

Monthly Policy Review

January 2020

Highlights of this Issue

[Budget Session 2020 of Parliament commences \(p. 2\)](#)

The session will have 31 sitting days and will be held in two phases. 14 Bills have been listed for consideration and passing. Further, 28 Bills are listed for introduction, consideration and passing.

[Economic Survey 2019-20 tabled in Parliament \(p.2\)](#)

GDP is estimated to grow at 5% in 2019-20. In 2020-21, India's GDP growth rate is estimated to be in the range of 6%-6.5%. The Survey suggests strengthening trust in market with pro-business policies.

[President's Address highlights key achievements of the government \(p. 2\)](#)

The address outlined major policy achievements and objectives of the government in key sectors such as macro-economy, finance and banking, internal affairs, defence, transport, energy, agriculture, and water.

[GDP estimated to grow at 5% in 2019-20; a decrease from 6.8% in 2018-19 \(p. 3\)](#)

The growth rate in all sectors, except mining is expected to decrease from that in 2018-19. The growth rate in the manufacturing sector fell sharply from 6.9% in 2018-19 to 2% in 2019-20.

[Retail inflation at 5.84% in the third quarter of 2019-20 \(p. 3\)](#)

The Consumer Price Index inflation increased from 4.62% in October 2019 to 7.35% in December 2019. Food prices also increased throughout the quarter, from 7.89% in October 2019 to 14.12% in December 2019.

[The Mineral Laws \(Amendment\) Ordinance, 2020, promulgated \(p. 4\)](#)

The Ordinance removes the restriction on end-use of coal. It provides for the transfer of statutory clearances for a period of two years to new bidders of mining leases upon expiry.

[Preliminary Information Memorandum for disinvestment of Air India released \(p. 5\)](#)

The disinvestment will include transfer of management control and 100% shares of Air India and Air India's entire stake in its subsidiary Air India Express Limited. The total debt will be frozen at Rs 23,287 crore.

[SC rules on the validity of internet suspension orders and Section 144 orders in J&K \(p. 6\)](#)

The Court directed the government to review orders suspending internet services in the state and ordered the publication of all suspension orders and orders passed under Section 144 of the Code of Criminal Procedure, 1973.

[Supreme Court makes observations on petitions filed under the anti-defection law \(p. 7\)](#)

The Court ordered that all disqualification petitions should be resolved within three months. It further stated that Parliament should consider replacing the Speaker with an independent adjudicatory body decide the petitions.

[RBI releases the National Strategy for Financial Inclusion 2019-2024 \(p. 8\)](#)

The strategy identifies six strategic objectives of a national strategy for financial inclusion. These include providing universal access to financial services, ensuring financial literacy and education, customer protection among others.

[RBI revises the supervisory action framework for Urban Cooperative Banks \(p. 8\)](#)

Under the revised framework: RBI has notified specific actions which it may initiate when a bank is placed under the framework. These include measures such as restricting fresh borrowings and cutting administrative expenses.

[Cabinet approves the Medical Termination of Pregnancy \(Amendment\) Bill, 2020 \(p. 9\)](#)

The Bill seeks to amend the Medical Termination of Pregnancy Act, 1971 which provides for the termination of pregnancies by medical practitioners. It enhances the limit for termination from 20 weeks to 24 weeks.

February 1, 2020

Parliament

Budget session 2020 of Parliament commences

Rohin Garg (rohin@prsindia.org)

The Budget Session of Parliament commenced on January 31, 2019. The session will have 31 sitting days and will be held in two phases. The first phase will last from January 31st to February 11th, while the second phase will last from March 2nd to April 3rd.¹

The session started with the President's address to both Houses of Parliament. The Finance Minister will present the Union Budget on February 1, 2020.

The agenda for legislation includes 14 Bills for consideration and passing. These include the DNA Technology (Use and Application) Regulation Bill 2019, the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2019, and the Insolvency and Bankruptcy Code (Second Amendment) Bill, 2019 (currently in force as an Ordinance).

Further, 28 Bills are listed for introduction, consideration and passing. These include the Mineral Laws (Amendment) Bill, 2020 (to replace an Ordinance), the Competition (Amendment) Bill, 2020, the Banking Regulation (Amendment) Bill, 2020, and the Seeds Bill, 2020.

For details of the legislative agenda during the session, see [here](#).

President's Address highlight key achievements of the government

Prachi Kaur (prachi@prsindia.org)

The President of India, Mr. Ram Nath Kovind, addressed a joint sitting of both Houses of Parliament on January 31, 2020.² He outlined the major policy achievements and objectives of the government in his address. Key highlights of the address include:

- **Economy:** Foreign exchange reserves are over USD 450 billion. From April to October, 2019, inflow of Foreign Direct Investment increased by three billion USD.
- **Finance and Banking:** Due to the Insolvency and Bankruptcy Code, 2016, nearly Rs 3.5 lakh crore has been recovered by banks and other institutions.
- **Internal Affairs:** The Citizenship Amendment Act, 2019 was passed to grant citizenship to certain immigrants. Article

370 and Article 35A of the Constitution, relating to the special status for Jammu and Kashmir, were repealed.

