams must also be targeted.
- Parts of a river that experience deposition of sediments must be identified so that sand and gravel mining may be done there.
- Sand must not be mined: (i) where erosion may occur (such as concave banks), (ii) within 200 to 500 metres of any important hydraulic structure (such as pumping station), (iii) beyond three metres of river depth or river width or 10% of river width whichever is less, etc.
- Demarcation of mining area with geo-referencing and pillars must be done prior to the start of mining.
- All sand and gravel mining projects (with an individual mining lease) will require environmental clearances from the District Environment Impact Assessment Authority (for projects up to five hectares), or State Environment Impact Assessment Authority (for projects above five hectares).
- Further, projects above five hectares will need environmental management plans, and those above 25 hectares will need environmental impact assessments as well.

Water Resources

The Inter-State River Water Disputes (Amendment) Bill, 2017 introduced in Lok Sabha

The Inter-State River Water Disputes (Amendment) Bill, 2017 was introduced in Lok Sabha in March 2017. The Bill seeks to amend the Inter-State River Water Disputes Act, 1956. Key features include:

- **Disputes Resolution Committee:** Under the Act, when a complaint is received from a state government regarding a water dispute, the central government may ask the affected states to undertake negotiations to settle the dispute. If the dispute cannot be settled through negotiations, the central government has to set up a Water Disputes Tribunal within a year of receiving such a complaint.

- The Bill replaces this provision and requires the central government to set up a Disputes Resolution Committee (DRC), for resolving any inter-state water dispute amicably. The DRC will get a period of one year, extendable by six months, to submit its report to the central government.
- **Tribunal:** The Bill proposes to set up an Inter-State River Water Disputes Tribunal, for adjudication of water disputes, if a dispute is not resolved through the DRC. This tribunal can have multiple benches.
- All existing tribunals will be dissolved and the water disputes pending adjudication before such existing tribunals will be transferred to this newly formed tribunal.
- **Time allotted to tribunal to give decision:** Under the Act, any water disputes tribunal has to give its decision on a dispute within a period of three years. This period is extendable by a maximum of two years. Under the Bill, the proposed tribunal has to give its decision on a dispute within a period of two years. This period will be extendable by a maximum of one year.
- Under the Act, if the matter is again referred to the tribunal by a state for further consideration, the tribunal has to submit its report to the central government within a period of one year. This period of one year can be extended by the central government for such a period as it may consider necessary. The Bill amends this provision to specify that the extension may be up to a maximum of six months.

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

Draft National Water Framework Bill, 2016 released by the Ministry of Water Resources

The Ministry of Water Resources, River Development and Ganga Rejuvenation released the draft National Water Framework Bill, 2016 in June 2016.²²⁸ The Bill seeks to provide a national legal framework for protection, conservation, regulation and management of water. Key features include:

- **Right to water for life:** The Bill states that every person has a right to sufficient quantity of safe water for life within easy reach of a household, regardless of one's community, economic status, land ownership, etc. The responsibility to ensure every person has access to safe water remains with the concerned state government even if water is being provided through a private agency.

- **Standards for water quality:** National water quality standards will be binding on all types of water use. In addition, efforts must be made for treatment of wastewater to make it appropriate for use.
- **Integrated River Basin Development and Management:** A river basin, with its associated aquifers (underground layer that contains water), must be considered as the basic hydrological unit for planning, development and management of water. For every inter-state river basin, a River Basin Authority must be established, which will be responsible to prepare Master Plans for river basins under its jurisdiction.
- **Water security:** The appropriate state government will prepare and oversee the implementation of a water security plan to ensure sufficient quantity of safe water for every person, even in times of emergency such as droughts and floods. These plan will include incentives for: (i) switching from water-intensive crops, (ii) adoption of water-conserving methods, such as drip irrigation and sprinklers, and (iii) setting up groundwater recharge structures.
- **Water pricing:** Pricing of water must be based on a differential pricing system in accordance with the fact that water is put to multiple uses. Water use for commercial agriculture and industry may be subjected to market based pricing. For domestic water supply, different categories of users may be subsidised.

Model Bill for Groundwater, 2016 released

The Ministry of Water Resources, River Development and Ganga Rejuvenation released the Model Bill for the Conservation, Protection, Regulation and Management of Groundwater, 2016 in June 2016.²²⁹ The Bill seeks to ensure groundwater security through the availability of sufficient quantity of appropriate quality groundwater, to all stakeholders in rural and urban areas. Key features of the Bill include:

- **Groundwater security:** Every State Groundwater Agency will demarcate groundwater protection zones, on the basis of assessments conducted by the Central Ground Water Board and state governments.
- **Legal status of groundwater:** Groundwater is a common pool resource and is available for use to everyone. The Bill states that the use of groundwater by any person on their land must not deprive other persons of their right to

groundwater, in cases when they are drawing groundwater from the same aquifer.

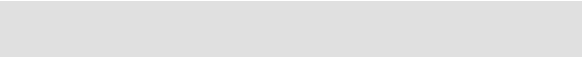
- **Institutional framework:** Groundwater committees must be constituted at the panchayat and ward levels. These committees will be responsible for the protection and management of groundwater. At the district level, a District Groundwater Council must be formed. The Council will consolidate the panchayat and municipal plans into a District Groundwater Security Plan and facilitate its implementation.
- **Groundwater abstraction:** Groundwater will not be extracted for industrial use or infrastructure projects without issuance of an authority by the appropriate government. Industrial or bulk groundwater use will be priced, and the funds collected as a result will be used for groundwater conservation.
- **Penalties:** If the usage of groundwater by a person affects its quality or availability, the person will be punished with imprisonment, extendable to one year, or a fine, which may extend to one lakh rupees, or with both imprisonment and fine.

