

# Monthly Policy Review

## August 2019

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### Highlights of this Issue

#### [GDP grows at 5% during the first quarter of 2019-20 \(p. 2\)](#)

The GDP (at constant prices) grew at 5% during the first quarter of 2019-20, over the corresponding period a year ago. Growth in all sectors, except electricity and mining, decreased from Q1 of 2018-19.

#### [Bimal Jalan Committee report released; Rs 1,76,051 crore to be transferred \(p. 4\)](#)

The Committee recommended maintaining risk buffer and the total economic capital or RBI within a range. The Board accepted all the recommendations and decided to transfer resultant surplus and net income to the government.

#### [Finance Minister announces consolidation of 10 public sector banks into four banks \(p. 4\)](#)

10 public sector banks will be consolidated to increase operational efficiency and reduce cost of lending. A total capital infusion of Rs 55,250 crore into certain public sector banks was also announced.

#### [Budget session of Parliament ends; Parliament passes 13 Bills this month \(p. 3\)](#)

Bills passed by Parliament include the Consumer Protection Bill, the National Medical Commission Bill, the Motor Vehicles (Amendment) Bill, and the Insolvency and Bankruptcy (Amendment) Bill.

#### [Lok Sabha passes five Bills, and Rajya Sabha passes one Bill \(p. 8\)](#)

Bills passed by Lok Sabha (and pending in the Rajya Sabha) include the Surrogacy (Regulation) Bill, the Transgender Persons (Protection of Rights) Bill, and the Dam Safety Bill.

#### [Special status of Jammu and Kashmir repealed; state reorganised into two UTs \(p. 3\)](#)

Article 370, which provided special status to the state was amended and made inoperative. The state was reorganised into the UT of Jammu and Kashmir with a legislature, and UT of Ladakh without a legislature.

#### [Competition Law Review Committee submits report on the Competition Act, 2002 \(p. 7\)](#)

Key recommendations include: (i) constitution of a governing body, (ii) automatic approvals for specified mergers and acquisitions cases, and (iii) dedicated bench in the National Company Law Appellate Tribunal to hear appeals.

#### [NITI Aayog releases the Composite Water Management Index 2019 \(p. 18\)](#)

The report tracks the performance of states on key water management indicators over a period of three years. The index aims to increase competitiveness among states with regard to water use and conservation.

#### [Cabinet approves export subsidy for sugar for the 2019-20 season \(p. 19\)](#)

Export subsidy of Rs 10,448 per metric tonne (MT) has been approved for sugar for the 2019-20 season. An expenditure of Rs 6,268 crore has been approved for providing subsidy on up to 60 lakh MT of sugar.

#### [Committee to review the Defence Procurement Procedure to be setup \(p. 9\)](#)

Objectives of the Committee include revising the procedures in the Defence Procurement Procedure, 2016 and the Defence Procurement Manual, 2009, to speed up acquisition and enable greater participation of domestic industry.

#### [UGC recommends 20 institutions for the status of Institutes of Eminence \(p. 19\)](#)

Of these 20 institutions, 10 are in the public sector and the remaining are in the private sector. These institutions would be allowed greater autonomy in admitting foreign students, fixing fees, and recruiting foreign faculty.

#### [Cabinet approves proposal to review FDI policy in various sectors \(p. 9\)](#)

100% FDI under automatic route will be allowed for the sale of coal, commercial coal mining, and contract manufacturing. Single brand retailers can engage in online retail trading before opening of brick and mortar stores.

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September 2, 2019

## Parliament

Prachi Kaur ([prachi@prsindia.org](mailto:prachi@prsindia.org))

### Budget Session 2019 of Parliament concludes

The Budget Session of Parliament ended on August 7, 2019.<sup>1</sup> Initially, the session was planned to be held from June 17, 2019 to July 26, 2019. Later, it was extended until August 7, 2019. This was the first session of Parliament after the elections for the 17<sup>th</sup> Lok Sabha.

40 Bills were introduced during the session. These included the Occupational Safety, Health and Working Conditions Code, 2019, the Transgender Persons (Protection of Rights) Bill, 2019, and the DNA Technology (Use and Application) Regulation Bill, 2019.

Parliament passed 28 Bills (excluding the Finance and Appropriation Bills). Bills that were passed include the Jammu and Kashmir Reorganisation Bill, 2019, the Muslim Women (Protection of Rights on Marriage) Bill, 2019, the Consumer Protection Bill, 2019, and the National Medical Commission Bill, 2019.

For more details on legislative business taken up during the Budget Session 2019, please see [here](#). For details on the functioning of Parliament during the session, please see [here](#).

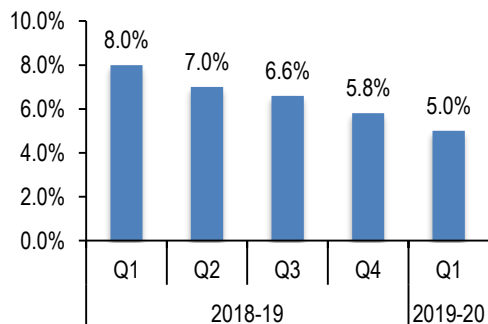
## Macroeconomic Development

Gayatri Mann ([gayatri@prsindia.org](mailto:gayatri@prsindia.org))

### GDP grows at 5% during the first quarter of 2019-20

The Gross Domestic Product (GDP) (at constant 2011-12 prices) of the country grew at 5% during the first quarter of 2019-20, over the corresponding period a year ago.<sup>2</sup> The quarterly trend of GDP growth is shown in Figure 1.

**Figure 1: GDP growth (in %, year-on-year)**



Sources: MOSPI; PRS.

GDP growth across economic sectors is measured in terms of Gross Value Added (GVA). The growth rate of combined GVA for all sectors decreased from 7.7% in the first quarter of 2018-19 to 4.9% in the first quarter of 2019-20. The growth rate of GVA decreased for all sectors, except for electricity and mining. It increased from 6.7% to 8.6% for electricity, and from 0.4% to 2.7% for mining. Note that, the manufacturing sector saw a decrease from 12.1% in 2018-19 (Q1) to 0.6% in 2019-20 (Q1). Table 1 shows details on sectoral GVA growth.

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

Sector	Q1 2018-19	Q4 2018-19	Q1 2019-20
Agriculture	5.1%	-0.1%	2.0%
Mining	0.4%	4.2%	2.7%
Manufacturing	12.1%	3.1%	0.6%
Electricity	6.7%	4.3%	8.6%
Construction	9.6%	7.1%	5.7%
Services	7.1%	8.4%	6.9%
<b>GVA</b>	<b>7.7%</b>	<b>5.7%</b>	<b>4.9%</b>

Note: GVA is measured at base prices (2011-12). Sources: Central Statistics Office, MOSPI; PRS.

### Policy repo rate reduced to 5.4%, reverse repo rate decreased to 5.15 %

The Monetary Policy Committee (MPC) released its third bi-monthly Monetary Policy Statement of 2019-20.<sup>3</sup> The policy repo rate (the rate at which RBI lends money to banks) was decreased from 5.75% to 5.4%. Other decisions of the MPC include:

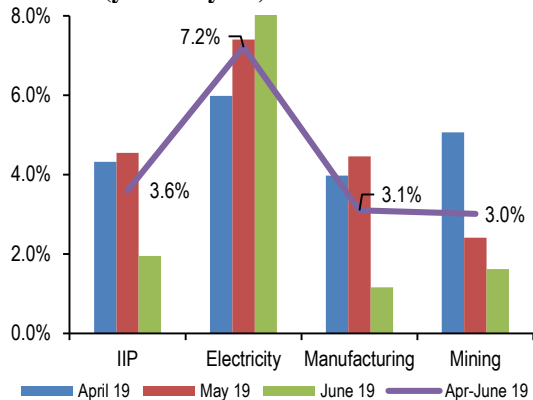
- The reverse repo rate (the rate at which RBI borrows money from banks) was decreased from 5.5% to 5.15%.
- The marginal standing facility rate (the rate at which banks can borrow additional money) and the bank rate (the rate at which the RBI buys or rediscounts bills of exchange) were reduced from 6% to 5.65%.
- The MPC decided to maintain the accommodative stance of monetary policy.

### Industrial production grew by 3.6% in the first quarter of 2019-20

The Index of Industrial Production (IIP) grew by 3.6% in the first quarter (April-June) of 2019-20, as compared to the same period in 2018-19.<sup>4</sup> Electricity saw the highest increase of 7.2%, followed by an increase of 3.1% in manufacturing, and 3% in mining. Figure 2 shows the year-on-year growth in industrial

production (overall and across sectors) for the first quarter of 2019-20.

**Figure 2: Growth in IIP in the first quarter of 2019-20 (year-on-year)**



Sources: MOSPI; PRS.

## Home Affairs

Roshni Sinha ([roshni@prsindia.org](mailto:roshni@prsindia.org))

### Special status of Jammu and Kashmir repealed

The special status given to Jammu and Kashmir under Article 370 was repealed by the central government.<sup>5</sup> According to the Article, the power of Parliament to legislate with respect to Jammu and Kashmir was restricted to defence, external affairs, communications, and central elections. However, the President could extend other central laws, with the concurrence of the state government.

A resolution was adopted by Parliament recommending that the provisions of Article 370 be made inoperative, and that it be amended to state that all provisions of the Constitution would apply to Jammu and Kashmir.<sup>6</sup> On the basis of this resolution, the President issued a notification making Article 370 inoperative.

### The Jammu and Kashmir Reorganisation Bill, 2019 passed by Parliament

Parliament passed the Jammu and Kashmir Reorganisation Bill, 2019.<sup>7</sup> The Bill reorganises the state of Jammu and Kashmir into the Union Territory of Jammu and Kashmir, and the Union Territory of Ladakh. Key features of the Bill are as follows:

- **Reorganisation of Jammu and Kashmir:** The Bill reorganises the state of Jammu and Kashmir into: (i) the Union Territory of Jammu and Kashmir with a legislature, and (ii) the Union Territory of Ladakh without a

legislature. The Union Territory of Ladakh will comprise Kargil and Leh districts, and the Union Territory of Jammu and Kashmir will comprise the remaining territories of the existing state of Jammu and Kashmir.