- **Agriculture:** Under the Prime Minister Kisan Samman Nidhi, more than Rs 43,000 crore has been deposited in the bank accounts of more than eight crore farmers.
- **Job Creation:** India has the world's third largest start-up ecosystem. 27,000 new start-ups have been recognised under the Startup India Campaign.
- **Health:** 75 lakh poor have availed free treatment under Pradhan Mantri Jan Arogya Yojana. Under Aayushman Bharat scheme, more than 27,000 Health and Wellness Centres have been set up.
- **Women and Child Development:** Various steps have been taken to enhance women safety such as setting up of more than 600 one stop centres, 1,000 fast track special courts, and women help desks in every police station.
- **Water:** To ensure the availability of sufficient potable drinking water to each rural household in the country, the government has launched the Jal Jeevan Mission. Rs 3,60,000 crore will be spent on this scheme.

For more details on the President's address, please see [here](#). For an analysis of the President's address 2019, please see [here](#).

Macroeconomic Development

Gayatri Mann (gayatri@prsindia.org)

Economic Survey 2019-20 tabled in Parliament

The Finance Minister, Ms. Nirmala Sitharaman tabled the Economic Survey 2019-20.³ Some highlights of the Survey are:

- **GDP and Inflation:** GDP growth is estimated to be 5% in 2019-20 as compared to 6.8% in 2018-19. The GDP growth decelerated for the sixth consecutive quarter. In 2020-21, India's GDP growth rate is expected to be in the range of 6.0%-6.5%. The Consumer Price Index (CPI) based inflation increased from 3.7% in 2018-19 (April to December, 2018) to 4.1% in 2019-20 (April to December). This increase was mainly due to food inflation. The Wholesale Price Index (WPI) based inflation decreased

from 4.3% in 2018-19 to 1.5% in 2019-20 (April to December).

- Current Account Deficit (CAD) and Fiscal Deficit:** India’s CAD decreased from 2.1% of GDP in 2018-19 to 1.5% of GDP in 2019-20 (April-December). The fiscal deficit for 2019-20 is estimated at 3.3% and the primary deficit for the year is estimated at 0.2% of GDP (primary deficit is the fiscal deficit excluding the interest payments). As of November 2019, fiscal deficit stood at 114.8% of the budgeted level. The Survey noted that fiscal deficit target may have to be relaxed for the current year given the urgent priority of the government to revive growth in the economy.
- Strengthening trust in market:** The Survey outlined that India’s aspiration to become \$5 trillion-dollar economy by 2025 requires strengthening the trust in the market with pro-business policies. This includes (i) providing equal opportunities for new entrants, enabling fair competition and ease of doing business, (ii) eliminating policies which unnecessarily undermine markets through government intervention, (iii) enabling trade for job creation, and (iv) scaling up the banking sector to be proportionate to the size of the economy.
- Further, the Survey suggested the following: (i) offering employee stock ownership at all levels and using financing technology to improve the efficiency of public sector banks, (ii) aggressive disinvestment of central public sector enterprises to bring in profitability, and (iii) focusing on exports of network products for creation of jobs. Network products refer to the products where production occurs across the global value chain.

For more details on the Economic Survey 2019-20, please see [here](#).

GDP estimated to grow at 5% in 2019-20, a decrease from the 6.8% in 2018-19

The Gross Domestic Product (GDP) (at constant 2011-12 prices) of the country is estimated to grow at 5% in 2019-20 over the previous year.⁴ This is lower than the 6.8% growth in 2018-19.

GDP across economic sectors is measured in terms of Gross Value Added (GVA). GVA of the country is estimated to grow at 4.9% in 2019-20, as compared to 6.6% in 2018-19. The growth rates in all sectors, except mining, are expected to decrease from those in 2018-19. A marginal increase is expected in the growth rate for mining. The growth rate in the

manufacturing sector has fallen sharply from 6.9% in 2018-19 to 2% in 2019-20. Table 1 shows the growth in GVA across sectors.

Table 1: Gross Value Added across sectors (growth in %, year-on-year)

Sector	2017-18	2018-19	2019-20
Agriculture	5.0%	2.9%	2.8%
Mining	5.1%	1.3%	1.5%
Manufacturing	5.9%	6.9%	2.0%
Electricity	8.6%	7.0%	5.4%
Construction	5.6%	8.7%	3.2%
Services	8.1%	7.5%	6.9%
GVA	6.9%	6.6%	4.9%

Note: Data for 2018-19 is provisional estimates and for 2019-20 is first advance estimates. GVA is measured at base prices (2011-12).

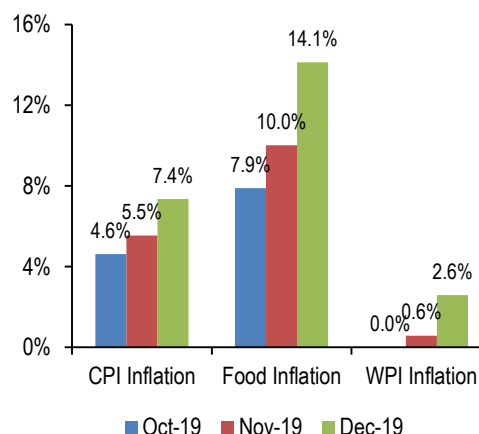
Sources: Central Statistics Office, MOSPI; PRS.

Retail inflation at 5.84% in the third quarter of 2019-20

The Consumer Price Index (CPI) inflation (base year: 2011-12, year-on-year) increased from 4.62% in October 2019 to 7.35% in December 2019.⁵ Food prices also increased throughout the quarter, from 7.89% in October 2019 to 14.12% in December 2019.

