

# Monthly Policy Review

## July 2013

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### Highlights of this Issue

#### [UPA approves formation of the state of Telangana \(p. 2\)](#)

The UPA approved the bifurcation of the state of Andhra Pradesh and create Telangana. As per news reports, Hyderabad will remain the common capital of both states for 10 years.

#### [Poverty estimates for the year 2011-12 released \(p. 2\)](#)

The percentage of the population living below the poverty line in India decreased to 22% in 2011-12 from 37% in 2004-05, according to data released by the Planning Commission.

#### [Government promulgates National Food Security Ordinance \(p. 3\)](#)

Key features of the Ordinance include categorisation of beneficiaries into priority and Antyodaya Anna Yojana groups, and allowing states, rather than the centre, to specify guidelines for the identification of beneficiaries.

#### [RBI maintains repo and CRR rates; cuts GDP growth forecast \(p. 4\)](#)

In its first quarter review of monetary policy, the RBI maintained the repo rate and Cash Reserve Ratio and cut the 2013-14 GDP growth forecast to 5.5%. It called for reforms to reduce the current account deficit.

#### [Ordinance to empower SEBI against illegal collective investment schemes \(p. 6\)](#)

The government has issued the Securities Law (Amendment) Ordinance, 2013, empowering SEBI to regulate any collective investment scheme with a corpus above Rs 100 crore.

#### [Government revises FDI limits in twelve sectors \(p. 7\)](#)

The government has decided to revise the limits on FDI in twelve sectors, allowing up to 100% FDI in telecom services and single-brand retail and up to 49% FDI in insurance, subject to parliamentary approval.

#### [Cabinet clears the Drugs and Cosmetics Bill, 2013 \(p. 11\)](#)

The Bill seeks to replace the Drugs and Cosmetics Act, 1940 and covers various aspects of drugs and cosmetics, and regulates clinical trials and medical equipment.

#### [Ministry of Rural Development releases Draft National Land Reform Policy \(p. 11\)](#)

The Policy addresses aspects of land reform such as the creation of a national land use plan and rights of marginalised communities.

#### [Supreme Court Technical Committee submits final report on GM Crops \(p. 9\)](#)

The Committee recommended a moratorium on open field trials of GM crops and proposed the setting up a regulator comprising scientists which will be housed in the environment and health ministries.

#### [Supreme Court delivers two judgments related to legislators \(p. 7, 8\)](#)

The Court held that a legislator who is convicted shall be disqualified immediately. It also held that anyone in jail or police custody cannot contest elections.

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August 1, 2013

## Home Affairs

*Sakshi Balani (sakshi@prsindia.org)*

### UPA agrees to create new Telangana state

According to news reports, the UPA Coordination Committee approved the decision to bifurcate the state of Andhra Pradesh and create Telangana.<sup>1,2</sup> It has been reported that Hyderabad will remain the common capital of both states for 10 years. However, Telangana will only become a state once the process specified under Article 3 of the Constitution is followed.

Under the Article, the creation of a new state requires only an ordinary Bill (i.e. simple majority in each House), and does not need to fulfil the requirements of a Constitution (Amendment) Bill (two-thirds majority in each House).

### Ministry proposes repealing of Delhi Police Act, 1978

According to news reports, the Ministry of Home Affairs has proposed repealing the Delhi Police Act, 1978 and replacing it with a Delhi Police Bill, which is currently being circulated within the Delhi government.<sup>3</sup> The Bill proposes major police reforms and also seeks to restore licensing powers to the Delhi government, which currently rest with the Delhi Police. The same reports indicate that the Delhi government has submitted its comments on the draft Bill to the Ministry.

## Poverty

*Joyita Ghose (joyita@prsindia.org)*

### Poverty estimates for the year 2011-12 released

The percentage of the population living below the poverty line in India decreased to 22% in 2011-12 from 37% in 2004-05, according to data released by the Planning Commission on July 23, 2013.<sup>4</sup>

Table 1 presents national poverty estimates for the last four National Sample Survey Office (NSSO) surveys.