- **Lieutenant Governor:** The Union Territory of Jammu and Kashmir will be administered by the President, through an administrator appointed by him known as the Lieutenant Governor. The Union Territory of Ladakh will be administered by the President, through a Lieutenant Governor appointed by him.
- **Legislative Assembly of Jammu and Kashmir:** The Bill provides for a Legislative Assembly for the Union Territory of Jammu and Kashmir. The total number of seats in the Assembly will be 107. Of these, 24 seats will remain vacant on account of certain areas of Jammu and Kashmir being under the occupation of Pakistan. The Assembly may make laws for any part of the Union Territory of Jammu and Kashmir related to: (i) any matters specified in the State List of the Constitution, except “Police” and “Public Order”, and (ii) any matter in the Concurrent List applicable to Union Territories. Further, Parliament will have the power to make laws in relation to any matter for the Union Territory of Jammu and Kashmir.
- **Extent of laws:** The Schedule lists 106 central laws that will be made applicable to Union Territories of Jammu and Kashmir and Ladakh on a date notified by the central government. These include the Aadhaar Act, 2016, the Indian Penal Code, 1860, and the Right to Education Act, 2009. Further, it repeals 153 state laws of Jammu and Kashmir. In addition, 166 state laws will remain in force, and seven laws will be applicable with amendments. These amendments include lifting of prohibitions on lease of land to persons who are not permanent residents of Jammu and Kashmir.

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

### Timeline for NRC appeals extended

Under the Citizenship (Registration of Citizenship and National Identity Card) Rules, 2003, a National Register of Indian Citizens (NRC) is being prepared in Assam.<sup>8</sup> Any person whose name has been excluded or incorrectly included in the NRC can register a complaint with the Local Registrar of Citizen Registration. Earlier, appeals against decisions of the Registrar could be made to the Tribunals

constituted under the Foreigners (Tribunal) Order, 1964, within 60 days. The Rules were amended to extend the timeline for appeal from 60 to 120 days.<sup>9</sup>

Note that the final National Register of Indian Citizens in Assam was published on August 31, 2019. The list leaves out 19,06,657 persons.<sup>10</sup>

## Finance

### RBI board accepts recommendations of the Committee to review the existing Capital Framework of RBI

Anurag Vaishnav ([anurag@prsindia.org](mailto:anurag@prsindia.org))

The Reserve Bank of India (RBI), in consultation with the central government, had constituted a Committee (Chair: Dr. Bimal Jalan) to review the current economic capital framework, in November 2018.<sup>11</sup> The Committee has submitted its report.<sup>12</sup> The economic capital framework provides a methodology for determining the appropriate level of risk provisions and profit distribution to be made under Section 47 of the Reserve Bank of India Act, 1934. The terms and reference of the Committee included determining whether RBI is holding reserves in surplus/deficit and proposing a suitable surplus distribution policy. In this regard, the Committee recommended:

- Economic capital of a central bank includes its realised equity and revaluation balances. The realised equity consists of: (i) Contingency Fund, which represents provisions made for unforeseen contingencies, (ii) Asset Development Fund, which represents the amount set aside for investment in subsidiaries and internal capital expenditure, (iii) Capital and Reserve fund. Revaluation balances are unrealised gains, net losses resulting from movement of exchange rate, gold price and interest rate.

The current surplus distribution policy targets only the total economic capital. The Committee recommended that the target should also include realised equity. The realised equity (which would be required to cover monetary, financial stability risks, credit risks and operational risks) must be maintained between 5.5% to 6.5% of the RBI's balance sheet (current target: 3% to 4%). The total economic capital should be maintained between 20.8% to 25.4% of the balance sheet (current target: 28.1% to 29.1%).

- If the realised equity is above the required levels, the entire net income of RBI will be transferred to the government. If it is lower, risk provisioning will be made to the necessary extent and only the residual net income will be transferred. This framework may be reviewed every five years.

The RBI Board has accepted all the recommendations of the Committee. Based on accounts for 2018-19, the available realised equity stood at 6.8% of balance sheet. This is higher than the upper bound recommended by the Committee. The Board decided to maintain the realised equity level at 5.5% of balance sheet, and transfer the resultant excess risk buffer of Rs 52,637 crore to the government.

As per the revised framework, the economic capital of RBI (as on June 30, 2019) stood at 23.3% of balance sheet, which is within the range recommended by the Committee. Hence, the Board decided to transfer the entire net income for 2018-19, that is Rs 1,23,414 crore, to the government.

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

### Government announces consolidation, capital infusion for several PSBs

Anurag Vaishnav ([anurag@prsindia.org](mailto:anurag@prsindia.org))

The Finance Minister, Ms. Nirmala Sitharaman, announced several measures related to public sector banks (PSBs). This includes merging 10 PSBs into four PSBs in order to help achieve scale and higher capacity to increase credit.<sup>13</sup> The banks to be merged are:

- Punjab National Bank, Oriental Bank of Commerce, and United Bank of India will be merged into one bank, with Punjab National Bank being the anchor bank (larger bank with which others will be merged). The resultant bank will be the second largest PSB in the country, with total business of Rs 17.94 lakh crore.
- Canara Bank (anchor bank) and Syndicate Bank will be merged into one bank. This bank will be the fourth largest PSB (total business size of Rs 15.2 lakh crore).
- Union Bank of India (anchor bank), Andhra Bank, and Corporation Bank of India will be merged into a single bank, resulting in the fifth largest PSB (total business size of Rs 14.59 lakh crore).
- Indian Bank (anchor bank), and Allahabad Bank will be merged into a single bank,

resulting in the seventh largest PSB (total business size of Rs 8.08 lakh crore).

The Minister also announced capital infusion of Rs 55,250 crore into 10 PSBs. These include Rs 16,000 crore into Punjab National Bank, Rs 11,700 crore into Union Bank of India and Rs 7,000 crore into Bank of Baroda, among others.

### Chit Funds (Amendment) Bill introduced in Lok Sabha

Anurag Vaishnav ([anurag@prsindia.org](mailto:anurag@prsindia.org))

The Chit Funds (Amendment) Bill, 2019 was introduced in Lok Sabha.<sup>14</sup> The Bill amends the Chit Funds Act, 1982. Key features of the Bill include:

- **Names for a chit fund:** The Act specifies various names which may be used to refer to a chit fund. These include chit, chit fund, and kuri. The Bill additionally inserts ‘fraternity fund’ and ‘rotating savings and credit institution’ to this list.
- **Presence of subscribers through video-conferencing:** The Act specifies that a chit will be drawn in the presence of at least two subscribers. The Bill seeks to allow these subscribers to join via video-conferencing.
- **Foreman’s commission:** Under the Act, the ‘foreman’ is responsible for managing the chit fund. He is entitled to a maximum commission of 5% of the chit amount. The Bill seeks to increase the commission to 7%. Further, the Bill allows the foreman a right to lien against the credit balance from subscribers.
- **Aggregate amount of chits:** Under the Act, chits may be conducted by firms, associations or individuals. The Act specifies the maximum amount of chit funds which may be collected. These limits are: (i) one lakh rupees for chits conducted by individuals, and for every individual in a firm or association with less than four partners, and (ii) six lakh rupees for firms with four or more partners. The Bill increases these limits to three lakh rupees and 18 lakh rupees, respectively.
- **Application of the Act:** Currently, the Act does not apply to: (i) any chit started before it was enacted, and (ii) any chit (or multiple chits being managed by the same foreman) where the amount is less than Rs 100. The Bill removes the limit of Rs 100, and allows the state governments to specify the base amount over which the provisions of the Act will apply.

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

### Task force on Offshore Rupee Markets submits report

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The Task Force on Offshore Rupee submitted its report.<sup>15,16</sup> It was setup by the RBI in February 2019 to examine issues related to the offshore rupee markets, its effect on rupee exchange rate, and recommend appropriate policy measures.<sup>17</sup>

Offshore markets enable participants to trade in non-convertible currency, keeping trading outside the ambit of domestic authorities. RBI’s policy focus has been to align incentives for non-residents to gradually move to the domestic market. However, in recent years, there has been a sharp growth in offshore rupee markets, which has implications for currency stability. Key recommendations of the task force include:

- Currently, the onshore market trading hours are from 9 am to 5 pm.<sup>18</sup> The task force observed that domestic markets being closed when major users in certain regions such as United States are working creates a natural access for offshore markets. It recommended extending onshore market hours to match the flexibility provided by the offshore market to incentivize non-residents to hedge in the onshore market.
- The task force recommended taking measures to facilitate non-residents to hedge their foreign exchange in onshore market, such as (i) establishing a central clearing and settlement mechanism, (ii) centralising KYC requirements across financial markets and (iii) overcoming gaps between tax regime in India and international financial centres.
- Allowing users to undertake forex transactions up to USD 100 million in OTC currency derivative market (off-exchange trading market where the participants trade with each other directly) without the need to establish underlying exposure.
- Enabling rupee derivatives (settled in foreign currency) to be traded in international financial services centres in India.

### Ministry of Finance increases monetary thresholds for appeal by tax departments

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The Ministry of Finance has increased the monetary thresholds for filing appeals by the Central Board of Direct Taxes and the Central



Board of Indirect Taxes and Customs.<sup>19,20</sup> These thresholds are applicable for filing appeals before appellate tribunals, High Courts, and the Supreme Court. The thresholds have been increased with the aim of improving litigation management by helping the departments focus on litigation of substantial value. Table 2 shows the revised limits for filing departmental appeals before the different appellate forums.

**Table 2: Monetary thresholds for filing departmental appeals (in Rs)**

Appellate Forum	Previous Limit	Revised Limit
Appellate Tribunals	20 lakh	50 lakh
High Courts	50 lakh	One crore
Supreme Court	One crore	Two crore

Sources: Ministry of Finance; PRS.

In case of the Central Board of Indirect Taxes and Customs, the revised limits will be applicable to appeals related to central excise and service tax (including all the pending cases). Further, the limits will not apply to cases which involve substantial point of law. These include cases where: (i) the constitutional validity of the provisions of an Act or rule is under challenge, and (ii) notification, order, instruction, or circular has been held illegal or ultra vires.

## RBI releases Enabling Framework for Regulatory Sandbox

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The Reserve Bank of India released the enabling framework for Regulatory Sandbox.<sup>21</sup> An inter-regulatory Working Group was setup in 2016 by the RBI to review the regulatory framework in the financial technology sector.<sup>22</sup> It recommended introducing a framework for a regulatory sandbox to provide regulatory guidance, increase efficiency, manage risks and create new opportunities for consumers.

The sandbox provides an environment which allows market participants to test new products, services or business models with customers in a controlled environment. The objective of the sandbox is to foster innovation in financial services, promote efficiency and bring benefit to consumers. Key features of the framework include:

- **Eligibility:** The focus of the sandbox will be on encouraging innovations amongst FinTech companies where (a) there is absence of governing regulations, (b) easing regulations enable the proposed innovation, or (c) the proposed innovation can significantly ease delivery of financial services.

- In view of the above, the draft framework identified an indicative list of innovative products, services and technologies which could be considered for testing under the sandbox. These include retail payments, money transfer services, mobile technology applicants, data analytics, financial advisory services, financial inclusion and cyber security products.
- The framework also provides that the FinTech company should be incorporated in India for participation in regulatory sandbox. Financial institutions constituted under a statute are also eligible. Further, the entity should have a minimum net worth of twenty-five lakh rupees as per its latest audited balance sheet.
- **Timeline of implementation:** The sandbox process will consist of five stages spanning across 27 weeks. The stages include preliminary screening of product, test design, application assessment, testing and evaluation. The relaxations provided to the participating companies will expire at the end of this period.
- The implementation will be overseen by the FinTech Unit at the RBI. The RBI may discontinue sandbox testing for an entity at any time if it does not achieve its intended purpose or if it fails to comply with the regulatory requirements.