Expert Committee submitted report on restructuring CWC and CGWB

An Expert Committee (Chair: Dr. Mihir Shah) submitted its report on restructuring the Central Water Commission (CWC) and the Central Ground Water Board (CGWB) in July 2016.²³⁰

The CWC is responsible for coordinating with states for the implementation of schemes for the conservation and utilisation of water resources. The CGWB is responsible for assessment of ground water resources and implementation of policies for their sustainable management. The Committee recommended that the CWC and CGWB should be restructured and unified to form a new National Water Commission (NWC). The NWC will be responsible for water policy, data and governance. It should be an adjunct office of the Ministry of Water Resources and function with full autonomy and accountability.

The key functions of the NWC will include: (i) incentivising state governments to implement irrigation projects in reform mode, (ii) leading the national aquifer mapping and ground water management program, and (iii) developing a location-specific program for rejuvenation of rivers. The Committee proposed that the NWC should have eight divisions. These include:

- **Irrigation Reform Division:** This division will help states to focus on irrigation projects and improve water management.
 - **River Rejuvenation Division:** This division will help participatory institutions at various levels to implement location-specific programs for rejuvenation of rivers.
 - **Aquifer Mapping and Participatory Ground Water Management Division:** This division will lead the National Aquifer Management Programme. In addition, it will build relationships with state ground water departments, research institutions, etc. It will also assess and estimate ground water resources at the national level.
 - **Water Security Division:** This division will devise policies and programs to tackle challenges related to water security. These include: (i) ensuring the right to water for life, and (ii) protecting the agrarian economy from the impact of floods and droughts.
- A PRS summary of the report is available [here](#).
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Law and Security

Law and Justice

2016 Bill to amend the Lokpal and Lokayuktas Act, 2013 passed by Parliament

The Lokpal and Lokayuktas (Amendment) Bill, 2016 was introduced and passed in Parliament in July 2016.²³¹ It amends the Lokpal and Lokayuktas Act, 2013 in relation to declaration of assets and liabilities by public servants. The provisions of the law will apply retrospectively, from the date of the coming into force of the 2013 Act.

The definition of public servants includes elected representatives (Prime Minister, ministers, Members of Parliament), central government officials (Class A to D), employees of public undertakings, as well as board members and officers of NGOs that receive government funding over Rs 1 crore or foreign funds over Rs 1 lakh.

Declaration of assets under the 2013 Act

- The Lokpal Act requires a public servant to declare his assets and liabilities, and also those of his spouse and dependent children. Such declarations must be made to the competent authority within 30 days of entering office. The public servant must also file an annual return of such assets and liabilities by July 31 of every year. The Lokpal Act also requires statements of declarations to be published on the website of the relevant Ministry by August 31 of that year.

Declaration of assets under the 2016 Bill

- The Bill replaces these provisions to state that a public servant will be required to declare his assets and liabilities. However, the form and manner of making such a declaration will be prescribed by the central government.
- The Bill removes the requirement of declaring the assets and liabilities of spouses and dependent children. It also removes the mandatory disclosure on the Ministry's website.

Note that the trustees and officers of certain NGOs will continue to be regarded as public servants under the Act. The requirement for declaring assets and liabilities will continue to be applicable to them.

More information on the Bill is available [here](#). For more details on the Bill, read the PRS Blog [here](#).

Third Bill on repealing of laws passed; Another Bill introduced

The Repealing and Amending (Third) Bill, 2015 was passed by Parliament in April 2016.²³² It repeals 294 laws and makes minor amendments to two laws.

During the period of May 2014 to August 2016, a total of 1,175 laws have been repealed through Repealing and Amending Acts.

In February 2017, the Repealing and Amending Bill, 2017 was introduced in Lok Sabha.²³³ It seeks to repeal 104 Acts in whole, partially amend one law, and make minor amendments to three laws. Of this, around 63 laws are amending Acts, where the changes made by these laws have already been incorporated into the relevant principal Acts. Further, it also includes 20 Acts that were passed prior to 1947.

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

Supreme Court holds re-promulgation of ordinances unconstitutional

In January 2017, the Supreme Court held that every ordinance must be laid before the legislature and the re-promulgation of ordinances is unconstitutional.²³⁴ A seven judge bench of the Court was examining whether seven successive re-promulgations of the Bihar Non-Government Sanskrit Schools (Taking Over of Management and Control) Ordinance, 1989 was unconstitutional. The Court laid down certain principles, including:

- Re-promulgation of ordinances is unconstitutional and subverts the democratic legislative process; and
- An ordinance must be laid before the legislature to determine: (i) its validity and expediency; (ii) whether it should be approved; and (iii) whether an Act to replace the ordinance should be enacted.

Supreme Court holds the use of religion as a corrupt electoral practice

In January 2017, the Supreme Court held that any plea in the name of religion, race, caste, community or language would amount to a corrupt electoral practice. A seven judge bench of the Court was examining whether the use of religion or caste during election campaigns amounts to a corrupt electoral

practice under section 123 (3) of the Representation of the People Act, 1951.²³⁵

Bill to alter the names of Bombay, Calcutta and Madras High Courts introduced

The High Courts (Alteration of Names) Bill, 2016 was introduced in Lok Sabha in July 2016.²³⁶ The Bill seeks to modify the names of the High Courts of Bombay, Calcutta and Madras. It states that these courts will be known as the High Courts of Mumbai, Kolkata and Chennai, respectively.