The Wholesale Price Index (WPI) inflation (base year: 2011-12, year-on-year) increased from 0% in October 2019 to 2.59% in December 2019.⁶ Trends in inflation during the third quarter of 2019-20 are shown in Figure 1.

Figure 1: Inflation trends in Q3 2019-20 (% change, year-on-year)



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

Mining

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The Mineral Laws (Amendment) Ordinance, 2020 promulgated

The Mineral Laws (Amendment) Ordinance, 2020 was promulgated on January 10, 2020.⁷ It amends the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act), and the Coal Mines (Special Provisions) Act, 2015 (CMSP Act). The CMSP Act provides for the auction and allocation of mines whose allocation was cancelled by the Supreme Court in 2014. Schedule I of the Act provides a list of all such mines; Schedule II and III are sub-classes of the mines listed in the Schedule I. Schedule II mines are those where production had already started then, and Schedule III mines are ones that were earmarked for a specified end-use.

Key features of the Ordinance are as follows:

- **Removal of restriction on end-use of coal:** Currently, companies acquiring Schedule II and Schedule III coal mines through auctions can use the coal produced only for specified end-uses such as power generation and steel production. The Ordinance removes this restriction on the use of coal mined by such companies. Companies will be allowed to carry on coal mining operation for own consumption, sale or for any other purposes, as may be specified by the central government. The Ordinance also adds that companies need not possess any prior coal mining experience in India to participate in the auction of coal and lignite blocks.
- **Composite license for prospecting and mining:** Currently, separate licenses are provided for prospecting and mining of coal and lignite, called prospecting license, and mining lease, respectively. Prospecting includes exploring, locating, or finding mineral deposit. The Ordinance provides for an additional prospecting license-cum-mining lease. This composite license will allow both prospecting and mining activities.
- **Transfer of clearances to new bidders:** Currently, upon expiry, mining leases for specified minerals (minerals other than coal, lignite, and atomic minerals) are transferred to new persons through auction. The new lessee must obtain statutory clearances before starting mining operations. The Ordinance provides that

the various approvals, licenses, and clearances given to the previous lessee will be extended to the new lessee for two years. During this period, the new lessee will be allowed to continue mining operations. However, the new lessee must obtain all the required clearances within this two-year period.

For the PRS Ordinance Summary, please see [here](#).

Draft methodology for auction of coal mines for sale of coal released

The Ministry of Coal released a discussion paper on the draft methodology of the auction of coal mines for the sale of coal.⁸

The Mineral Laws (Amendment) Ordinance, 2020 provides that companies need not possess prior coal mining experience to participate in auction. The Ordinance also enables auction of unexplored and partially explored coal blocks for mining through prospecting license-cum-mining lease.⁷ In August 2019, the FDI policy was amended to allow 100% FDI in coal mining activities for the sale of coal.⁹ The Ministry is considering auction of coal mines for the sale of coal in furtherance to the above initiatives. The Ministry also sought preferences for the mines to be considered for auction under the first tranche through the paper and published a tentative list of mines. Key features of the draft methodology are as follows:

- **Eligibility criteria:** Following entities will be eligible for participating in auction: (i) a government company, or a joint venture formed by such companies or between the central or state government; or (ii) a company or a joint venture formed by two or more companies, incorporated in India. Prior allottees who: (i) have not paid additional levy for the previously allotted mines within the specified time period, or (ii) are convicted of an offence will not be eligible to participate.
- **Bid parameter:** The bidders will bid for a percentage share of the revenue payable to the government. The floor price will be 4% of the revenue share.
- **Payments/guarantees:** The successful bidders will be required to pay the following: (i) an upfront amount of 0.5% of the value of estimated resources of the coal mines, (ii) a bank guarantee as bid security, (iii) performance security, and (iv) a fixed amount covering expenses such as the value of land and mine infrastructure, and cost of obtaining statutory clearances.

- **Flexibility in coal production:** The successful bidder will be required to produce at least 50% of the scheduled production in a year, as per the approved mine plan. The coal production must be at least 70% of the scheduled production in a three-year period.

Committee constituted to examine issues related to the revision of royalty rates

The Ministry of Mines constituted a Committee to examine feedback related to the revision of rates of royalty and dead rent for specified minerals.¹⁰ These minerals exclude coal, lignite, sand for stowing, and minor minerals such as granite and mica.

As per the Mines and Minerals (Development and Regulation) Act, 1957, royalty and dead rent for minerals (other than minor minerals) can be revised by the central government once during a three-year period. These rates were last revised in September 2014. Rates for minor minerals are specified by the state government. In 2018, a study group was formed by the Ministry to recommend revisions in the royalty and dead rent for major minerals (other than coal, lignite, and sand for stowing). The Ministry had received comments from stakeholders on the report of the study group. The Committee will examine the issues raised by the stakeholders.

The Committee will be chaired by the Additional Secretary of the Ministry. Members of the Committee include representatives from the Indian Bureau of Mines, and Mining Secretaries of some state governments (such as Jharkhand, Odisha, Telangana). The Committee is required to submit its report within a month from the date of its first meeting.