## RBI permits lending by banks to NBFCs for on-lending to be classified as Priority Sector

Anurag Vaishnav ([anurag@prsindia.org](mailto:anurag@prsindia.org))

The Reserve Bank of India has issued guidelines that bank credit to registered Non-Banking Financial Companies (NBFCs) for the purpose of on-lending to certain sectors will be eligible to be classified as priority sector lending.<sup>23</sup> These sectors include agriculture, micro and small enterprises and housing.

- For agriculture, on-lending by NBFCs for term-lending is permitted up to Rs 10 lakh rupees per borrower.
- For micro and small enterprises, on-lending by NBFCs is permitted up to Rs 20 lakh rupees per borrower.
- For housing, the existing limits for on-lending by NBFCs to be classified as priority sector has been doubled from Rs 10 lakh rupees to Rs 20 lakh rupees.

The total bank credit to NBFCs for the purpose of on-lending should not exceed 5% of the

bank's total priority sector lending. These guidelines are valid till March 31, 2020.

Note that the above changes are not applicable for NBFCs which are micro finance institutions (NBFC-MFI). A NBFC-MFI is a non-deposit taking NBFC with a minimum net worth of Rs 5 crore and 85% or more of its assets as loans which meet certain thresholds such as, loans given to households with annual income below Rs 1 lakh in case of rural households and Rs 1.6 lakh in case of semi-urban or urban households.<sup>24</sup>

## Corporate Affairs

*Roshni Sinha (roshni@prsindia.org)*

### Insolvency and Bankruptcy Code (Amendment) Bill, 2019 passed by Parliament

The Insolvency and Bankruptcy Code (Amendment) Bill, 2019 was passed by Rajya Sabha.<sup>25</sup> It amends the Insolvency and Bankruptcy Code, 2016. The Code provides a time-bound process for resolving insolvency in companies and among individuals. Key features of the Bill include:

- **Initiation of resolution process:** The Code states that a financial creditor may file an application before the National Company Law Tribunal (NCLT) for initiating the insolvency resolution process. The NCLT must find the existence of default within 14 days. Based on its finding, NCLT may accept or reject the application. The Bill states that in case the NCLT does not find the existence of default and has not passed an order within 14 days, it must record its reasons in writing.
- **Time-limit for resolution process:** The Code states that the insolvency resolution process must be completed within 180 days, extendable by a period of up to 90 days. The Bill adds that the resolution process must be completed within 330 days. This includes time for any extension granted and the time taken in legal proceedings in relation to the process. On the enactment of the Bill, if any case is pending for over 330 days, it must be resolved within 90 days.
- **Resolution plan:** The Code provides that the resolution plan must ensure that the operational creditors receive an amount which should not be lesser than the amount they would receive in case of liquidation. The Bill amends this to provide that the amounts to be paid to the operational

creditor should be the higher of: (i) amounts receivable under liquidation, and (ii) the amount receivable under a resolution plan, if such amounts were distributed under the same order of priority (as for liquidation).

- **Representative of financial creditors:** The Code specifies that, in certain cases, such as when the debt is owed to a class of creditors beyond a specified number, the financial creditors will be represented on the committee of creditors by an authorised representative. These representatives will vote on behalf of the financial creditors as per instructions received from them. The Bill states that such representative will vote on the basis of the decision taken by a majority of the voting share of the creditors that they represent.

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

### Competition Law Review Committee submits report

The Competition Law Review Committee (Chair: Mr. Injeti Srinivas) submitted its report recommending amendments to the Competition Act, 2002.<sup>26</sup> The Act establishes the Competition Commission of India (CCI) to promote competition, prevent anti-competitive practices and protect consumer rights. Key recommendations include:

- **Governing body:** The Committee recommended that the Act be amended to provide for a governing body, to strengthen the accountability of the CCI. The governing body will consist of a Chairperson, six whole time members, and six part-time members. The governing body will perform quasi-legislative functions, drive policy decisions, and perform a supervisory role.
- **Appellate Authority:** The Committee noted that under the Act, appeals against orders of the CCI are heard by the National Company Law Appellate Tribunal. However, it noted that the Tribunal is overburdened with cases. Therefore, it recommended that a dedicated bench should be created to hear appeals under the Act.
- **Settlements:** The Committee noted that certain jurisdictions like the European Union settle antitrust disputes. These remedies may be in the form of settlements and commitments. Settlements are generally available for cartels and require an admission of guilt from the parties. Commitments apply to all other cases and do not require any admission of guilt. The

Committee recommended that the Act be amended to empower CCI to allow settlements and commitments for certain types of anti-competitive agreements (like exclusive supply agreements) and for abuse of dominance.

- **Green channel notifications:** Under the Act, combinations beyond a certain threshold require the approval of CCI. The Commission recommended a ‘green channel’ route for automatic approval of CCI for specific merger and acquisition cases, where there are no major concerns of an appreciable adverse effect on competition. This can include cases under the Insolvency and Bankruptcy Code. Note that the green channel combination notification amendment has been issued.<sup>27</sup>
- **Time limits for merger assessment:** The Combination regulations notified under the Act require the CCI to provide its preliminary opinion on whether the combination will have an appreciable adverse effect on competition, within 30 days.

For a PRS Report summary, see [here](#).

### High Level Committee on CSR submits report

The High Level Committee on Corporate Social Responsibility (Chair: Injeti Srinivas) submitted its report.<sup>28</sup> Under the Companies Act, 2013, companies above a specified net worth, turnover or profits are required to spend 2% of their average net profits in the last three financial years, towards their CSR policy. The Committee made several recommendations on the current CSR framework, ranging from its applicability to operational practices. Key recommendations include:

- **Applicability of CSR:** Currently, only companies are required to comply with CSR regulations. The Committee recommended that CSR obligations should be extended to other forms of business enterprises such as Limited Liability Partnerships and banks.
- **CSR Committees:** Under the Act, all CSR eligible companies are required to form CSR Committees. For operational ease, the Committee recommended that companies with CSR funds of below 50 lakh rupees should be exempt from this requirement.
- **Tax benefits for CSR activities:** To incentivise CSR spending, the Committee recommended that all CSR expenditure should be made deductible from the taxable income of the company.
- **CSR impact studies:** The Committee recommended that companies having CSR funds of over five crore rupees in the last three financial years, should undertake impact assessment studies for their CSR projects once in three years, and disclose the same in their board report.
- **CSR Audit:** The Committee recommended bringing CSR within the ambit of statutory financial audit, by requiring disclosure of CSR spending in the financial statements of the company.
- **Penalties for non-spending:** The Committee made certain recommendations to require companies to transfer unspent CSR funds to a separate account and spend such funds within three to five years, failing which penalties may apply. Note that the recently passed Companies Act, 2019, incorporates these changes, and imposes imprisonment in addition.

### Ceiling on shares with differential voting rights increased

Under the Companies Act, 2013, private companies could issue shares which had different rights as to dividends/voting. These shares could not exceed 26% of the total paid-up equity share capital of the company. These shares are called shares with Differential Voting Rights (DVRs). The Ministry of Corporate Affairs has amended the rules notified under the Act to allow issuance of shares with DVRs up to 74%.<sup>29</sup>

## Commerce and Industry

Gayatri Mann ([gayatri@prsindia.org](mailto:gayatri@prsindia.org))

### The National Institute of Design (Amendment) Bill, 2019 passed by Rajya Sabha

The National Institute of Design (Amendment) Bill, 2019 was passed by Rajya Sabha and is pending in Lok Sabha.<sup>30</sup> The Bill seeks to amend the National Institute of Design Act, 2014, which declares the National Institute of Design, Ahmedabad as an institution of national importance.

- The Bill seeks to declare four National Institutes of Design in Andhra Pradesh, Madhya Pradesh, Assam, and Haryana as institutions of national importance.



- Currently, these institutes are registered as Societies under the Societies Registration Act, 1860 and do not have the power to grant degrees or diplomas. On being declared institutions of national importance, the four institutes will be granted the power to grant degrees and diplomas.

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

### Cabinet approves proposal to review FDI policy in various sectors

The Union Cabinet approved certain amendments to the Foreign Direct Investment (FDI) policy across various sectors.<sup>31</sup> Key changes to the policy include:

- **Coal mining:** At present, 100% FDI under automatic route is allowed for: (i) coal and lignite mining for captive consumption by power, cement, and iron and steel plants, and (ii) coal processing (though not allowed to sell coal in open market). The Cabinet allowed 100% FDI under automatic route for sale of coal, commercial coal mining, and associated processing activities such as coal washing, crushing, and handling.
- **Contract manufacturing:** The current policy allows 100% FDI under automatic route in the manufacturing sector. In India, manufacturing activities can be conducted either by the investee entity or through contract manufacturing. However, there is no specific provision for contract manufacturing in FDI policy. In this context, 100% FDI under automatic route will be allowed for contract manufacturing.
- **Single brand retail trading:** Currently, single brand retailers with over 51% FDI have to locally source 30% of the value of goods sold. The amendments allow for all procurements made from India to be counted towards local sourcing, irrespective of whether the goods are sold in India or exported. Further, the present policy requires all single brand retailers to operate through brick and mortar stores before starting trading through e-commerce. This has been amended to allow for online retail trading before the opening of brick and mortar stores. However, the retailers will be required to open stores within two years of start of their online operations.
- **Digital media:** Currently, 49% FDI through the approval route is allowed in up-linking of TV channels broadcasting news and current affairs. The amendments permit 26% FDI under approval route for uploading

and streaming of news and current affairs through digital media.

## Defence

Anurag Vaishnav ([anurag@prsindia.org](mailto:anurag@prsindia.org))

### Government approves setting up Committee to review Defence Procurement Procedure

The Ministry of Defence has approved setting up a Committee to review the Defence Procurement Procedure (DPP), 2016 and Defence Procurement Manual (DPM), 2009.<sup>32</sup> The objective of the Committee is to revise and align the procedures to ensure efficient procurement process for defence equipment and strengthen the 'Make in India' initiative. The terms and reference of the Committee include:

- Revising the procedures in DPP 2016 and DPM 2009 to remove procedural bottlenecks and hasten defence acquisition.
- Aligning and standardising the provisions in DPP 2016 and DPM 2009 to optimise life cycle support for equipment.
- Simplifying policy and procedures to facilitate greater participation of domestic industry.
- Examining and incorporating new concepts such as life cycle costing, performance based logistics, and lease contracting.
- Including provisions to support the 'Make in India' initiative and promote Indian start-ups.

The Committee is required to submit its report in six months.