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

Select Committee submitted report on the Prevention of Corruption Bill, 2013

The Select Committee constituted to examine the Prevention of Corruption (Amendment) Bill, 2013 submitted its report to Rajya Sabha in August 2016.²³⁷ This included additional amendments to the Bill that were circulated in November 2015.²³⁸ The Bill seeks to amend the Prevention of Corruption Act, 1988. Salient recommendations of the Select Committee include:

- **Definition of taking a bribe:** The Act and Bill penalise a public servant if he 'agrees to receive' a bribe. The Committee recommended that this phrase be omitted. It noted that stakeholders had submitted that mere intention (to take a bribe) does not constitute a crime. It would only be a crime if such intention is acted upon.
- The 2015 amendments introduce a provision that exempts a person from penalty for bribe taking if he 'has not performed his public function dishonestly'. The Committee recommended that this provision be omitted.
- **Definition of giving a bribe:** The Bill penalises a person (including a commercial organisation) who 'offers or promises' a bribe to another. The Committee observed that the mere 'offer' of a bribe may not be an offence unless it is accepted. It suggested that the term 'offer' be deleted.
- **Coercive and collusive bribe giving:** The Committee noted that the Bill does not distinguish between someone who is coerced into giving a bribe, and one who colludes with the bribe taker and gives the bribe. It recommended that if a bribe giver, who is compelled to give a bribe, reports the matter to the police within seven days, he may be given immunity from criminal prosecution.
- **Prior approval for investigation of a public**

servant: The 2015 amendments state that a police officer must get prior approval of: (i) the Lokpal, or (ii) the Lokayukta or relevant state authority before it can investigate into an offence alleged to have been committed by a public servant. The Committee recommended that the sanctioning authority for a public servant must be the relevant government that has appointed him. In case of any other person, the sanctioning authority must be the one with the power to remove him from office.

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

Expert Committee submitted report on changes to the Specific Relief Act, 1963

The Expert Committee set up to examine the Specific Relief Act, 1963 submitted its report to the Union Minister for Law and Justice in June 2016.²³⁹ The 1963 Act provides specific remedies that may be granted by a court for the enforcement of civil rights, including recovery of possession of property, ordering performance of contractual obligations, injunctions, etc.

The Committee stated that its recommendations to modify the Act are to ensure ease of doing business. It addressed issues in relation to:

- **Specific performance of a contract:** At present, in cases of non-performance of a contract by a party, the relief that is often provided to the other party is compensation. Courts rarely issue directions for the specific performance of the contract (where the defaulting party is required to perform his contractual obligations). The Committee stated that this approach must be changed, and specific performance must be ordered in most cases.
- **Discretion of courts:** The Committee specified guidelines to reduce the discretion of courts and tribunals in granting relief such as specific performance or injunctions (where a party is ordered to not perform a particular act).
- **Public utility contracts:** The Committee observed that public utility contracts, which have an inherent public interest, must be treated differently. The court's interference in such contracts must be reduced, to ensure that public works projects are not stalled.

National Intellectual Property Rights Policy released

The Department of Industrial Policy and Promotion (DIPP) released a National Intellectual Property

Rights (IPR) Policy in May 2016.²⁴⁰ The policy aims to address several aspects related to IPR, including awareness building, strengthening the legislative framework, and development of human capital. The policy details the following steps to strengthen the IPR regime:

- Launching a nationwide promotion to improve awareness of IPR, with a focus on industry and research and development entities;
- Carrying out an Intellectual Property (IP) audit across sectors to identify the potential in specific sectors, and formulating targeted programmes for them;
- Protecting India's traditional medicinal knowledge from misappropriation, and evolving a policy in relation to trade secrets;
- Amending existing IP laws to ensure transparency and time bound processes;
- Bringing the administration of laws like the Copyright Act, 1957 and the Semiconductor Integrated Circuits Layout Design Act, 2000 under the DIPP;
- Setting up a cell for the promotion and management of IPR; and
- Strengthening enforcement agencies at various levels, including IPR cells in state police forces. IP disputes must be settled through alternate dispute resolution, or adjudicated through commercial courts.

Social Justice and Empowerment

Parliament passed a Bill to amend the list of SCs; two other Bills to amend list of SCs and STs pending

The Constitution empowers the President to specify the Scheduled Castes (SCs) and Scheduled Tribes (STs) in various states and union territories. Further, it also permits this list of notified SCs and STs to be modified by Parliament. Three Bills in this regard were brought before Parliament.

- **The Constitution (Scheduled Castes) Order (Amendment) Bill, 2016:** The Constitution (Scheduled Castes) Order (Amendment) Bill, 2016 was passed by Parliament in April 2016.²⁴¹ It amends the Schedule to the Constitution (Scheduled Castes) Order, 1950 to modify the list of notified SCs in the states of Chhattisgarh, Haryana, Kerala, Odisha and West Bengal.

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

- **The Constitution (Scheduled Castes) Order (Amendment) Bill, 2017:** The Constitution (Scheduled Castes) Order (Amendment) Bill, 2017 was passed by Lok Sabha in March 2017.²⁴² It amends the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Pondicherry) Scheduled Castes Order, 1964.
- The Bill includes some castes, Sualgiri, Swalgiri as synonyms to the Sabakhia caste in the list of SCs for the state of Odisha. Further, since a central law has modified the name of 'Pondicherry' to 'Puducherry', the Bill incorporates this change into the Order.

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

- **The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Bill, 2016:** The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Bill, 2016 was introduced in Lok Sabha in December 2016.²⁴³ It seeks to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950.
- The Bill seeks to add certain communities to the list of STs in Assam and Tamil Nadu. Further, it removes a community from the list of SCs and includes it into the list of STs in Jharkhand. It also adds another community to this list.