Transport

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Preliminary Information Memorandum for disinvestment of Air India released

The Ministry of Civil Aviation released the Preliminary Information Memorandum for inviting Expression of Interest for the strategic disinvestment of Air India.¹¹ Key provisions of the Memorandum include:

- **Disinvestment:** The disinvestment will include: (i) transfer of management control and 100% shares of Air India, and (ii) Air India's entire stake in its subsidiary Air India Express Limited (AIXL), and 50% stake in its joint venture AISATS. Air India's interests in other companies are

being transferred to a separate company, Air India Assets Holding Company (AIAHL).

- **Debt and liabilities:** The total debt (of Air India and AIXL) will be frozen at Rs 23,286.5 crore. The liabilities retained in Air India will be equal to certain current and non-current assets, and are valued at Rs 8,771.5 crore (as on March 31, 2019). The remaining debt and liabilities of Air India and AIXL will be allocated to AIAHL. The contingent liabilities related to statutory dues and dues to government will be indemnified by the government. Liabilities due to employees will be clarified at the Request for Proposal stage. Corporate guarantees given by Air India on behalf of Alliance Air will not be passed on to the new investor.
- **Eligibility criteria for interested bidders:** Interested bidders must have a net worth of at least Rs 3,500 crore. Besides net worth, bidders may also qualify on the basis of: (i) minimum investible funds, in the case of Funds (subject to certain criteria), and (ii) the net worth of its affiliate, for those other than Funds. Bidders may also form a consortium and bid. In this case, each member must hold at least 10% interest in the consortium and at least 10% equity share capital of the company.

Fuel throughput charges levied on Aviation Turbine Fuel rationalised

The Ministry of Civil Aviation rationalised the fuel throughput charges levied on Aviation Turbine Fuel (ATF) by airport operators.¹² Fuel related charges are charged in three parts: (i) airport operator charges, (ii) fuel infrastructure charges, and (iii) into plane charges; or as a composite of all three known as fuel throughput charges. The Ministry has approved the following changes:

- Levy of airport operator charge or fuel throughput charge in any manner will be discontinued at all airports, airstrips, and helipads with immediate effect.
- The Ministry or the Airports Economic Regulatory Authority (as the case may be) will compensate the airport operator by suitably recalibrating other tariffs when determining airport tariffs.

Cabinet authorises NHAI to set up infrastructure investment trusts

The Union Cabinet authorised the National Highways Authority of India (NHA) to set up Infrastructure Investment Trusts (InvITs), and monetise completed and operational National

Highway (NH) projects.¹³ These InvITs will be set up as per SEBI's guidelines. The NH projects to be monetised must have a toll collection track record of at least one year. NHAI will have the right to levy toll on such identified highways.

Each InvIT must have two special purpose vehicles (SPVs): (i) to hold all the identified public funded projects to be placed in the InvIT, and (ii) to act as an investment manager in the proposed InvIT. NHAI will create a separate fund to keep all the sums received from such InvITs. The Chairman, NHAI is empowered to select the projects to be placed in the InvITs, and operationalise these InvITs.

Scheme for state-wise vehicle tracking under Nirbhaya Framework launched

The Ministry of Road Transport and Highways launched a scheme for the implementation of a state-wise vehicle tracking platform for safety under the Nirbhaya Fund Framework.¹⁴ The central government has set up the Nirbhaya Fund which can be utilised for projects specifically designed to improve the safety and security of women.¹⁵ It is a non-lapsable corpus fund, being administered by the Department of Economic Affairs, Ministry of Finance.

Key features of the scheme include:

- **Objectives:** The proposed system seeks to enhance the safety of women and girl children. This would be achieved by equipping all public passenger transport vehicles with location tracking devices and emergency buttons to raise alerts in case of an emergency. A monitoring centre will be set up in each state/UT to monitor these calls and respond to distress calls.
- **System overview:** The proposed system will consist of a vehicle location tracking (VLT) device with emergency buttons as specified. This device will send the vehicle location, health status, alerts and other data to the monitoring centre at specified intervals. The Transport Department officials will be able to access the system and monitor the alerts at the centre.
- **Implementation:** States will notify the timelines for the installation of the VLT devices in vehicles that were registered before January 1, 2019. The VLT manufacturer will enter a unique identification number in the VAHAN database to link the VLT device with the specific vehicle.

- **Funding:** The total cost of the scheme will be shared between the centre and states as per the ratio mentioned in the Nirbhaya Framework. Funding by the Ministry will include the cost of the backend software, setting up the monitoring centres, training of officials, cloud services for data storage.

Guidelines for voluntary declaration of non-compliant drones released

The Ministry of Civil Aviation released guidelines for the voluntary disclosure of non-compliant drones flying in India.¹⁶ The Ministry had released the regulations for operation of civil drones in August 2018.¹⁷ These regulations provide the process for obtaining a unique identification number, unmanned aircraft operator permit, and other requirements including identification of civil drones.

The latest guidelines provide that persons in possession of drones must submit the required information to the government by January 31, 2020. On submitting such information, a Drone Acknowledgement Number and an Ownership Acknowledgement Number will be issued to the person. These will not confer any rights to operate such drones. Ownership of drones without these numbers will invite penal action as per the applicable laws.