### Government extends child care leave benefits to single male service personnel

The Ministry of Defence has approved extending benefits of child care leave to single male service personnel.<sup>33</sup> Presently, such leave is granted only to woman officers in defence forces.

An age limit of 22 years was prescribed for availing child care leave in case of a child with 40% disability. This restriction has now been removed. Further, the minimum period for which child care leave can be availed at a time has been reduced from 15 days to five days.

## Government approves re-organisation of army headquarters

The Ministry of Defence has approved creating a separate vigilance cell under the chief of army staff.<sup>34</sup> The cell will include representation from all three services (one colonel-level officer each from the Army, Air Force and Navy). Currently, there is no single agency for vigilance under the Chief of Army Staff.

Further, a special human rights section will be setup under the Vice Chief of Army Staff for enhanced focus on human rights issues. This section will be headed by an Additional Director General (Major General rank officer) directly under the Vice Chief of Army Staff. This will be the nodal point to examine any reports of human rights violation.

## Law and Justice

### Consumer Protection Bill, 2019 passed by Parliament

*Roshni Sinha (roshni@prsindia.org)*

The Consumer Protection Bill, 2019 was passed by Parliament.<sup>35</sup> It replaces the Consumer Protection Act, 1986. The key features of the Bill include:

- **Rights of consumers:** Six consumer rights have been defined in the Bill, including the right to: (i) be protected against marketing of goods and services which are hazardous to life and property; (ii) be informed of the quality, quantity, potency, purity, standard and price of goods or services; (iii) be assured of access to goods or services at competitive prices; and (iv) seek redressal against unfair or restrictive trade practices.
- **Central Consumer Protection Authority:** The central government will set up a Central Consumer Protection Authority (CCPA) to promote, protect and enforce the rights of consumers. It will regulate matters related to violation of consumer rights, unfair trade practices, and misleading advertisements.
- **Penalties for misleading advertisement:** The CCPA may impose a penalty on a manufacturer or an endorser of up to Rs 10 lakh and imprisonment for up to two years for a false or misleading advertisement. In case of a subsequent offence, the fine may extend to Rs 50 lakh and imprisonment of up to five years.

- **Consumer Disputes Redressal Commission (CDRCs):** CDRCs will be set up at the district, state, and national levels. A consumer can file a complaint with CDRCs in relation to: (i) unfair or restrictive trade practices; (ii) defective goods or services; (iii) overcharging or deceptive charging; and (iv) the offering of goods or services for sale which may be hazardous to life and safety. Complaints against an unfair contract can be filed with only the State and National CDRCs. Appeals from a District CDRC will be heard by the State CDRC, and from State CDRC by the National CDRC. Final appeal will lie before the Supreme Court.
- **Product liability:** Product liability means the liability of a product manufacturer, service provider or seller to compensate a consumer for any harm or injury caused by a defective good or deficient service. To claim compensation, a consumer has to prove any one of the conditions for defect or deficiency, as given in the Bill. These include defects in manufacturing or design of a product, or negligence in providing a service to a consumer.

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

### Department of Consumer Affairs issues draft guidelines related to e-commerce

*Suyash Tiwari (suyash@prsindia.org)*

The Department of Consumer Affairs has released draft guidelines on e-commerce for protection of consumers under the Consumer Protection Act, 1986.<sup>36</sup> The draft guidelines have been issued as a model framework to prevent unfair trade practices and protect consumers in e-commerce. The guidelines will be applicable to B-to-C (business to consumer) e-commerce businesses. Key features include:

- **Conditions for doing business:** E-commerce entities will be required to comply with certain conditions within 90 days from the date of notification of the guidelines. These conditions include: (i) the entity should be a registered legal entity in India, (ii) the promoters or key management personnel should not have been convicted of any criminal offence in the last five years, and (iii) required details of sellers, such as the legal name of their business, products they sell, and their contact information should be displayed on the website.
- **Liabilities of e-commerce entities:** An e-commerce entity shall not: (i) directly or indirectly influence the price and shall

maintain a level playing field, (ii) adopt any unfair or deceptive practices that may influence decisions of consumers, and (iii) falsely represent themselves as consumers and post reviews, or misrepresent the quality or features of goods and services.

- Other liabilities of e-commerce entities include: (i) displaying terms of contract between them and the sellers, (ii) ensuring advertisements of goods and services are consistent with the actual characteristics, and (iii) ensuring personally identifiable information of customers is protected and its usage complies with the legal provisions.
- **Liabilities of sellers:** Liabilities of sellers (who advertise or sell on e-commerce platforms) include: (i) displaying all the charges associated with sale of products, such as delivery charges and taxes, (ii) stating upfront the policies regarding shipping, exchange, return, refund, and warranty, and (iii) complying with statutory provisions for display and sale of products.
- **Grievance redressal:** E-commerce entities are required to: (i) publish details of the grievance redressal process and grievance officer on website, (ii) provide facilities for filing complaints through phone, email, and website, (iii) redress complaints within one month, and (iv) facilitate convergence of the process with grievance redressal process of government (National Consumer Helpline).

Comments are invited on the draft guidelines till September 16, 2019.

### Arbitration and Conciliation (Amendment) Bill, 2019 passed by Parliament

*Roshni Sinha (roshni@prsindia.org)*

The Arbitration and Conciliation (Amendment) Bill, 2019 was passed by Parliament.<sup>37</sup> It amends the Arbitration and Conciliation Act, 1996. The Act contains provisions to deal with domestic and international arbitration, and defines the law for conducting conciliation proceedings. Key features of the Bill are:

- **Arbitration Council of India:** The Bill seeks to establish an independent body called the Arbitration Council of India (ACI) for the promotion of arbitration, mediation, conciliation and other alternative dispute redressal mechanisms. Its functions include: (i) framing policies for grading arbitral institutions and accrediting arbitrators, (ii) making policies for the establishment, operation and maintenance of uniform

professional standards for all alternate dispute redressal matters, and (iii) maintaining a depository of arbitral awards (judgments) made in India and abroad.

- **Appointment of arbitrators:** Under the 1996 Act, parties were free to appoint arbitrators. In case of disagreement on an appointment, parties could request the Supreme Court, or the High Court, or any person or institution designated by such Court, to appoint an arbitrator.
- Under the Bill, the Supreme Court and High Courts may now designate arbitral institutions, which parties can approach for the appointment of arbitrators. For international commercial arbitration, appointments will be made by the institution designated by the Supreme Court. For domestic arbitration, appointments will be made by the institution designated by the concerned High Court. In case there are no arbitral institutions available, the Chief Justice of the concerned High Court may maintain a panel of arbitrators to perform the functions of the arbitral institutions.
- **Relaxation of time limits:** Under the Act, arbitral tribunals are required to make their award within a period of 12 months for all arbitration proceedings. The Bill seeks to remove this time restriction for international commercial arbitrations. It adds that tribunals must try to dispose of international arbitration matters within 12 months.

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

### Unlawful Activities (Prevention) Amendment Bill, 2019 passed by Parliament

*Roshni Sinha (roshni@prsindia.org)*

The Unlawful Activities (Prevention) Amendment Bill, 2019 was passed by Parliament.<sup>38</sup> It amends the Unlawful Activities (Prevention) Act, 1967. The Act provides special procedures to deal with terrorist activities, among other things. Key provisions of the Bill include:

- **Designation:** Under the Act, the central government may designate an organisation as a terrorist organisation if it: (i) commits or participates in acts of terrorism, (ii) prepares for terrorism, (iii) promotes terrorism, or (iv) is otherwise involved in terrorism. The Bill additionally empowers the government to designate individuals as terrorists on the same grounds.

- **Approval for seizure of property:** Under the Act, an investigating officer is required to obtain the prior approval of the Director General of Police to seize properties that may be connected with terrorism. The Bill adds that if an officer of the National Investigation Agency (NIA) conducts the investigation, the approval of the Director General of NIA would be required for seizure of such property.
- **Investigation:** Under the Act, investigation of cases may be conducted by officers of the rank of Deputy Superintendent, Assistant Commissioner of Police or above. The Bill additionally empowers officers of the NIA, of the rank of Inspector or above, to investigate cases.
- **Insertion to schedule of treaties:** The Act defines terrorist acts to include acts committed within the scope of any of the treaties listed in a schedule to the Act. The Schedule lists nine treaties, including the Convention for the Suppression of Terrorist Bombings (1997), and the Convention against Taking of Hostages (1979). The Bill adds another treaty to the list. This is the International Convention for Suppression of Acts of Nuclear Terrorism (2005).

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

### **The Protection of Children from Sexual Offences (Amendment) Bill, 2019 passed by Parliament**

*Gayatri Mann (gayatri@prsindia.org)*

The Protection of Children from Sexual Offences (Amendment) Bill, 2019 was introduced and passed by Parliament.<sup>39</sup> The Bill amends the Protection of Children from Sexual Offences Act, 2012. The Act seeks to protect children from offences such as sexual assault, sexual harassment, and pornography.

- **Penetrative sexual assault:** Under the Act, a person commits penetrative sexual assault, if he: (i) penetrates his penis into the vagina, mouth, urethra or anus of a child, (ii) makes a child do the same, or (iii) inserts any other object into the child's body. The punishment for such offence is imprisonment between seven years to life, and a fine. The Bill increases the minimum punishment from seven years to 10 years. It further adds that if a person commits penetrative sexual assault on a child below the age of 16 years, he will be punishable with imprisonment between 20 years to life, with a fine.

- **Aggravated penetrative sexual assault:** Under the Act, "aggravated penetrative sexual assault" has been defined to include cases where a police officer, a member of the armed forces, or a public servant commits penetrative sexual assault on a child. The Bill adds two additional grounds. These include: (i) assault resulting in death of child, and (ii) assault committed during a natural calamity, or in any similar situation.
- Currently, the punishment for aggravated penetrative sexual assault is imprisonment between 10 years to life, and a fine. The Bill increases the minimum punishment from 10 to 20 years, and the maximum punishment to death penalty.
- **Aggravated sexual assault:** Under the Act, "sexual assault" includes actions where a person touches the vagina, penis, anus or breast of a child with sexual intent without penetration. Aggravated sexual assault includes cases where the offender is a relative of the child, or if the assault injures the sexual organs of the child. The Bill adds two more offences to the definition of aggravated sexual assault. These include: (i) assault committed during a natural calamity, and (ii) administering any hormone or any chemical substance, to a child for the purpose of attaining early sexual maturity.

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

### **Supreme Court (Number of Judges) Amendment Bill, 2019 passed by Parliament**

*Roshni Sinha (roshni@prsindia.org)*

The Supreme Court (Number of Judges) Amendment Bill, 2019 was passed by Parliament.<sup>40</sup> It amends the Supreme Court (Number of Judges) Act, 1956. The Act fixes the maximum number of the judges in the Supreme Court at 30 judges (excluding the Chief Justice of India). The Bill increases this number from 30 to 33.