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

Transgender Persons (Protection of Rights) Bill introduced in Lok Sabha

The Transgender Persons (Protection of Rights) Bill, 2016 was introduced in Lok Sabha in August 2016.²⁴⁴ Key features of the Bill include:

- **Definition of a transgender person:** The Bill defines a transgender person as one who is: (i) neither wholly female nor male; (ii) a combination of female and male; or (iii) neither female nor male. In addition, it requires that such a person's gender does not match the gender assigned at birth, and includes trans-men and trans-women, persons with intersex variations and gender-queers.
- **Certificate of identity for a transgender person:** A transgender person may make an application to the District Magistrate for a certificate of identity, indicating the gender as 'transgender'. The District Magistrate will issue such certificate based on the recommendations of a District Screening Committee. The Committee

will comprise: (i) the Chief Medical Officer; (ii) District Social Welfare Officer; (iii) a psychologist or psychiatrist; (iv) a representative of the transgender community; and (v) an officer of the relevant government.

- **Prohibition against discrimination:** The Bill prohibits discrimination against a transgender person, including denial of a service or unfair treatment in relation to: (i) education; (ii) employment; (iii) healthcare; (iv) access to goods, facilities, opportunities available to the public; (v) right to movement; (vi) right to reside, rent, own or otherwise occupy property; (vii) opportunity to hold public or private office; and (viii) access to a government or private establishment in whose care a transgender person is.

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

A private member Bill related to rights of transgender persons was passed by Rajya Sabha in April 2015, and is currently pending in Lok Sabha.²⁴⁵ For more details on the private member Bill, see the PRS [Annual Policy Review 2015-16](#).

Consumer Affairs

Standing Committee submitted its report on Consumer Protection Bill, 2015

The Standing Committee on Food, Consumer Affairs and Public Distribution submitted its report on the Consumer Protection Bill, 2015 in April 2016.²⁴⁶ The Bill was introduced in Lok Sabha in August 2015 and is currently pending in Parliament. It seeks to replace the Consumer Protection Act, 1986, which provides for consumer rights, and establishes redressal agencies to settle consumer disputes. Key recommendations of the Committee include:

- **Inclusion of services in product liability:** The Bill defines ‘product liability’ as the manufacturer’s responsibility to provide compensation for an injury caused by a defective product or deficiency in services. The Committee noted that it is unclear if deficiency in services is covered under the Bill. The Committee recommended that conditions to claim liability for deficiency in services should be specified.
- **Conditions to claim product liability:** The Bill specifies six conditions regarding a defective product which are to be proven by a consumer in order to claim product liability. The Committee observed that this puts an undue burden on the

consumer, since he will not be able to claim liability if any one of the condition is not met. It recommended that the provision should be changed so that a consumer has to prove only one of the six conditions.

- **Unfair contracts:** The Bill defines unfair contracts as contracts between consumers and manufacturers, which contain any of the six specified terms of contracts. The Committee recommended that the provision must lay down principles which would determine whether contract term is unfair.
- **Pecuniary jurisdiction of district commissions:** The Bill establishes consumer dispute redressal commissions at the national, state and district levels. Consumer disputes regarding goods or services with a value of up to Rs 50 lakh will go to the district commission, and those with a value of up to Rs 10 crore will go to state commissions. The Committee recommended that the jurisdiction of district commissions may be raised to Rs 1 crore.

A PRS summary of the report is available [here](#).

Model guidelines on direct selling released by Department of Consumer Affairs

The Department of Consumer Affairs released model guidelines on Direct Selling in September 2016.²⁴⁷ The model guidelines have been issued to states and union territories for implementation. They seek to regulate direct selling and multi-level marketing, in order to prevent fraud and protect the rights of consumers. (These guidelines would be applicable to entities such as Tupperware, Amway and Oriflame.²⁴⁸) Key features include:

- **Definition of direct selling:** Direct selling is defined as marketing, distribution, and sale of goods or provision of services as part of a network of direct selling. Such a sale of goods or provision of services should occur at places other than a permanent retail location, such as the consumers’ houses or workplace.
- **Prohibition of certain schemes:** Pyramid schemes and money circulation schemes are prohibited by the guidelines. A pyramid scheme is a network of subscribers to a scheme, where the enrolment of additional members results in benefits to the existing members. A money circulation scheme is a scheme to make quick money and receive valuable things on the enrolment of new members into a scheme,

through entrance fees or periodic subscriptions.²⁴⁹

- **Conditions to set up direct selling business:** Certain conditions will have to be met within 90 days of the guidelines being published, in order to set up a direct selling business. These include: (i) being considered as a legal entity under the laws of India; (ii) providing accurate information to direct sellers about the remuneration available, as well as their rights and obligations; (iii) having an office in the relevant state to enable access to information about the products and services offered, as well as post-sale grievance redressal; and (iv) the key management should not have been convicted of a criminal offence with imprisonment over the last five years.
- **Consumer protection:** The direct selling entity and direct sellers must take certain steps in order to protect rights of consumers. These include: (i) providing consumers with information such as the name of the purchaser and seller, delivery dates, warranty, etc., (ii) constituting a grievance redressal committee to address consumer complaints, and (iii) providing a complaint number for tracking all complaints received over the phone, email, website, etc.

Defence

Guidelines for Penalties on Defence Business Dealings issued by the Ministry of Defence

The Ministry of Defence issued guidelines for Penalties in Business Dealings with Entities in November 2016.²⁵⁰ The guidelines were subsequently amended in December 2016.²⁵¹

The guidelines regulate levy of penalties on individuals, companies, societies and other associations that enter into contracts with the Ministry of Defence regarding procurement of goods and services. Major aspects of the amended guidelines include:

- **Grounds for imposition of penalties:** The Defence Minister may suspend, ban and levy financial penalties on an entity if: (i) it resorts to corrupt practices, unfair means and illegal activities to secure a contract, (ii) it violates a pre-contract integrity pact (agreement to prevent corrupt practices in public procurement), (iii) there are national security considerations, (iv) there is a violation of contract with agents, (v)

the terms of contract are violated, or (vi) it is required in public interest.