Law and Justice

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SC ruling on validity of orders suspending telecom services and imposing Section 144 orders in J&K

The Supreme Court ruled on petitions challenging: (i) the constitutionality of orders suspending mobile, landline, and internet services in Jammu and Kashmir since August 2019 under the Temporary Suspension of Telecom Services (public Emergency or Public Service) Rules, 2017, and (ii) the validity of orders on restrictions on movement and on public gatherings imposed by District Magistrates in August 2019 under Section 144 of the Code of Criminal Procedure, 1973 (CrPC).¹⁸

The Court heard the following key questions: (i) whether the government is required to produce orders passed under the 2017 Rules and Section 144 of the CrPC, (ii) whether freedom to speech and expression, and the freedom to practice any profession, trade or business over the internet is a part of fundamental rights guaranteed under Article 19 of the Constitution, and (iii) whether

the prohibition on internet access and restrictions under Section 144 of the CrPC were valid.

On the first question, the Court held that all telecom suspension orders must be produced. If the state has a privilege or public interest claim, it can redact the order to such extent. The state would need to justify any redaction.

On the second question, the Court ruled that the freedom of speech and the freedom to practice trade over internet enjoys constitutional protection under Article 19(1)(a) and (g) of the Constitution, respectively. Therefore, the restriction to these freedoms must: (i) be limited to those specified under Article 19(2) and Article 19(6) of the Constitution such as, state security, and (ii) followed principles of proportionality. These principles require a legitimate state aim, a rationale connection between the aim and restriction of liberties, and proof that the measure is the least intrusive way of achieving the aim.

Applying these principles, the Court directed for a review of existing suspension orders noting that an indefinite suspension of internet services is impermissible under the 2017 Rules. The Court also directed all concerned authorities to publish the orders, and the review committees under the 2017 Rules to review the orders every seven working days. The 2017 Rules provide for the constitution of review committees at the centre and in the states, comprising of government secretaries.

The Court also summarised the legal position in relation to the use of powers under Section 144 of the CrPC. Among others, it noted that the power under Section 144 may only be exercised when both the following conditions are met: (i) the order states the material facts based on which it is passed, and (ii) the danger presented is in the nature of an emergency, and is necessary to prevent injury or obstruction to a person. It noted that repetitive orders under Section 144 would be an abuse of power. It directed the concerned authorities to publish all orders passed in Jammu and Kashmir under Section 144.

Supreme Court judgement on disqualifications under anti-defection law

The Supreme Court directed the Speaker of the Manipur Legislative Assembly to decide a disqualification petition concerning the defection of a Member of the Legislative Assembly in Manipur from one political party to another, within four weeks.¹⁹ The case was filed in appeal against the decision of the High Court challenging the delay by the Speaker in deciding the disqualification petition.

The Court also held that the Speaker should decide disqualification petitions within a reasonable time period, not exceeding three months. It further observed that the role of the Speaker in disqualification petitions should be re-considered since the Speaker continues to belong to a political party. It recommended that Parliament may consider amending the Constitution to substitute the Speaker with an alternative adjudicating authority. Such an authority may be a permanent tribunal headed by a retired Supreme Court judge or retired Chief Justice of a High Court, or with any other external independent mechanism.

India declares UAE a reciprocating territory for enforcement of court orders

The Ministry of Law and Justice notified the United Arab Emirates (UAE) to be a ‘reciprocating territory’ under the Civil Procedure Code, 1908. It also declared a list of courts in the UAE as ‘Superior Courts’.²⁰ These courts include: (i) the Federal Supreme Court, and (ii) certain local courts, such as the Abu Dhabi Judicial Department and the Dubai Courts. Ordinarily, orders passed by a civil court in India are executed by filing a copy of the order in the same court or another court which may have jurisdiction over the matter. Local orders passed by Superior Courts from a reciprocating territory can be executed in India, as if it were passed by a civil court in India.

Home Affairs

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Agreement signed between Government of India, Government of Assam and Bodo representatives

The Government of India, Government of Assam, and Bodo representatives signed an agreement.²¹ As per a press release, the agreement provides for a special development package of Rs 1500 crores to be given by the central government over three years to undertake specific projects for the development of Bodo areas. Further, the central government and the Government of Assam will take measures to rehabilitate over 1500 cadres of certain factions of the National Democratic Front of Bodoland.

Finance

RBI releases national strategy for Financial Inclusion

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RBI has released the National Strategy for Financial Inclusion 2019-2024.²² It sets forth the vision and objectives of financial inclusion policies in India. The report refers to financial inclusion as the process of ensuring access to financial services, and timely and adequate credit for vulnerable groups and low-income groups at an affordable cost. Key observations and recommendations made by the RBI include:

- **Steps taken for financial inclusion:** The RBI noted that several steps have been taken to further financial inclusion in the country. These include: (i) Pradhan Mantri Jan Dhan Yojana (PMJDY), under which 34 crore accounts have been opened with deposits of Rs 89,257 crore, (ii) schemes such as the Atal Pension Yojana to provide pension cover to subscribing bank account holders.
- However, it identified certain critical gaps which remain an impediment for financial inclusion, such as: (i) inadequate infrastructure (in parts of rural hinterland, far flung areas in Himalayan and north-eastern region), (ii) poor tele and internet connectivity in rural hinterland, (iii) socio-cultural barriers, and (iv) lack of market players in payment product space.
- **Strategic objectives for financial inclusion:** RBI identified six strategic objectives of a national strategy for financial inclusion: (i) universal access to financial services, (ii) providing basic bouquet of financial services, (iii) access to livelihood and skill development, (iv) financial literacy and education, (v) customer protection and grievance redressal, and (vi) effective coordination. To achieve this vision, it identified certain milestones such as: (a) providing banking access to every village (or hamlet of 500 households in hilly areas) within a five km radius by March 2020 and (b) strengthening digital financial services to create infrastructure to move towards a cash less society by March 2022.
- **Measurement of financial inclusion:** RBI recommended that financial inclusion should be measured through parameters across three key indicators. These include parameters to: (i) measure access, such as number of bank branches or ATMs for a specified population, (ii) measure usage, such as

percentage of adults with a saving account, insurance or pension policy, and (iii) measure quality of services, such as grievance redressal (through number of complaints received and addressed).

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

RBI revises supervisory action framework for Urban Cooperative Banks

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The Reserve Bank of India (RBI) has revised its supervisory action framework for primary (urban) cooperative banks (UCBs) to expedite resolution of UCBs experiencing financial stress and make the framework more effective.²³

Under the supervisory action framework, certain triggers are identified for initiation of self-corrective action by the UCB or supervisory action by the RBI. The revised framework has notified specific actions which may be initiated by the RBI when a bank is placed under the supervisory action framework:

- Currently, a UCB may be placed under the framework if its gross non-performing assets (NPAs) exceed 10% of its advances.²⁴ The revised framework specifies that a UCB may be placed under the framework if its net NPAs (i.e., gross NPAs less provisions) exceed 6% of its net advances. Further, it specifies that in such cases, the RBI may take measures such as: (i) advising the UCB to submit a board-approved plan to bring net NPAs below 6%, (ii) restricting payment of dividend without prior approval of RBI, and (iii) restricting credit facilities to sectors with high proportion of NPAs.
- A UCB may be placed under the framework if it incurs losses for two consecutive financial years (or has accumulated losses). The revised framework specifies that in such cases, the RBI may undertake actions such as: (i) prohibiting the payment of dividend, (ii) restricting capital expenditure without prior approval of RBI, or (iii) taking measures for reduction in operating or administrative expenses.
- A UCB may also be placed under the framework if its capital to risk weighted assets ratio (CRAR) falls below 9%. As per the revised framework, in such cases, the RBI may: (i) advise the UCB to submit a board-approved plan to increase CRAR to 9% within 12 months, (ii) seek a board-approved proposal for merging the UCB with another bank or converting itself into a credit society, or (iii) restrict fresh

borrowings and exposure limits for fresh loans, among other measures.

Further, the RBI has also notified that UCBS having total assets of Rs 500 crore or more should report credit information on all borrowers having aggregate exposure of Rs 5 crore or more to the Central Repository of Information on Large Credits maintained by the RBI.²⁵

IRDAI releases guidelines on standard individual health insurance product

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The Insurance and Regulatory Development Authority of India (IRDAI) has released guidelines mandating all general and health insurers to provide a standard individual health insurance product.²⁶ This seeks to ensure: (a) standard product across industry, and (b) portability within industry for insurers.

As per the guidelines, the product will be offered for a one-year policy tenure and on indemnity basis. It will not have any add-ons or optional covers along with it. The product will have certain basic mandatory covers including: (i) hospitalisation expenses (maximum of Rs 5,000 per day), (ii) pre-hospitalisation medical expenses incurred for a period of 30 days prior to hospitalisation, and (iii) post-hospitalisation medical expenses for a period of 60 days from the date of discharge. The minimum and maximum sums insured under the policy will be rupees one lakh and rupee five lakh respectively.

Health and Family Welfare

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Cabinet approves the Medical Termination of Pregnancy (Amendment) Bill, 2020

The Union Cabinet approved the Medical Termination of Pregnancy (Amendment) Bill, 2020.²⁷ The Bill seeks to amend the Medical Termination of Pregnancy Act, 1971 which provides for the termination of certain pregnancies by registered medical practitioners.²⁸ Key amendments include:

- Under the Act, a pregnancy may be terminated within 20 weeks if: (i) the continuation of pregnancy may risk the life of the mother, or cause grave injury to her health, or (ii) there is a substantial risk substantial risk that the child, if born, would be seriously handicapped due to physical or

mental abnormalities. The amendments propose to enhance the upper limit from 20 weeks to 24 weeks for special categories of women. These would include survivors of rape, victims of incest, and other vulnerable women (such as differently abled women and minors).

- Further, this limit of 24 weeks for termination of pregnancy will not apply in cases of substantial foetal abnormalities diagnosed by the Medical Board. The composition, functions and other details of the Medical Board will be prescribed.
- As per the Act, a pregnancy can be terminated within 12 weeks, with recommendation from a registered medical practitioner. For terminating a pregnancy between 12 to 20 weeks, two medical practitioners are required to give their opinion. The amendments recommend the requirement of the opinion of: (i) one registered medical practitioner for termination of pregnancy up to 20 weeks, and (ii) two registered medical practitioners for termination of pregnancy between 20 to 24 weeks.
- The amendments also propose that the name and other particulars of a woman whose pregnancy has been terminated will not be revealed, except to a person authorised by the law.