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

### **Repealing and Amending Bill, 2019 passed by Parliament**

*Roshni Sinha (roshni@prsindia.org)*

The Repealing and Amending Bill, 2019 was passed by Parliament.<sup>41</sup> The Bill repeals 58 Acts in whole and makes minor amendments to two other laws. Key features of the Bill include:

- **Repealing certain laws in whole:** The Bill repeals 58 laws that have been listed in the First Schedule of the Bill. These include 12 Acts which are principal Acts and 46 Acts which are Amendment Acts. The principal Acts which have been repealed include: (i) the Beedi Workers Welfare Fund Act, 1976, and (ii) the Municipal Taxation Act, 1881. Note that the repeal of Amendment Acts does not have a material significance since these Amendment Acts have already been incorporated in the principal Acts.
- **Amendment of certain laws:** The Bill makes minor amendments to two Acts which relate to substitution of certain words. The two Acts are: (i) the Income Tax Act, 1961, and (ii) the India Institutes of Management Act, 2017.

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

### Transgender (Protection of Rights) Bill, 2019 passed by Lok Sabha

*Roshni Sinha (roshni@prsindia.org)*

The Transgender Persons (Protection of Rights) Bill, 2019 was passed by Lok Sabha and is pending in Rajya Sabha.<sup>42</sup> Key features of the Bill include:

- **Definition of a transgender person:** The Bill defines a transgender person as one whose gender does not match the gender assigned at birth. It includes transmen and trans-women, persons with intersex variations, gender-queers, and persons with socio-cultural identities, such as kinnar and hijra. Intersex variations is defined to mean a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes, or hormones from the normative standard of male or female body.
- **Prohibition against discrimination:** The Bill prohibits the discrimination against a transgender person, including denial of service or unfair treatment in relation to: (i) education; (ii) employment; (iii) healthcare; (iv) access to, or enjoyment of goods, facilities, opportunities available to the public; (v) right to movement; (vi) right to reside, rent, or otherwise occupy property; (vii) opportunity to hold public or private office; and (viii) access to a government or private establishment in whose care or custody a transgender person is.
- **Health care:** The government must take steps to provide health facilities to transgender persons including separate HIV

surveillance centres, and sex reassignment surgeries. The government shall review medical curriculum to address health issues of transgender persons, and provide comprehensive medical insurance schemes for them.

- **Certificate of identity:** A transgender person may make an application to the District Magistrate for a certificate of identity, indicating the gender as 'transgender'. A revised certificate may be obtained only if the individual undergoes surgery to change their gender either as a male or a female.

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

### Appellate Authority under NDMC Act constituted

*Roshni Sinha (roshni@prsindia.org)*

The central government has constituted the Appellate Tribunal for deciding appeals under the New Delhi Municipal Act, 1994.<sup>43</sup> The Act establishes and governs the New Delhi Municipal Council.<sup>44</sup> Under the Act, the Council may pass orders on various matters, including sanction of lay out plans, or stoppage or erection of works. Certain decisions of the Council (such as, decisions on cancellation of sanction, or demolition of buildings) can be appealed before the Appellate Authority.

## Labour

### The Code on Wages, 2019 passed by Parliament

*Gayatri Mann (gayatri@prsindia.org)*

The Code on Wages, 2019 was passed by Parliament.<sup>45</sup> It seeks to regulate wage and bonus payments in all employments where any industry, trade, business, or manufacture is carried out. The Code replaces the following four laws: (i) the Payment of Wages Act, 1936, (ii) the Minimum Wages Act, 1948, (iii) the Payment of Bonus Act, 1965, and (iv) the Equal Remuneration Act, 1976.

- **Coverage:** The Code will apply to all employees. The central government will make wage-related decisions for employments such as railways, mines, and oil fields, among others. The state governments will make decisions for all other employments.



- **Floor wage:** According to the Code, the central government will fix a floor wage, taking into account living standards of workers. Further, it may set different floor wages for different geographical areas.
- **Fixing the minimum wage:** The Code prohibits employers from paying wages less than the minimum wages. Minimum wages will be notified by the central or state governments. This will be based on time, or number of pieces produced. The minimum wages will be revised and reviewed by the central or state governments at an interval of not more than five years. While fixing minimum wages, the central or state governments may take into account factors such as: (i) skill of workers, and (ii) difficulty of work.
- **Advisory boards:** The central and state governments will constitute advisory boards. The Boards will advise the respective governments on various issues including: (i) fixation of minimum wages, and (ii) increasing employment opportunities for women.

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

### **Draft Employees' Provident Funds & Miscellaneous Provisions (Amendment) Bill, 2019 released**

*Anya Bharat Ram (anya@prsindia.org)*

The Ministry of Labour and Employment released a draft of the Employees' Provident Funds & Miscellaneous Provisions (Amendment) Bill, 2019.<sup>46</sup> The Bill amends the Employees' Provident Funds & Miscellaneous Provisions Act, 1952. The Act provides for a pension fund for employees in factories and other establishments. Key amendments include:

- The Bill proposes to change the definition of 'basic wages' in the Act to conform with the Code on Wages, 2019, passed by Parliament on August 2, 2019. In the Act, wages includes all compensation paid to an employee barring; (i) food concessions, (ii) dearness allowance, and (iii) presents made by the employer. The Bill changes the definition of wages to include basic pay, dearness allowance, and retaining allowance. However, it does not include; (i) bonuses, (ii) housing, (iii) pension contributions made by the employer, (iv) conveyance allowance, (v) overtime allowance, and (vi) commission, amongst others. The Bill adds the stipulation that if the total amount of payments not included

within the wage exceeds 50% of all remuneration made by the employer, it will be included in the wages.

- Currently, the Act does not provide for a limitation for initiation of inquiries in to the applicability of the Act to an establishment and to determine the amount due from any employer under the Act. The Bill introduces a limitation period of 5 years to initiate an inquiry. Further, it suggests a time period of two years within which an inquiry must be concluded.
- The Bill proposes the increase of certain fines by ten times. For example, the fine for repeat offences is currently Rs 25,000. The Bill proposes to increase this to 2.5 lakh rupees. Further, the Bill suggests that offences should be made compoundable, including offences by companies.
- Currently, the employee and employer contribution to the Employees' Provident Fund is 10%. The Bill changes the rate of contribution from 10% to 12%. Further, the appropriate government may prescribe different rates of contribution for a specific time period and class of employee earning below a certain threshold of monthly income. No change in the employers' contribution has been proposed.
- The Bill proposes that an Employees' Provident Fund (EPF) subscriber may opt for the National Pension System (NPS) in lieu of benefits under the Act. NPS refers to a voluntary contributory pension scheme regulated by the Pension Fund Regulatory and Development Authority. Further, the Bill proposes that an NPS subscriber may opt to return to EPF at any time.
- The Bill amends the Act to allow for a grant of exemption to establishments which apply for an exemption and meet the criteria prescribed by the appropriate authority.

## **Health and Family Welfare**

*Gayatri Mann (gayatri@prsindia.org)*

### **The National Medical Commission Bill, 2019 passed by Parliament**

The National Medical Commission Bill, 2019 was passed by Parliament.<sup>47</sup> The Bill repeals the Indian Medical Council Act, 1956 and provides for a medical education system which ensures: (i) availability of adequate and high quality medical professionals, (ii) adoption of the latest

medical research by medical professionals, (iii) periodic assessment of medical institutions, and (iv) an effective grievance redressal mechanism. Key features of the Bill include:

- **Constitution of the National Medical Commission:** The Bill sets up the National Medical Commission (NMC). Within three years of the passage of the Bill, state governments will establish State Medical Councils at the state level. The NMC will consist of 33 members, appointed by the central government.
- Members of the NMC will include: (i) the Chairperson (must be a medical practitioner), (ii) Presidents of the Under-Graduate and Post-Graduate Medical Education Boards, (iii) the Director General of Health Services, Directorate General of Health Services, (iv) the Director General, Indian Council of Medical Research, and (v) nine members (part-time) to be elected by registered medical practitioners from amongst themselves for two years.
- **Functions of the National Medical Commission:** Functions of the NMC include: (i) framing policies for regulating medical institutions and medical professionals, (ii) assessing the requirements of healthcare related human resources and infrastructure, (iii) ensuring compliance by the State Medical Councils of the regulations made under the Bill, (iv) framing guidelines for determination of fees for up to 50% of the seats in the private medical institutions and deemed universities which are regulated as per the Bill.
- **Autonomous boards:** The Bill sets up four autonomous boards under the supervision of the NMC. Each board will consist of a President and four members, appointed by the central government. These boards include: (i) the Under-Graduate Medical Education Board and the Post-Graduate Medical Education Board, (ii) the Medical Assessment and Rating Board, and (iii) the Ethics and Medical Registration Board.

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

### The Surrogacy (Regulation) Bill, 2019 passed by Lok Sabha

The Surrogacy (Regulation) Bill, 2019 was passed by Lok Sabha and is pending in Rajya Sabha.<sup>48</sup> 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 a period of 16 months covering postpartum delivery complications for the surrogate.
- The certificate of eligibility to the intending couple is issued upon fulfilment of the following conditions: (i) the couple being Indian citizens and married for at least five years; (ii) between 23 to 50 years old (wife) and 26 to 55 years old (husband); (iii) they do not have any surviving child (biological, adopted or surrogate); including a child who is mentally or physically challenged or suffers from life threatening disorder or fatal illness; and (iv) other conditions that may be specified by regulations.
- **Eligibility criteria for surrogate mother:** To obtain a certificate of eligibility, the surrogate mother has to be: (i) a close relative of the intending couple; (ii) a married woman having a child of her own; (iii) 25 to 35 years old; (iv) a surrogate only once in her lifetime; and (v) possess a certificate of medical and psychological fitness for surrogacy. In addition, the surrogate mother cannot provide her own gametes for surrogacy.

For a PRS Bill Summary, please see [here](#).

### Cabinet approves setting up of 75 new medical colleges

The Union Cabinet approved setting up of 75 new government medical colleges by 2021-22.<sup>49</sup> These medical colleges will be attached with existing district hospitals with a minimum of 200 beds. For the purpose of this expansion, an amount of Rs 24,375 crore has been approved.

Previously, the government had approved the establishment of 82 new medical colleges in two phases. Of these, 39 colleges have already started functioning.