The Defence Minister may extend the penalties to allied firms of the entity (such as subsidiaries or companies with common management) also.

- **Suspension:** Suspension may be ordered when allegations have been made against an entity but have not been proven (eg: at the stage of investigation). This will disqualify the entity from participating in various ongoing and future bids. Disqualification will be valid for a year, but may be extended by six months at a time.
- **Banning:** A ban may be imposed for a period between five to 10 years for grounds (i) to (iv). For grounds (v) and (vi), the ban should not exceed three years, unless there are exceptional circumstances.
- **Exceptions:** A suspended or banned entity may be allowed to participate in the procurement process in some cases. For example, the entity may provide spares and maintenance of equipment procured from it if no alternative sources are available.

Judicial Committee submitted its report on the One Rank One Pension scheme

The Judicial Committee set up to examine issues related to implementation of the One Rank One Pension (OROP) scheme submitted its report in October 2016.²⁵² The OROP scheme guarantees that uniform pension will be paid to armed forces personnel of Army, Navy and Air Force retiring at the same rank with the same length of service, irrespective of their date of retirement.

The Committee was set up on December 14, 2015 with one member, Justice L. Narasimha Reddy, retired Chief Justice of the Patna High Court. The findings and recommendations of the Committee are not known as yet, since a copy of the report is not available in the public domain.

India signed key defence deals with France and United States; declared as a 'major defence partner' of United States

France: India and France signed an intergovernmental agreement in September 2016.²⁵³ Under the agreement, the central government agreed to induct 36 Rafale combat aircraft in the Indian Air Force between September 2019 and April 2022.²⁵⁴

US: India and the United States signed the Logistics Exchange Memorandum of Agreement in August 2016.²⁵⁵ The Agreement establishes terms,

conditions and procedures between India and the United States for the provision of logistics support to the armed forces during port visits, joint military exercises, joint training, and humanitarian or disaster related assistance. Logistics support includes provision of food, water, transportation, petroleum, and spare parts, and communication, repair and medical services.

In December 2016, the US Congress passed the National Defence Authorisation Act of 2017 that allocates funding to the US military.²⁵⁶ This Act recognised India as a major defence partner of the US. It also provided a mechanism for monitoring the defence cooperation between the two countries, and resolving issues with the defence relationship (including defence trade and co-production of defence equipment).

Draft Indian National Defence University Bill, 2015 released

The Ministry of Defence released the Draft Indian National Defence University Bill, 2015 in July 2016.²⁵⁷ The Bill proposes to set up the Indian National Defence University to promote excellence in the areas of national security, defence technology and management. The University will be an institution of national importance. It will be based in Gurugram, Haryana.

The University will teach and award degrees in the areas of national security, defence management and technology. The Visitor of the University will be the President of India.

The following defence institutions will also be brought under the jurisdiction of the University: National Defence College (New Delhi), College of Defence Management (Secunderabad), Defence Services Staff College (Wellington) and National Defence Academy (Pune). These institutes will require the approval of the University with regard to: (i) graduation requirements for their academic programmes, and (ii) method of students' assessment.

Committee constituted to review promotion policy in the Army

The Ministry of Defence constituted a committee to review the promotion policy for officers in the Army in January 2017.²⁵⁸ The committee comprises two retired Lieutenant Generals of the Army, Lt Gen (Retd.) G.S. Katoch and Lt. Gen (Retd.) A.K. Ahuja. Key terms of reference of the committee include:

- To study and recommend changes to the Quantified System of Selection (QSS) to make it

more objective, transparent and fair. The QSS identifies various criteria (eg. confidential reports, performance in courses, honours and awards) that must be taken into account by selection boards when deciding promotions in the Army; and

- To recommend changes in the promotion policy followed in the Army. This will include: (i) calculation of vacancies and, (ii) consideration of withdrawn or deferred cases of promotion.

The committee was expected to submit its report in February 2017.

Home Affairs

Enemy Property (Amendment and Validation) Bill, 2016 passed by Parliament

The Enemy Property (Amendment and Validation) Bill, 2016 was passed by Parliament in March 2017.²⁵⁹ The law amends the Enemy Property Act, 1968. Previously, five similar Ordinances amending the Act had been promulgated in 2016. The latest Ordinance was scheduled to lapse in March 2017.²⁶⁰

The central government had designated some properties belonging to nationals of Pakistan and China as 'enemy property' during the 1962, 1965 and 1971 wars. It vested these properties in the Custodian of Enemy Property, which is an office of the central government. These enemy properties are regulated under the 1968 Act. Key features of the new law include:

- **Retrospective application:** It is deemed to have come into force on January 7, 2016, the date of promulgation of the first Ordinance. However, several of its provisions will be applicable from the date of commencement of the Act.
- **Vesting of property:** The Act allowed for vesting of enemy property with the Custodian, after the wars with Pakistan and China. The Bill clarifies that these properties will continue to vest with the Custodian even in the case of: (i) the enemy's death, or (ii) the legal heir being an Indian. It also adds a provision to state that 'vesting' will mean that all rights, titles and interests in such property will be with the Custodian. These provisions will be retrospectively applicable from 1968.
- **Jurisdiction of courts:** The new law bars civil courts and other authorities from admitting disputes related to enemy property. However, it

allows a person aggrieved by an order of the central government to appeal to the High Court, if the person wishes to claim that the concerned property is not enemy property. Such an appeal will have to be filed within 60 days (extendable up to 120 days) of the order of the government.

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

Sikh Gurdwaras (Amendment) Bill, 2016 passed by Parliament

The Sikh Gurdwaras (Amendment) Bill, 2016 was passed by Parliament in April 2016.²⁶¹ The Bill amends the Sikh Gurdwaras Act, 1925.