**Table 1: National poverty estimates (% of population below poverty line)**

Year	Rural	Urban	Total
1993 – 94	50.1	31.8	45.3
2004 – 05	41.8	25.7	37.2
2009 – 10	33.8	20.9	29.8
2011 – 12	25.7	13.7	21.9

Sources: Press Note on Poverty Estimates, 2011 – 12, Planning Commission, July 23, 2013; Review of Expert Group to Review the Methodology for Estimation of Poverty, Planning Commission, 2009; PRS.

According to these estimates, poverty declined at an average rate of 0.74 percentage points per year between 1993-94 and 2004-05, and at 2.18 percentage points per year between 2004-05 and 2011-12.

Poverty estimates are based on surveys conducted by the NSSO of the Ministry of Statistics and Programme Implementation, every five years. However, data from the 2009-10 survey has not been used in the official estimates of poverty as there was a severe drought in that year. The NSSO felt that this would introduce an aberration in the results, and decided to repeat the survey in 2011-12.

The current methodology for poverty estimation is based on the recommendations of an Expert Group to Review the Methodology for Estimation of Poverty (Tendulkar Committee) established in 2005. The Committee calculated poverty levels for the year 2004-05 and also calculated poverty levels for the year 1993-94 using the same method to enable comparison over time.

Table 2 presents state-wise data on poverty estimation for 2004-05 and 2011-12.

**Table 2: State-wise poverty estimates (% of population below poverty line)**

State	2004-05	2011-12	Decrease
Andhra Pradesh	29.9	9.2	20.7
Arunachal Pradesh	31.1	34.7	-3.6
Assam	34.4	32.0	2.4
Bihar	54.4	33.7	20.7
Chhattisgarh	49.4	39.9	9.5
Delhi	13.1	9.9	3.2
Goa	25.0	5.1	19.9
Gujarat	31.8	16.6	15.2
Haryana	24.1	11.2	12.9
Himachal Pradesh	22.9	8.1	14.8
Jammu and Kashmir	13.2	10.4	2.8
Jharkhand	45.3	37.0	8.3
Karnataka	33.4	20.9	12.5
Kerala	19.7	7.1	12.6
Madhya Pradesh	48.6	31.7	16.9
Maharashtra	38.1	17.4	20.7
Manipur	38.0	36.9	1.1
Meghalaya	16.1	11.9	4.2
Mizoram	15.3	20.4	-5.1
Nagaland	9.0	18.9	-9.9
Odisha	57.2	32.6	24.6
Puducherry	14.1	9.7	4.4
Punjab	20.9	8.3	12.6
Rajasthan	34.4	14.7	19.7
Sikkim	31.1	8.2	22.9
Tamil Nadu	28.9	11.3	17.6
Tripura	40.6	14.1	26.5
Uttar Pradesh	40.9	29.4	11.5
Uttarakhand	32.7	11.3	21.4
West Bengal	34.3	20.0	14.3
<b>All India</b>	<b>37.2</b>	<b>21.9</b>	<b>15.3</b>

Note: Negative numbers in the last column indicate increase in percentage of population below poverty line.

Source: Review of Expert Group to Review the Methodology for Estimation of Poverty, Planning Commission, 2009; Press Note on Poverty Estimates, 2011 – 12, Planning Commission, July 23, 2013; PRS.

In 2012, the Planning Commission constituted a committee, chaired by Dr. C. Rangarajan with the following key objectives: (i) to provide an alternate method to estimate poverty levels and examine whether poverty lines should be fixed solely in terms of a consumption basket or if other criteria are also relevant; (ii) to examine divergence between the consumption estimates based on the NSSO methodology and those emerging from the National Accounts aggregates; (iii) to review international poverty estimation methods and indicate whether based

on these, a particular method for empirical poverty estimation can be developed in India and, (iv) to recommend how these estimates of poverty can be linked to eligibility and entitlements under the various schemes of the government. The Committee is expected to submit its report by 2014.