## Road Transport and Highways

*Prachee Mishra (prachee@prsindia.org)*

### Motor Vehicles (Amendment) Bill, 2019 passed by Parliament

The Motor Vehicles (Amendment) Bill, 2019 was passed by Parliament.<sup>50</sup> The Bill seeks to amend the Motor Vehicles Act, 1988 to provide for road safety. The Act provides for grant of licenses and permits related to motor vehicles, standards for motor vehicles, and penalties for violation of these provisions. The Bill provides for recall of vehicles, exempting good samaritans at an accident from any legal proceedings, regulation of taxi aggregators and increasing penalties for various offences. Other key features of the Bill include:

- **Compensation for road accidents:** The Bill provides that the central government will develop a scheme for cashless treatment of road accident victims during golden hour. Golden hour is defined as the time period of up to one hour following a traumatic injury, during which the likelihood of preventing death through prompt medical care is the highest. The central government may also make a scheme for providing interim relief to claimants seeking compensation under third party insurance.
- **Compulsory insurance:** The Bill requires the central government to constitute a Motor Vehicle Accident Fund, to provide compulsory insurance cover to all road users in India. It will be utilised for: (i) treatment of persons injured in road accidents as per the golden hour scheme, (ii) compensation to representatives of a person who died in a hit and run accident, (iii) compensation to a person grievously hurt in a hit and run accident, and (iv) compensation to any other persons as prescribed by the central government. This Fund will be credited through: (i) payment of a nature notified by the central government, (ii) a grant or loan made by the central government, (iii) balance of the Solatium Fund (existing fund under the Act to provide compensation for hit and run accidents), or (iv) any other source as prescribed the central government.
- **Road Safety Board:** The Bill provides for a National Road Safety Board, to be created by the central government through a notification. The Board will advise the central and state governments on all aspects of road safety and traffic management including: (i) standards of motor vehicles, (ii) registration and licensing of vehicles, (iii) standards for road safety, and (iv) promotion of new vehicle technology.

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

## Civil Aviation

*Prachee Mishra (prachee@prsindia.org)*

### The Airports Economic Regulatory Authority of India (Amendment) Bill, 2019 passed by Parliament

The Airports Economic Regulatory Authority of India (Amendment) Bill, 2019 was passed by Parliament.<sup>51</sup> It amends the Airports Economic Regulatory Authority of India Act, 2008. The Act established the Airports Economic Regulatory Authority of India (AERA). The AERA regulates tariffs and other charges for aeronautical services provided at civilian airports with annual traffic above 15 lakh passengers. It also monitors the performance standard of services across these airports.

- **Definition of major airports:** The Act defines a major airport as one with annual passenger traffic over 15 lakh, or any other airports as notified by the central government. The Bill increases the threshold of annual passenger traffic for major airports to over 35 lakh.
- **Tariff determination by AERA:** Under the Act, AERA is responsible for determining: (i) the tariff for aeronautical services at different airports every five years, (ii) the development fees of major airports, and (iii) the passengers service fee. It can also call for necessary information to determine tariffs and perform any other tariff-related functions, including amending the tariffs if necessary in the interim period.
- The Bill adds that AERA will not determine: (i) the tariff, (ii) tariff structures, or (iii) the development fees, in certain cases. These cases include those where such tariff amounts were a part of the bid document on the basis of which the airport operations were awarded. AERA will be consulted by the concessioning authority before

incorporating such tariffs in the bid document, and such tariffs must be notified.

For a PRS summary of the Bill, see [here](#). To understand issues with the Bill, please refer to our blog [here](#).

## Housing and Urban Affairs

*Prachee Mishra (prachee@prsindia.org)*

### The Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2019 passed by Parliament

The Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2019 was passed by Parliament.<sup>52</sup> The Bill amends the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The Act provides for the eviction of unauthorised occupants from public premises in certain cases.

- **Residential accommodation:** The Bill defines ‘residential accommodation occupation’ as the occupation of public premises by a person on the grant of a license for such occupation. The license must be given for a fixed tenure, or for the period the person holds office. Further, the occupation must be allowed under the rules made by the central, state or union territory government, or a statutory authority (such as Parliament Secretariat, or a central government company, or premises belonging to a state government).
- **Notice for eviction:** The Bill adds a provision laying down the procedure for eviction from residential accommodation. It requires an estate officer (an officer of the central government) to issue a written notice to a person if he is in unauthorised occupation of a residential accommodation. The notice will require the person to show cause of why an eviction order should not be made against him, within three working days. The written notice must be fixed to a conspicuous part of the accommodation, in a prescribed manner.
- **Order of eviction:** After considering the cause shown, and making any other inquiries, the estate officer will make an order for eviction. If the person fails to comply with the order, the estate officer may evict such person from the residential accommodation, and take possession of it. For this purpose, the estate officer may also use such force as necessary.
- **Payment of damages:** If the person in unauthorised occupation of the residential accommodation challenges the eviction order passed by the estate officer in court, he will be required to pay damages for every month of such occupation.

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

## Jal Shakti

### The Inter-State River Water Disputes (Amendment) Bill, 2019 passed by Lok Sabha

*Prachee Mishra (prachee@prsindia.org)*

The Inter-State River Water Disputes (Amendment) Bill, 2019 was passed by Lok Sabha and is pending in Rajya Sabha.<sup>53</sup> It amends the Inter-State River Water Disputes Act, 1956. The Act provides for the adjudication of disputes relating to waters of inter-state rivers and river valleys.

- Under the Act, a state government may request the central government to refer an inter-state river dispute to a Tribunal for adjudication. If the central government is of the opinion that the dispute cannot be settled through negotiations, it is required to set up a Water Disputes Tribunal for adjudication of the dispute, within a year of receiving such a complaint. The Bill seeks to replace this mechanism.
- **Disputes Resolution Committee:** Under the Bill, when a state puts in a request regarding any water dispute, the central government will set up a Disputes Resolution Committee (DRC), to resolve the dispute amicably. The DRC will comprise of a Chairperson, and experts with at least 15 years of experience in relevant sectors, to be nominated by the central government. It will also comprise one member from each state (at Joint Secretary level), who are party to the dispute, to be nominated by the concerned state government.
- The DRC will seek to resolve the dispute through negotiations, within one year (extendable by six months), and submit its report to the central government. If a dispute cannot be settled by the DRC, the central government will refer it to the Inter-State River Water Disputes Tribunal. Such referral must be made within three months from the receipt of the report from the DRC.



- **Tribunal:** The central government will set up an Inter-State River Water Disputes Tribunal, for the adjudication of water disputes. 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 the new Tribunal.
- **Composition of the Tribunal:** The Tribunal will consist of a Chairperson, Vice-Chairperson, three judicial members, and three expert members. They will be appointed by the central government on the recommendation of a Selection Committee. Each Tribunal Bench will consist of a Chairperson or Vice-Chairperson, a judicial member, and an expert member.

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

### The Dam Safety Bill, 2019 passed by Lok Sabha

*Prachee Mishra (prachee@prsindia.org)*

The Dam Safety Bill, 2019 was passed by Lok Sabha and is pending in Rajya Sabha.<sup>54</sup> The Bill provides for the surveillance, inspection, operation, and maintenance of specified dams across the country. It also provides for an institutional mechanism to ensure the safety of such dams. Key features of the Bill include:

- **Applicability of the Bill:** The Bill applies to all specified dams in the country. These are dams with: (i) height more than 15 m, or (ii) height between 10 to 15 m and subject to certain design and structural conditions.
- **National Committee on Dam Safety:** The Bill provides for the constitution of a National Committee on Dam Safety. Its functions include: (i) formulating policies and regulations on dam safety standards, and (ii) analysing causes of dam failures.
- **National Dam Safety Authority:** The Bill provides for a National Dam Safety Authority. Functions of the Authority include: (i) implementing the policies formulated by the National Committee on Dam Safety, and (ii) resolving issues between State Dam Safety Organisations (SDSOs), or between a SDSO and any dam owner in that state.
- **State Dam Safety Organisation (SDSO):** State governments will establish State Dam Safety Organisations (SDSOs). All specified dams in a state will fall under the jurisdiction of that state's SDSO. However, the National Dam Safety Authority will act

as the SDSO in cases where a dam: (i) is owned by one state but situated in another state, (ii) extends over multiple states, or (iii) is owned by a central public sector undertaking. Functions of the SDSOs include: (i) monitoring the operation and maintenance of dams, (ii) keeping a database of dams, and (iii) recommending safety measures to dam owners.

- **State Committee on Dam Safety:** The Bill provides for the constitution of State Committees on Dam Safety by the state governments. Their functions include: (i) reviewing the work of the SDSO, (ii) ordering dam safety investigations, and (iii) assessing the potential impact of dams on upstream and downstream states.
- **Obligations of dam owners:** The Bill requires the owners of specified dams to provide a dam safety unit in each dam. This unit will inspect the dams: (i) before and after the monsoon session, and (ii) during and after every earthquake, flood, or any other calamity or sign of distress.

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

### NITI Aayog released the Composite Water Management Index 2019

*Prachi Kaur (prachi@prsindia.org)*

NITI Aayog has developed the second edition of the Composite Water Management Index to report the performance of states on key water management components.<sup>55</sup> In its report, it has noted that currently, about 82 crore Indians face water scarcity and about two lakh people die every year due to inadequate access to safe water. In addition, by 2030, the country's water demand is projected to be twice the available supply, implying severe water scarcity and an eventual loss of 6% to the country's GDP.

Through the Composite Water Management Index, NITI Aayog has: (i) identified states that are high or under-performers, and (ii) recognised areas that need deeper investment and engagement. The index aims to increase competitiveness among states for water use and conservation and develop a national data management platform for water. Key findings of the report include:

- **Food security:** The population of India will be more than 1.5 billion people by 2030. Achieving food security for this rising population becomes more difficult with water scarcity. Many staple crops are being affected by water related issues. For example, about 74% of the area under wheat



cultivation and 65% of the area under rice cultivation faces significant water scarcity.

- **Urban sustainability:** Five of the world's 20 largest cities under water stress are in India. As of 2014, no Indian city supplied 24x7 water to its entire urban population, and only 35% of urban households in India had piped water.
- **Economic risks:** Estimates suggest that industrial water requirement will increase fourfold between 2005 and 2030. Water shortages can hamper industrial operations, which account for 30% of the national GDP.
- **Biodiversity risks:** The biodiversity of India is impacted by human activities undertaken to create additional water sources. These activities include dam construction and river diversion which can lead to changes in water flow, salinity levels, and monsoon patterns.
- **Overall state performance:** In the last three years, about 80% of the states have shown improvement in water management parameters such as groundwater source augmentation and water data reporting. However, 16 states (such as Jharkhand, Bihar, Uttar Pradesh, Odisha and Rajasthan) scored less than 50% of total achievable score. These states account for about 48% of the population, 40% of agricultural produce, and 35% of economic output of India.

## Education

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### UGC recommends 20 institutions for the status of Institutes of Eminence

The University Grants Commission (UGC) recently recommended 20 higher educational institutions for the status of 'Institutes of Eminence'.<sup>56</sup> Of these 20 institutions, 10 are in the public sector and the remaining are in the private sector. These institutions were selected on the basis of recommendations of the Empowered Expert Committee (Chair: Mr. N. Gopalaswami).<sup>57</sup>

In February 2018, the UGC constituted an Empowered Expert Committee to enable 10 public and 10 private higher educational institutions to emerge as world-class teaching and research institutions i.e., as Institutes of Eminence.<sup>58</sup> These institutions would be allowed greater autonomy in admitting foreign

students, fixing fees, and recruiting foreign faculty, among others. Further, each public higher educational institution will get financial assistance of up to Rs 1,000 crore for a period of five years.