Draft National Dental Commission Bill, 2020 released for public comments

The Ministry of Health and Family Welfare released the Draft National Dental Commission Bill, 2020 for public comments.²⁹ The draft Bill seeks to repeal the Dentists Act, 1948 and provide for a dental education system which ensures: (i) availability of adequate and high quality dental professionals, (ii) adoption of the latest dental research by dental professionals, (iii) periodic assessment of dental institutions, and (iv) an effective grievance redressal mechanism. Key features of the Bill include:

- Constitution of the National Dental Commission:** The Bill sets up the National Dental Commission (NDC). Within three years of the passage of the Bill, state governments will establish State Dental Councils at the state level. The NDC will consist of 30 members, appointed by the central government.
- Members of the NDC will include: (i) the Chairperson (must be a dental practitioner), (ii) Presidents of the Under-Graduate and Post-Graduate Dental Education Boards, (iii)

the Director General of Health Services, Directorate General of Health Services, and (iv) nine members (part-time) to be elected by the registered dental practitioners from amongst themselves from states and union territories for a period of two years.

- **Functions of the National Dental Commission:** Functions of the NDC include: (i) framing policies for regulating dental institutions and dental professionals, (ii) assessing the requirements of dental healthcare related human resources and infrastructure, (iii) ensuring compliance by the State Dental Councils of the regulations made under the Bill, (iv) framing guidelines for determination of fees for up to 50% of the seats in private dental institutions and deemed universities which are regulated under the Bill.
- **Autonomous boards:** The Bill sets up four autonomous boards under the supervision of the NDC. Each autonomous board will consist of a President and four members, appointed by the central government. These boards are: (i) the Under-Graduate Dental Education Board, (ii) the Post-Graduate Dental Education Board, (iii) the Dental Assessment and Rating Board, and (iv) the Ethics and Dental Registration Board.

Comments on the draft Bill are invited till February 20, 2020.

Cabinet approves amendments to the National Commission of Homoeopathy Bill, 2019

The Union Cabinet approved amendments in the National Commission for Homoeopathy Bill, 2019.³⁰ The details of these amendments are not available in the public domain. As per the press release, these amendments seek to ensure necessary regulatory reforms in the field of homoeopathy education.

The National Commission for Homoeopathy Bill, 2019 was introduced in Rajya Sabha on January 7, 2019.³¹ The Bill seeks to repeal the Homoeopathy Central Council Act, 1973 and provide for regulation of education and practice of homoeopathy medicine. The Standing Committee on Health and Family Welfare (Chairperson: Prof. Ram Gopal Yadav) submitted its report on the Bill on November 27, 2019.³² The Committee made several recommendations regarding the constitution of the Commission, appeal mechanism, fee regulation, and the autonomous boards set up under the Commission.

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

Cabinet approves amendments to the National Commission of Indian System of Medicine Bill, 2019

The Union Cabinet approved amendments in the National Commission for Indian System of Medicine Bill, 2019.³³ The details of these amendments are not available in the public domain. As per the press release, these amendments seek to ensure necessary regulatory reforms in the fields of Ayurveda, Unani, Siddha, and Sowa-Rigpa education.

The National Commission for Indian System of Medicine Bill, 2019 was introduced in Rajya Sabha on January 7, 2019.³⁴ The Bill seeks to repeal the Indian Medicine Central Council Act, 1970 and provide for regulation of education and practice of Ayurveda, Unani, Siddha, and Sowa-Rigpa. The Standing Committee on Health and Family Welfare (Chairperson: Prof. Ram Gopal Yadav) submitted its report on the Bill on November 27 2019.³⁵ The Committee made several recommendations regarding the constitution of the Commission, appeal mechanism, fee regulation, and the autonomous boards set up under the Commission.

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

Environment and Forests

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Guidelines for implementing Wetlands (Conservation and Management) Rules, 2019 released

The Ministry of Environment, Forests and Climate Change notified guidelines for implementing the Wetlands (Conservation and Management) Rules, 2019.³⁶ The Rules constitute various bodies for conservation of wetlands and define their powers and functions.³⁷

The guidelines support the state/Union Territory (UT) administrations in the implementation of the Rules by providing guidance on various management and administrative matters for wetlands. The salient features of the guidelines are as follows:

- **Role of the Wetlands Authority:** According to the Wetlands Rules, the Wetlands Authority within a state is the nodal authority for all wetland-specific authorities in a state/UT. Functions of this Authority include: (i) preparing a list of all wetlands in the state/UT and recommending

wetlands for regulation under the Rules, (ii) developing a comprehensive list of activities to be regulated and permitted within the notified wetlands, and (iii) issuing necessary directions for the conservation and sustainable management of wetlands to the respective implementing agencies.

- **Prohibited activities:** The guidelines provide a list of activities which are prohibited on wetlands. These include: (i) setting up any industry and expansion of existing industries, (ii) dumping solid waste or discharge of untreated wastes and effluents from industries and any human settlements, and (iii) encroachment or conversion for non-wetlands uses.
- **Integrated Management Plan:** The guidelines recommend the state/UT administration to prepare a plan for the management of each notified wetland. The plan refers to a document which: (i) describes strategies and actions for use of the wetland, (ii) gives monitoring requirements for detecting changes in the ecological character of the wetland, and (iii) ensures compliance with regulatory frameworks and policy commitments.
- **Violations:** The Wetlands Authorities are responsible for ensuring the enforcement of the Wetlands Rules and other relevant acts, rules and regulations. Undertaking any prohibited or regulated activities beyond the thresholds (defined by the state/UT administration) in the wetlands or its zone of influence, will be deemed violations under the Wetlands Rules. Violation of the Rules will attract penalties as per the Environment (Protection) Act, 1986.