The Act regulates administration of Sikh Gurdwaras in Chandigarh, Haryana, Himachal Pradesh and Punjab. For this purpose, it established the Sikh Gurdwara Prabandhak Committee (SGPC) for overall administration and management, and set up other committees for management of every Gurdwara.

The Act provided that no person who trims or shaves his beard or hair will be entitled to vote in the elections to the SGPC and the management committees. However, it created an exception for Sehjdhari Sikhs who trim or shave their beard or hair, by allowing them to vote. The Bill removes this exception, disentitling Sehjdhari Sikhs from voting in such cases.

Under the Act, Sehjdhari Sikhs are those persons who: (i) perform ceremonies according to Sikh rites, (ii) do not consume tobacco or *halal* meat, (iii) have not been expelled from the religion for committing a religious transgression, and (iv) can recite the *Mul Mantra* (a Sikh prayer).

The central government had issued a notification to disentitle Sehjdhari Sikhs from voting in these elections on October 8, 2003. However, the Punjab and Haryana High Court had struck it down in 2011 as a notification cannot overrule provisions of an Act.²⁶² The Bill amends the Act retrospectively from October 8, 2003 in order to give effect to the provisions of the notification.

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

Anti-Hijacking Bill, 2014 passed by Parliament

The Anti-Hijacking Bill, 2014 was passed by Parliament in May 2016.²⁶³ The new law repeals the Anti-Hijacking Act, 1982 to give effect to the Beijing Protocol, 2010. The Protocol defines hijacking, and regulates exercise of jurisdiction by countries, and

extradition in these matters. Key features of the law include:

- **Definition of hijacking:** Hijacking is defined as seizing control of an aircraft in service by technological means, or through force or intimidation. An aircraft is considered to be in service from the time it is being prepared for a specific flight until 24 hours after landing. The law also declares related acts to be hijacking, such as: (i) attempt and abetment, and (ii) threatening to hijack.
- **Punishment:** The amended Act provides for: (i) capital punishment, where the offence results in death of any person, and (ii) life imprisonment in all other cases. It also allows for confiscation of property of the accused.
- **Jurisdiction of courts:** The amended Act allows courts to exercise jurisdiction on several grounds, including in cases where the offence is committed: (i) in India, (ii) against an aircraft registered in India, or (iii) by or against an Indian citizen.
- **Presumption of guilt:** Under the amended Act, the accused will be presumed to be guilty if the prosecution establishes either: (i) arms, ammunition or explosives were recovered from the accused similar to the ones used in the hijacking, or (ii) there is evidence of use of intimidation against crew or passengers in connection with the hijacking.

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

Citizenship (Amendment) Bill, 2016 introduced in Lok Sabha

The Citizenship (Amendment) Bill, 2016 was introduced in Lok Sabha in July 2016 and referred to a Joint Parliamentary Committee in August 2016.²⁶⁴ The Committee is expected to submit its report in the last week of the Monsoon Session 2017.²⁶⁵

The Bill seeks to amend the Citizenship Act, 1955, which details the manner of acquiring citizenship. Key features of the Bill include:

- **Eligibility for citizenship:** The Act prohibits illegal migrants from acquiring Indian citizenship. Illegal migrants are those foreigners in India who do not have a valid passport or travel documents. The Bill provides that the following groups of persons will not be treated as illegal migrants: Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan.

- **Cancellation of Overseas Citizen of India registration:** An Overseas Citizen of India (OCI) cardholder is a foreign citizen, who is entitled to some benefits such as a multiple-entry and multi-purpose life-long visa to visit India. The Act provides that the central government may cancel registration of an OCI on certain grounds. These include: (i) if the OCI has registered through fraud, or (ii) if within five years of registration, the OCI has been sentenced to imprisonment for two years or more. The Bill adds one more ground for cancelling registration of an OCI, that is, if the OCI has violated any law of the country.

In July 2016, the Union Cabinet also approved certain facilities for Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan staying on long term visas in India.²⁶⁶

A long term visa allows a person to stay in India for over 180 days. The approved facilities include: (i) opening of a bank account, (ii) permission to purchase property, (iii) provision of driving license, PAN card and Aadhaar number, etc.

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

The Collection of Statistics (Amendment) Bill, 2017 introduced

The Collection of Statistics (Amendment) Bill, 2017 was introduced in Lok Sabha in March 2017.²⁶⁷ The Bill seeks to amend the Collection of Statistics Act, 2008. The 2008 Act facilitates the collection of statistics related to social, economic, demographic, and other indicators, by central, state and local governments. It also contains provisions to ensure security of information collected under the Act. Key features of the Bill include:

- **Extending the jurisdiction of the 2008 Act:** The 2008 Act is not applicable to the state of Jammu and Kashmir. The Bill seeks to extend its jurisdiction to Jammu and Kashmir for the collection of statistics to the extent that they pertain to subjects under the Union or the Concurrent list of the Constitution.
- **Use of information:** The 2008 Act provides that the information collected under it can only be used for statistical purposes. The Bill removes this provision. It allows the central government to determine the manner in which the collected information will be used, for statistical purposes.
- **Nodal officer:** The Bill provides for the appointment of a nodal officer by the central or state government. The nodal officer will

coordinate and supervise statistical activities under the government by whom he is appointed.

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

National Disaster Management Plan released by the government

The central government released the National Disaster Management Plan, prepared by the National Disaster Management Authority (NDMA), in June 2016.²⁶⁸ The Plan provides a framework for disaster mitigation, preparedness, response and reconstruction.²⁶⁹

The National Disaster Management Act, 2005 mandates that a National Plan must be prepared which provides measures to be taken for disaster management, and roles of various ministries.²⁷⁰

Recognising the need to minimise ambiguity in responsibilities of various central agencies (such as Ministry of Home Affairs, other central ministries and NDMA), the National Plan specifies the responsibilities of the agencies during different phases of disaster management. For example, it specifies the nodal ministries for different disasters (e.g. Ministry of Earth Sciences for earthquakes and Ministry of Water Resources for floods).