Note that, of the 20 institutions recommended by UGC, six institutions have already been declared as Institutes of Eminence in July 2018.<sup>59</sup>

## Agriculture

*Suyash Tiwari (suyash@prsindia.org)*

### Cabinet approves export subsidy for sugar for the 2019-20 season

The Union Cabinet approved an export subsidy of Rs 10,448 per metric tonne (MT) for sugar for the 2019-20 season.<sup>60</sup> The export subsidy will cover costs incurred by sugar mills in marketing, including handling, upgrading, and processing, and transport. The subsidy has been approved for export of up to 60 lakh MT of sugar. This has been done with the aim of reducing the surplus stock of sugar, which is estimated to be 162 lakh MT at the end of the 2019-20 season (starting with an opening stock of 142 lakh MT).

The subsidy amount payable to mills will be given directly to sugarcane farmers, and will be settled against the sugarcane dues that they owe to farmers. Subsequent balance, if any, will be provided to the mills.

An expenditure of Rs 6,268 crore has been approved for providing the subsidy.

### Fourth advance estimates of production of major crops for 2018-19 released

The Ministry of Agriculture and Farmers' Welfare released the fourth advance estimates of production of major foodgrains and commercial crops for the year 2018-19.<sup>61</sup> Table 3 gives a comparison of the fourth advance estimates for 2018-19 with the final estimates for 2017-18. Following are some of the highlights:

- Foodgrain production in 2018-19 is estimated to remain at a similar level as compared to the final estimates for 2017-18. Within foodgrains, while the production of cereals is estimated to marginally increase by 0.8% in 2018-19, the production of pulses is estimated to decrease by 7.9%.
- Rice and wheat production in 2018-19 are estimated to increase by 3.2% and 2.3%, respectively as compared to the final

estimates for 2017-18. Production of coarse cereals is estimated to decrease by 8.6%.

- The production of oilseeds is estimated to increase by 2.5% in 2018-19 as compared to 2017-18. While soyabean production is expected to see a 26% increase, groundnut production is expected to decrease by 28%.
- The production of cotton is estimated to fall by 12.5% in 2018-19. The production of sugarcane is estimated to increase by 5.3% to 400.2 million tonnes in 2018-19.

**Table 3: Fourth advance estimates of production for 2018-19 (in million tonnes)**

Crop	Final 2017-18	4th advance estimates 2018-19	% change over 2017-18
Foodgrains (A+B)	285.0	285.0	0.0%
A. Cereals	259.6	261.6	0.8%
Rice	112.8	116.4	3.2%
Wheat	99.9	102.2	2.3%
Coarse Cereals	47.0	43.0	-8.6%
B. Pulses	25.4	23.4	-7.9%
Tur	4.3	3.6	-16.3%
Gram	11.4	10.1	-11.0%
Oilseeds	31.5	32.3	2.5%
Soyabean	10.9	13.8	26.1%
Groundnut	9.3	6.7	-27.6%
Cotton*	32.8	28.7	-12.5%
Sugarcane	379.9	400.2	5.3%

\*million bales of 170 kg each.

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

### Contract farming exempted from limits under the Essential Commodities Act

The Department of Consumer Affairs has exempted agricultural produce purchased under contract farming from certain stock restrictions specified under the Essential Commodities Act, 1955.<sup>62</sup> The Essential Commodities Act, 1955 provides for the control of production, supply, distribution, and trade of certain commodities, such as certain food items, seeds, and drugs.

Under contract farming, production is carried out on the basis of a pre-harvest agreement between buyers and producers. Post-harvest, the producers sell the produce to the buyers as per the terms and conditions of the agreement. The Department has granted exemption to contract farming produce from stock limit provisions specified under any order made under the Act. The exemption is applicable to buyers who are registered under any of the respective state Acts pertaining to contract farming. However, the

produce purchased by these buyers will continue to be subject to maximum limits as specified under the respective state Acts.

## Energy

*Saket Surya (saket@prsindia.org)*

### Certain recommendations of the High-Level Empowered Committee on stressed thermal power projects implemented

The Ministry of Power had constituted a High-Level Empowered Committee to resolve issues related to stressed thermal power assets in July 2018.<sup>63</sup> The Union Cabinet approved some of the Committee's recommendations in March 2019. The Ministry has released implementation details of some of these recommendations.

#### Debt servicing of stressed thermal projects

The Ministry has approved a mechanism to ensure that the debt of stressed thermal power projects is serviced on priority.<sup>64</sup> This will apply to projects using coal linkages under the SHAKTI policy. The SHAKTI policy provides for the allocation of coal linkages for the power sector in a transparent manner. The Committee had suggested that the net surplus generated by the developer of the stressed power project, after meeting operating expenses, must be used for servicing debt.

As per the mechanism, all the revenues of the project will be deposited into a Trust and Retention Account (TRA). A cash flow monitoring agency will be appointed by lenders to verify actual cash flow and costs of the project. The priority order for expenditure from TRA will be as follows: (i) statutory payments including taxes and duties owed to the government, (ii) fuel cost, (iii) transmission cost, (iv) operation and maintenance expenses, (v) interest payment to lenders, and (vi) principal payment to lenders.

#### Auction of coal linkage for short-term

The Ministry has released a draft methodology for auction of coal linkages under the SHAKTI policy for the short term.<sup>65</sup> The objective of auctioning short term linkages is to cater to the dynamic requirements and demand variation in short-term and day-ahead markets.

The power plants which do not have a power purchase agreement (PPA) will be eligible to participate in the auction. The duration of linkage will be a minimum of three months and a maximum of one year. This auction will be carried out at frequent intervals (at least twice a

year). The power generated under these coal linkages will have to be sold in: (i) the day-ahead market and intraday market through power exchanges, and (ii) short term through a transparent bidding process using Discovery of Efficient Energy Price (DEEP) portal. The DEEP portal is an e-bidding and e-reverse auction portal for procurement of short term supply of power by distribution companies.

**Framework for a real-time market for electricity proposed**

The Central Electricity Regulatory Commission (CERC) has proposed a framework for a real-time market for the trading of electricity.<sup>66</sup> Comments are invited on the draft regulation till September 5, 2019.

Currently, most of the power procurement is done through long term contracts of duration up to 25 years.<sup>67</sup> Remaining procurement is through medium-term (up to five years) or short term contracts (day-ahead markets). CERC has also developed certain mechanisms to address any additional intra-day requirements and system imbalances. Power exchanges operate intra-day energy market based on continuous trade.<sup>67</sup>

Key features of the proposed market include:

- The real-time market will be a half-hourly market. Buyers and sellers will have the option of buying/selling bids for each 15-minute time block in the half-hourly market.
- Price discovery will be through a double-sided closed auction with a uniform price. In a double-sided auction, the trade proceeds at the price where a seller’s asking price and a buyer’s price match. Closed bid auction is one where a market participant is not aware of the bids of other participants during the auction process. A uniform price auction is a multi-unit auction in which a fixed number of identical units of a homogenous commodity are sold for the same price. A bid involves designating both the number of units desired and the price one is willing to pay per unit.
- The concept of gate closure will be applicable to the auction. This implies that no change in a bid will be allowed after a scheduled point of time.

**Guidelines for implementation of phase-II of Grid-connected Rooftop Solar Programme announced**

The Ministry of New and Renewable Energy has announced the operational guidelines for the phase-II of Grid-Connected Rooftop Solar

Programme.<sup>68</sup> The objective of the phase-II of the programme is to add a capacity of 38,000 MW through rooftop solar by 2022. Table 4 Out of this, a capacity of 4,000 MW is to be added in the residential sector with central financial assistance. The rest 34,000 MW will be added through other sectors including social, government, educational, PSUs and industries. In the case of sectors other than residential, central financial assistance will not be provided.

The residential sector will be provided central financial assistance as described in Table 4.

**Table 4: Central financial assistance for rooftop solar deployment in residential sector**

Type of Residential Sector	Central Financial Assistance
Maximum up to 3 kW capacity	40% of the applicable cost*
Between 3kW and 10kW capacity	40% up to 3kW and 20% up to 10 kW
Group Housing Societies/Residential Welfare Associations for common facilities up to 500 kWp (@10 kWp per house)	20%

Sources: Official Memorandum, Ministry of New and Renewable Energy; PRS.

Note: \*Applicable Cost: For a given state/UT, lower of the benchmark cost of MNRE or lowest of the costs discovered under tenders.

The distribution companies will act as the implementing agency for the programme. They will be eligible for incentives based on the specified criteria.

**Ocean energy declared as a renewable energy**

Ocean energy including tidal energy, wave energy, ocean thermal energy conversion and marine current energy have been recognised as renewable energy.<sup>69</sup> Accordingly, the energy produced using various forms of ocean energy will be eligible for meeting the non-solar Renewable Purchase Obligations (RPO). RPO refers to the obligation of certain entities who have to meet a part of their energy consumption by using energy from renewable sources.

The total identified potential of tidal energy is about 12,455 MW. The total potential of wave energy and ocean thermal energy conversion is 40,000 MW and 1,80,000 MW respectively.

**State Rooftop Solar Attractive Index (SARAL) launched**

The Ministry of New and Renewable Energy has launched the State Rooftop Solar Attractive Index (SARAL).<sup>70</sup> It will rank states based on the measures adopted to facilitate rooftop solar

deployment. It seeks to incentivise rooftop solar deployment by creating healthy competition among the states. SARAL will evaluate the following aspects of the development of rooftop solar in the state: (i) robustness of policy framework, (ii) implementation environment, (iii) investment climate, (iv) consumer experience, and (v) business ecosystem.

In the rankings announced this month, Karnataka has achieved the first rank. Telangana, Gujarat and Andhra Pradesh have achieved 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> rank respectively.

## Mining

*Saket Surya (saket@prsindia.org)*

### Criteria for suspension of mining operations on the ground of sustainable mining practices relaxed

The Mineral Conservation and Development Rules, 2017 mandates mining lease holders to undertake sustainable mining practices.<sup>71</sup> Sustainable mining refers to the development of minerals and energy resources, onshore and offshore, in a way that maximises the economic and social benefits while minimising the environmental impacts of mining.

To adopt sustainable mining practices, the Ministry of Mines has prescribed a Sustainable Development Framework for mining lease holders.<sup>72</sup> The Indian Bureau of Mines (IBM) awards a rating from one to five stars to leased mines for their efforts towards the implementation of this framework every year.<sup>73</sup> As per the 2017 Rules, mining operations can be suspended by IBM in those mines which have not received at least four-star rating within two years of commencement of mining operations.<sup>71</sup>

The Ministry of Mines has amended these 2017 Rules to reduce the minimum rating requirement from four-star to three-star.<sup>74</sup> The period for achieving the required rating has been revised to four years from the date of commencement, or four years from Feb 27, 2017, as applicable.