Enforcement and monitoring guidelines for sand mining released

The Ministry of Environment, Forests and Climate Change notified the enforcement and monitoring guidelines for sand mining.³⁸ This is supplementary to the Sustainable Sand Management Guidelines, 2016 which focuses on the management of sand mining in the country. The guidelines are prepared taking in to consideration of various orders issued by National Green Tribunal on matters relating to illegal sand mining.

The objectives of the guidelines include: (i) regulating sand mining in the country, (ii) preventing illegal sand mining, (iii) use of IT-enabled services and technologies for surveillance of sand mining, and (iv) ensuring

post environmental clearance monitoring. Key features of the guidelines include:

- **District Survey Report:** The guidelines provide the procedure to be followed for identifying areas where mining can be allowed or prohibited. It provides guidelines for preparing a district survey report, which include: (i) preparing a report before granting a mining lease, and (ii) defining mining and no mining zones based on certain environmental and social factors.
- **Illegal Mining:** Despite all the regulatory procedures and policies, there are instances of illegal sand mining and need for regular surveillance. The guidelines suggest that sites can be monitored remotely by using unmanned artificial vehicles or drones. Drones can also be used for quantity estimation and land use monitoring. Further, the guidelines propose night surveillance of mining activity through night-vision drones. The environmental damages incurred due to illegal mining will be assessed by a committee constituted by the District Administration.
- **Environmental Clearance:** Clearance for mining is given by regulatory authorities after considering the potential environment impact. However, it has been observed that often the Letter of Intent (LoI) is granted for a location which is not feasible for environment-friendly mining. The guidelines provide that LoIs should be granted for those locations which have the least possibility of an impact on the environment and nearby habitation.

Commerce and Industry

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National Startup Advisory Council constituted

The central government notified the constitution of the National Startup Advisory Council.³⁹ The Council will advise the government on measures needed to promote startups. Functions of the Council include: (i) promoting innovation in all sectors, (ii) reducing regulatory compliance and costs, and (iii) promoting ease of access to capital for startups.

The Council will be chaired by the Minister of Commerce and Industry. Non-official members of the Council will include: (i) up to 10 founders of successful startups, (ii) up to six members from industry associations, and (iii) up to six

members representing interests of incubators and accelerators. They will serve a term of two years or until further orders, whichever is earlier. Ex-officio members will include nominees from bodies such as, NITI Aayog, Department of Revenue, and Ministry of Corporate Affairs.

Defence

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Defence Acquisition Council approves procurement worth Rs 5,100 crore

The Defence Acquisition Council approved procurement of equipment worth Rs 5,100 crore for the armed forces.⁴⁰ Such procurement will be made from indigenous sources. The procured equipment will include electronic warfare systems for the army designed by the Defence Research and Development Organisation, and manufactured in India.

The Council also approved the inclusion of Innovations for Defence Excellence (iDEX) in the Defence Procurement Procedure (DPP). The iDEX initiative aims to encourage technology development in defence by engaging research institutes, academia, industries, and start-ups by providing them funding or grants.⁴¹ The inclusion of iDEX in DPP will provide avenues in capital procurement for the armed forces to the entities engaged in iDEX.

Communications

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TRAI seeks views on traffic management practices and multi-stakeholder body for net neutrality

The Telecom Regulatory Authority of India (TRAI) released a consultation paper on “Traffic Management Practices and Multi-Stakeholder Body for Net Neutrality”.⁴² Net neutrality refers to non-discriminatory access to internet irrespective of content being accessed, the

protocols being used, or the user equipment being deployed.

Internet service providers may deploy various practices called Traffic Management Practices (TMPs) for managing traffic congestion in telecommunication networks. TMPs may also be required for prioritising latency-sensitive traffic. For instance, in internet telephony, it is required that audio data is delivered at regular intervals to achieve good voice quality. Irregular delivery of audio data may severely deteriorate user experience. TMPs may also involve applying some restrictions such as blocking internet traffic based on the class and nature of content.

TRAI noted that some of these may be a concern from the perspective of net neutrality and should not be applied in general, as net neutrality requires all traffic to be treated equally. Some TMPs may be necessary for specific situations such as traffic congestion. Any restrictions or interventions by service providers under TMPs must be proportionate, temporary, and transparent. Hence, a framework must be adopted to determine the reasonableness of various TMPs and ensure transparency about such practices.

In view of the challenges of monitoring and enforcement of net neutrality principles, a Multi-Stakeholder Body has been envisaged by TRAI. This body may advise and support the Department of Telecommunications regarding the monitoring and enforcement of net neutrality principles. It may comprise of members representing different categories such as: (i) telecom and internet service providers, (ii) content service providers, (iii) academia and research, and (iv) civil society.

TRAI sought views on the following matters: (i) types of TMPs, (ii) reasonableness of such TMPs from the perspective of net neutrality, (iii) whether an advance list of such TMPs can be prepared or periodic update would be required, (iv) setup to detect violations of net neutrality, and (v) composition, functions, roles and responsibilities of the multi-stakeholder body.

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