Further, the Plan clarifies the role of state government and district administrations in disaster management. It provides that state governments (along with district administrations) will carry out disaster management, with the central government playing a supporting role.

It also: (i) maps the vulnerability of the country to various kinds of disasters, (ii) lays down measures that must be taken by central and state governments for disaster risk reduction, capacity building, inter-agency coordination, and disaster response (including early warning, information dissemination, evacuation, rescue), and (iii) outlines the financial arrangements in place for disaster management.

The Plan seeks to give effect to the Sendai Framework for Disaster Risk Reduction 2015-30 which was adopted by the United Nations in 2015. The Sendai Framework aims to minimise risks associated with disasters, and reduce loss of lives, livelihoods and assets.²⁷¹

Cabinet approved grant of permanent residency status to foreign investors

The Union Cabinet approved a scheme to grant Permanent Residency Status to foreign investors in August 2016.²⁷²

Under the scheme, foreigner investors will be allowed the following benefits: (i) a multiple entry visa to visit India for 10 years (may be extended up to 20 years), (ii) exemption from some conditions imposed on foreigners visiting India (e.g. requirement to register with local police or concerned authorities), (iii) permission to purchase one residential property for dwelling purposes, and (iv) permission for spouse and the dependents of the investor to work in the private sector or pursue an education in India.

To qualify for the scheme, a foreign investor must invest at least: (i) Rs 10 crore within 18 months, or (ii) Rs 25 crore within 36 months. Further, the foreign investment must generate employment for at least 20 resident Indians every financial year.

Draft amendments to the National Investigation Agency Act 2008 released

The Ministry of Home Affairs released draft amendments to the National Investigation Agency (NIA) Act, 2008 in December 2016.²⁷³ Key amendments proposed include:

- **Coverage:** The 2008 Act specifies that it would apply to all persons in India. It would also extend to certain categories of persons outside of India if they are: (i) Indian citizens, (ii) government servants, and (iii) persons on ships and aircrafts registered in India. The draft Bill seeks to extend the coverage of the 2008 Act to persons outside India, if the offence is included in the Schedule to the 2008 Act (known as a Scheduled offence).
- **New Acts to be included in the Schedule:** Under the 2008 Act, the NIA has jurisdiction over offences committed under eight Acts which have been included into the above mentioned Schedule. These include the Unlawful Activities (Prevention) Act, 1967 and the Anti Hijacking Act, 1982. The draft Bill seeks to include five new entries into the Schedule, including: (i) the Explosive Substances Act, 1908, and (ii) certain sections of the Ranbir Penal Code (criminal law of Jammu and Kashmir).
- **Jurisdiction of officers:** In relation to a Scheduled offence under the 2008 Act, officers of the NIA have the same powers of investigation and arrest as that of police officers, throughout India. The draft Bill seeks to extend the jurisdiction of NIA officers outside India, subject to international treaties and the domestic law of the relevant foreign country.
- **Special Courts:** The 2008 Act permits the central government to set up Special Courts for the trial of Scheduled offences. The draft Bill requires the central government, in consultation with the Chief Justice of the High Court, to set up Special Courts.
- **Special Investigation techniques:** The draft Bill further states that the Special Court may permit an officer who is operating under the supervision of an officer, at least of the rank of Superintendent of Police, to use special investigation techniques, in a manner to be prescribed. Special investigation techniques include those mentioned in international conventions that India is a party to.

Draft amendments to the Unlawful Activities Prevention Act 1967 released

The Ministry of Home Affairs released draft amendments to the Unlawful Activities Prevention Act, 1967 in December 2016.²⁷⁴ Key amendments proposed include:

- **Names of individual terrorists:** The Act permits the central government to include or remove names of terrorist organisations in the First Schedule. The draft Bill permits the central government to also include or remove names of individual terrorists in a Fourth Schedule.
- **Second schedule:** The Act defines a terrorist act to include any offence defined in treaties specified in the Second Schedule. The Second Schedule includes nine treaties, such as the Convention for the Suppression of Unlawful Seizure of Aircraft (1970), and the International Convention against the Taking of Hostages (1979). The draft Bill adds the Convention on the Physical Protection of Nuclear Materials (1980) to the Second Schedule.
- **Investigating officers:** The Act states that an officer, at least of the rank of an Assistant Commissioner of Police, will investigate into terror related offences in metropolitan areas. The draft Bill includes a provision specifying that in case of the National Investigation Authority, an officer at least of the rank of an Inspector will conduct such investigations.
- **Approval for seizure of property:** Under the 1967 Act, the investigating officer may seize property related to terrorist activities with prior written approval of the Director General of Police of the relevant state in which the property is situated. The draft Bill states that the

investigating officer may also obtain prior written approval of the Director General of the National Investigation Authority, instead.