### A joint venture of NALCO, HCL and MECL to be set up for mining activities overseas for strategic minerals

The Ministry of Mines has set up a joint venture (JV) namely Khanij Bidesh India Limited (KABIL) with the participation of three central public sector enterprises. These are National Aluminium Company Limited (NALCO),

Hindustan Copper Limited (HCL) and Mineral Exploration Corporation Limited (MECL).<sup>75</sup>

The objective of KABIL is to ensure a consistent supply of strategic minerals to the domestic market and work toward the overall objective of import substitution. Strategic minerals are those which are critical to the economy and defence of a country but are not available in that country in commercially viable quantities. India has identified 12 such minerals including lithium, cobalt, tin, tungsten and selenium.<sup>76</sup>

This JV will carry out identification, exploration, development, mining and processing of strategic minerals overseas for commercial use and meeting India's requirement of these minerals.<sup>75</sup>

The minerals will be sourced in following ways: (i) creation of trading opportunities, (ii) government-to-government collaborations with the producing countries, and (iii) strategic acquisitions or investments in the exploration of mining assets in the source countries.<sup>75</sup>

## Steel

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### Draft Safety Code for iron and steel sector published by the Ministry of Steel

The Ministry of Steel has published a Draft Safety Code for the iron and steel sector.<sup>77</sup> The objective of the safety code is to develop a common safety standard across the sector. It aims to provide a basic framework to facilitate improved management of occupational safety issues at the workplace.

The safety code covers various aspects of operations in the sector including the following:

- (i) fire safety,
- (ii) electrical safety,
- (iii) handling of materials and equipment,
- (iv) cutting and welding processes, and
- (v) difficult working conditions including working at height, working in confined spaces or during excavation.

The safety code will be applicable to the following types of entities:

- (i) Integrated steel plants: Plants having all range of activities from receiving raw material to dispatch of a finished product, including auxiliary facilities like a power plant and oxygen plant;



- (ii) Mini Steel Plant/ Processing Units: These include furnaces, sponge iron plant, steel foundry and forge, alloys plant, among others; and
- (iii) Project/ Construction activities in the iron and steel industry.

## Culture

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### The Jallianwala Bagh National Memorial (Amendment) Bill, 2019 was passed by Lok Sabha

The Jallianwala Bagh National Memorial (Amendment) Bill, 2019 was passed by Lok Sabha and is pending in Rajya Sabha.<sup>78</sup> It amends the Jallianwala Bagh National Memorial Act, 1951. The Act provides for the erection of a National Memorial in memory of those killed or wounded on April 13, 1919, in Jallianwala Bagh, Amritsar. The Act creates a Trust to manage the National Memorial.

- **Composition of Trust:** Under the 1951 Act, the Trustees of the Memorial include: (i) the Prime Minister, as Chairperson, (ii) the President of the Indian National Congress, (iii) the Minister in-charge of Culture, (iv) the Leader of Opposition in Lok Sabha, (v) the Governor of Punjab, (vi) the Chief Minister of Punjab, and (vii) three eminent persons nominated by the central government. The Bill amends this provision to remove the President of the Indian National Congress as a Trustee. Further, it clarifies that when there is no Leader of Opposition in Lok Sabha, then the leader of the single largest opposition party in the Lok Sabha will be the Trustee.
- The Act provides that the three eminent persons nominated by the central government will have a term of five years and will be eligible for re-nomination. The Bill adds a proviso to allow the central government to terminate the term of a nominated trustee before the expiry of his term without assigning any reason.

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

## Telecommunications

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### TRAI invites consultation on review of the scope of Infrastructure Provider Category-I registration

The Telecom Regulatory Authority of India (TRAI) has issued a consultation paper on review of the scope of Infrastructure Provider Category I (IP-I) registration.<sup>79</sup> Comments on the paper are invited till September 16, 2019.

The Infrastructure Providers are entities which own, establish and maintain telecom infrastructure and lease, rent or sell these to telecom service providers (TSPs). Telecom tower companies are registered under this category. Currently, IP-I companies are allowed to provide passive infrastructure.<sup>79</sup> Passive Infrastructure Sharing involves sharing of non-electrical and civil engineering elements of telecom networks. These include right of way, tower sites, towers, poles, room for equipment, power supply, and air conditioning facilities.<sup>79</sup>

The consultation paper seeks to widen its scope by allowing provisions for sharable active infrastructure and providing end-to-end bandwidth through leased lines to TSPs. This is to facilitate the faster rollout of active infrastructure elements at competitive prices.<sup>79</sup> Active Infrastructure Sharing involves sharing electronic network elements. It includes base stations, access node switches, antenna, and the management system for fibre networks.<sup>79</sup>

## Information and Broadcasting

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### TRAI invites consultation on tariff-related issues for the broadcasting and cable services

TRAI has published a consultation paper on tariff-related issues for the broadcasting and cable services.<sup>80,81</sup> Comments on the paper are invited till September 16, 2019.

As per the framework introduced in 2017, consumers pay a Network Capacity Fee (NCF) which is a fixed minimum fee to keep the connection and in return, get access to a hundred free to air channels.<sup>80</sup> The subscription model for pay channels involves broadcasters offering its pay channels to Distributed Platform Operators (DPOs) as: (i) a single channel, called a-la-carte channel, and (ii) a group of channels,



called bouquet. The DPOs are the broadcasting and cable services distributors. The DPOs may offer the channels to consumers for subscription in the form of : (i) a-la-carte channel, (ii) broadcaster's bouquet and, (iii) DPO's own customised bouquet comprising of channels from one or more broadcasters.<sup>80</sup>

The aim of the framework is to provide flexibility and freedom to consumers in choosing channels.<sup>80</sup> However, heavy discounts offered by broadcasters on bouquets has led to : (i) adverse impact on the choice of a-la-carte channels by consumers, (ii) unwanted channels as part of bouquet being pushed to consumers, and (iii) non-level playing field for other broadcasters.<sup>80</sup>

The consultation paper primarily discusses issues related to discount given on the bouquet, the ceiling price of channels for inclusion in bouquet, need for the formation of the bouquet by broadcasters and DPOs, variable NCF and discount on long term subscription plans.

## External Affairs

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### Prime Minister visits France

The Prime Minister, Mr. Narendra Modi, visited France. The countries signed four agreements in various areas including: (i) collaboration in skill development and vocational training, (ii) promotion of solar energy, (iii) collaboration in maritime domain awareness, and (iv) cooperation between the Ministry of Electronics and

Information Technology and ATOS, a French IT company.<sup>82</sup>

### Minister of External Affairs visits China

The Minister of External Affairs, Mr. Subrahmanyam Jaishankar, visited China. The countries signed five agreements in various areas including: (i) cooperation in bilateral relations, (ii) general administration of sports, and (iii) traditional medicine.<sup>83</sup>

## Environment

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### Ministry of Railways to ban single use plastic

The Ministry of Railways has announced a ban on usage of single use plastic material from October 2, 2019.<sup>84</sup> In addition, all railway vendors must avoid use of plastic carry bags. Railway staff should reduce, reuse and refuse plastic products. IRCTC will implement return of plastic drinking water bottles as part of Extended Producer Responsibility (EPR). EPR is a policy approach under which producers are responsible for the treatment or disposal of their products that are no longer deemed useful by consumers. Such responsibility may be financial, physical, or both.

<sup>1</sup> Parliament session wrap, August 7, 2019,

<https://www.prsindia.org/sites/default/files/Session%20wrap%20Budget%20Session%202019%2017th%20LS.pdf>.

<sup>2</sup> "Press Note on Estimates of Gross Domestic Product for the First Quarter (April-June) 2019-20", Ministry of Statistics and Programme Implementation, August 30, 2019, [http://www.mospi.gov.in/sites/default/files/press\\_release/PRESS\\_NOTE-Q1\\_2019-20-30.8.19.pdf](http://www.mospi.gov.in/sites/default/files/press_release/PRESS_NOTE-Q1_2019-20-30.8.19.pdf).

<sup>3</sup> "Third Bi-Monthly Policy Statement 2019-20", Press Release, Reserve Bank of India, August 7, 2019, [https://www.rbi.org.in/Scripts/BS\\_PressReleaseDisplay.aspx?prid=47941](https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=47941).

<sup>4</sup> "Quick Estimates of Index of Industrial Production and Use Based Index for the Month of June, 2019 (Base 2011-12=100)", Press Release, Ministry of Statistics and Programme Implementation, August 9, 2019, [http://www.mospi.gov.in/sites/default/files/press\\_release/Press%20Note%20June%2719.pdf](http://www.mospi.gov.in/sites/default/files/press_release/Press%20Note%20June%2719.pdf).

<sup>5</sup> G.S.R. 562(E), Ministry of Law and Justice, August 6, 2019, <http://egazette.nic.in/WriteReadData/2019/210243.pdf>.

<sup>6</sup> Bulletin-I, Rajya Sabha, August 5, 2019, <http://164.100.47.5/Bullitensessions/sessionno/249/050819.pdf>, Bulletin-II, Lok Sabha, August 6, 2019, <http://loksabhadocs.nic.in/bull1mk/17/1/6.08.2019.pdf>.

<sup>7</sup> The Jammu and Kashmir Reorganisation Bill, 2019, Ministry of Home Affairs, August 5, 2019, [https://prsindia.org/sites/default/files/bill\\_files/Jammu%20and%20Kashmir%20Reorganisation%20Bill%2C%202019.pdf](https://prsindia.org/sites/default/files/bill_files/Jammu%20and%20Kashmir%20Reorganisation%20Bill%2C%202019.pdf).

<sup>8</sup> Citizenship (Registration of Citizenship and National Identity Card) Rules, 2003, <http://www.ncrassam.nic.in/images/pdf/citizenship-rules.pdf>.

<sup>9</sup> G.S.R. 586(E), Gazette of India, Ministry of Home Affairs, August 21, 2019, <http://egazette.nic.in/WriteReadData/2019/211112.pdf>.

<sup>10</sup> "Publication of Final NRC on 31st August, 2019", Office of the State Coordinator, NRC, August 31, 2019, <http://www.ncrassam.nic.in/pdf/English%20Press%20Brief%2031st%20August%202019.pdf>.

<sup>11</sup> "RBI constitutes Expert Committee on Economic Capital Framework", Press Releases, Reserve Bank of India, December 26, 2018, [https://www.rbi.org.in/Scripts/BS\\_PressReleaseDisplay.aspx?prid=45826](https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=45826).

<sup>12</sup> "Reserve Bank releases the report of the Expert Committee to Review the Extant Economic Capital Framework of the RBI", Press Releases, Reserve Bank of India, August 27, 2019, [https://www.rbi.org.in/Scripts/BS\\_PressReleaseDisplay.aspx?prid=47993](https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=47993).

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