Draft Geospatial Information Regulation Bill, 2016 released

The Ministry of Home Affairs released the draft Geospatial Information Regulation Bill, 2016 in May 2016.²⁷⁵ The draft Bill seeks to regulate the acquiring, disseminating, publication and distribution of geospatial information in the interest of national security. Key features of the draft Bill include:

- **Applicability:** It will extend to the whole of India. It will also apply to Indian citizens and government servants who are abroad, and all persons on ships and aircrafts that are registered in India.
- **Definition of geospatial information:** Geospatial information includes: (i) geospatial imagery, or (ii) data that is captured either from space or aerial platforms (like satellites and aircrafts). It also covers graphical or digital data of the earth (like maps and terrestrial photos).
- **Acquisition and publication of geospatial information:** All persons will be prohibited from acquiring or publishing geospatial information in India. However, such information may be acquired or published under certain circumstances specified in the draft Bill or rules under it, or with the permission of the Security Vetting Authority. This Authority will be chaired by an officer at least of the rank of Joint Secretary, and will have two other members (technical and national security experts).
- **Apex Committee:** The central government will constitute an Apex Committee to: (i) oversee the implementation of the Act, (ii) make regulations, and (iii) prescribe fees and guidelines for licensing of geospatial information.
- **Penalties:** If a person acquires or publishes any geospatial information in violation of the provisions of the Bill, the maximum punishment would be a fine up to Rs 100 crore and imprisonment up to seven years

Law Commission submitted its report on Hate Speech

Law Commission of India submitted a report on 'Hate Speech', and made recommendations regarding amending the Indian Penal Code (IPC), 1860 and the Code of Criminal Procedure (CrPC), 1973 in March 2017.²⁷⁶ In 2014, the Supreme Court had requested

the Law Commission to define hate speech. It had also asked the Law Commission to make recommendations regarding strengthening the Election Commission's powers on curbing hate speech. In light of this, the Commission has recommended adding the following provisions to the IPC and the CrPC:

- **Prohibiting incitement of hatred:** If a person: (i) uses threatening words or signs within the hearing or sight of a person with the intention of causing fear, or (ii) advocates hatred by words or signs that incites violence, he will be punishable with imprisonment of up to two years, and fine up to Rs 5,000. However, the incitement of hatred must have been on grounds of religion, caste, community, sex, gender identity, sexual orientation, place of birth, residence, disability, etc. This would be a cognizable and non-bailable offence.
- **Causing fear, alarm or provocation of violence in certain cases:** If a person uses threatening or derogatory words or signs in public on certain grounds (e.g. religion, caste, community, sex, gender identity): (i) within the hearing or sight of a person creating fear, or (ii) with the intent to provoke violence, it will attract a punishment. The punishment will be imprisonment up to one year, and/or fine up to Rs 5,000. This would be a non-cognizable and bailable offence.

External Affairs

Key agreements signed with other countries

In 2016-17, India entered into agreements with various countries including Iran, Japan, Russia, United Arab Emirates, United Kingdom and United States. Key agreements are mentioned below.

Iran: Twelve agreements and memoranda of understanding (MoUs) were signed between India and Iran on various issues, including trade, transportation, aluminium manufacturing, science and technology, and cultural exchanges.²⁷⁷ Four of these are related to the joint development and operation of the Chabahar port. India has promised about USD 500 million for this purpose.²⁷⁸ Chabahar Port, located in south eastern Iran, provides a trade and transit route between Afghanistan and other Central Asian countries.

India also signed a trilateral agreement with Iran and Afghanistan for establishment of a transport and

transit corridor linking the Chabahar Port with Afghanistan.²⁷⁹ India agreed to provide construction services worth USD 1.6 billion for this project.²⁷⁷

Japan: Ten agreements were signed between India and Japan on various issues, including nuclear cooperation, infrastructure investment, skilling, agriculture, outer space and cooperation between Gujarat and Hyogo (a province in Japan) on overall development.²⁸⁰ Key agreements include: (i) development of the civil nuclear programme in India with participation from the Japanese industry, (ii) investment in infrastructure projects including railways, port terminals and urban development, and (iii) skilling 30,000 Indian youth in Japanese manufacturing over a 10-year period (called the Manufacturing Skill Transfer Programme).

Russia: Sixteen agreements were signed between India and Russia across various sectors, including defence, oil and natural gas, smart cities, transport, space and information security.

Key agreements include: (i) setting up of a joint venture in India for the manufacture of Ka-226 T helicopters, (ii) construction and purchase of four warships through partnership between a Russian and an Indian shipyard, (iii) setting up of an investment fund by the National Infrastructure Investment Fund of India and the Russian Direct Investment Fund, (iv) a joint study of a gas pipeline to India, and (v) development of smart cities in the states of Andhra Pradesh and Haryana.²⁸¹

United Kingdom: Two agreements were signed between India and UK on the exchange of best practices and technical assistance regarding ease of doing business and cooperation in intellectual property rights.²⁸² Both the countries also agreed to set up a Joint Working Group to build a commercial and economic relationship, as UK leaves the European Union.

United States: Six agreements were signed between India and the United States. These agreements are related to exchange of counter-terrorism intelligence and maritime information, expedited clearance for low-risk passengers on arrival in the US, cooperation in clean energy, production and distribution of natural gas, and wildlife conservation.²⁸³ Both countries also announced a Clean Energy Finance Initiative that is expected to mobilise USD 400 million to provide renewable electricity to about one million households in India by 2020.

India joined the Missile Technology Control Regime

India joined the Missile Technology Control Regime (MTCR) in June 2016.²⁸⁴ The MTCR is a group of countries that aim to restrict the proliferation of missiles, rocket systems, unmanned air vehicles, and related technology.²⁸⁵ India is the 35th member country of the MTCR.

India withdrew from attending the SAARC Summit in Islamabad

The Ministry of External Affairs released a statement in September 2016 saying India will be unable to participate in the 19th SAARC Summit.²⁸⁶ SAARC (South Asian Association for Regional Cooperation) is a regional association of eight South Asian countries. The 19th SAARC Summit was scheduled to be held in Islamabad in November 2016.

The release stated that the environment was not conducive to holding the summit in Islamabad. This is in light of increasing cross-border terror attacks and interference in internal affairs of the SAARC member countries by one country.

Several other member countries, such as Bangladesh and Bhutan, also expressed inability to attend the summit.²⁸⁷ Subsequently the government of Pakistan announced indefinite postponement of the Summit.²⁸⁸

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