## Consumer Affairs, Food and Public Distribution

Sakshi Balani ([sakshi@prsindia.org](mailto:sakshi@prsindia.org))

### Government promulgates National Food Security Ordinance, 2013

The government promulgated the National Food Security Ordinance, 2013 on July 5, 2013. The Ordinance follows from the National Food Security Bill, 2011 that has been pending in Parliament since December 22, 2011. The Ordinance seeks to provide for food and nutritional security by providing specific entitlements to certain groups.

Some key provisions of the Ordinance and a comparison with the Bill are summarised below:

- **Categorisation of beneficiaries:** The Bill categorises the population into priority, general and excluded categories; these have now been changed to an Antyodaya Anna Yojana (AAY) group, a priority group and an excluded category. The excluded category is retained at 25% of the rural and 50% of the urban population. The AAY category will be as per existing norms (about 10% of all households).

In effect, the “general” category of the Bill has been renamed the priority group in the Ordinance, and includes both the general and a substantial part of the priority categories as defined in the Bill. The Bill also provided for other groups such as the destitute, homeless, starving persons, children and pregnant women. In the Ordinance, entitlements for starving, destitute and homeless persons have been removed while those for pregnant women and children continue to be included.

- **Entitlements:** The Bill provided different entitlements to groups. Beneficiaries in the priority group were entitled to receive 7 kg of foodgrain/person/month while the general group was to receive 3 kg of foodgrain/person/month. Entitlements varied

for other groups such as the destitute, homeless, pregnant women and children. The Ordinance revises the entitlements such that the AAY group receives 35 kg of foodgrain/*family*/month while the priority group receives 5 kg of foodgrain/*person*/month.

- **Prices of foodgrains:** The Bill provided for two levels of pricing: the general category would get foodgrains at half the level of the Minimum Support Price (MSP) and the priority category would be sold grains at a lower price (Rs 3/kg for rice, Rs 2/kg for wheat, Re 1/kg for coarse grains). The Ordinance sets a common price (the same as for the priority category in the Bill) for both the included categories. The Ordinance retains the clause that empowers the centre to revise prices after the first three years.
- **Coverage and identification of beneficiaries:** The Bill empowered the centre to determine the percentage of people in each state that would be covered under the Bill and prescribe guidelines for their identification. States would be responsible for identifying eligible households. The Ordinance specifies that the centre shall determine the total number of persons to be covered in each state on the basis of population estimates as per the census. However, state governments, rather than the centre, will specify guidelines for the identification of priority households while AAY households shall be identified according to scheme guidelines.
- **Financial assistance from the centre to states:** The Bill specified that the centre would provide states with funds in case of short supply of foodgrains. Under the Ordinance, the centre shall also provide assistance to state governments for meeting their expenditure on intra-state movement, handling of foodgrains, and margins paid to fair price shop dealers.
- **Schemes such as cash transfers and food coupons:** Both the Ordinance and the Bill allows for reforms to the Targeted Public Distribution System (TPDS) that included introducing schemes such as cash transfers and food coupons in lieu of foodgrains.
- **Force Majeure:** The Ordinance and the Bill specify that the centre and states shall not be liable for failure to supply foodgrains in conditions such as war, flood, drought, earthquake, etc. The Ordinance specifies that

the centre can consult with the Planning Commission to declare the onset of any of the above conditions.

Amendments to the National Food Security Bill, 2011 had been circulated in Parliament on March 20, 2013.<sup>5</sup> The Ordinance is similar to the changes proposed in this amendment list.

For the text of the Ordinance and a PRS comparison of the official amendments with the Bill and the Standing Committee's recommendations, see [here](#) and [here](#).

For more documents related to the Food Security Bill, see [here](#).

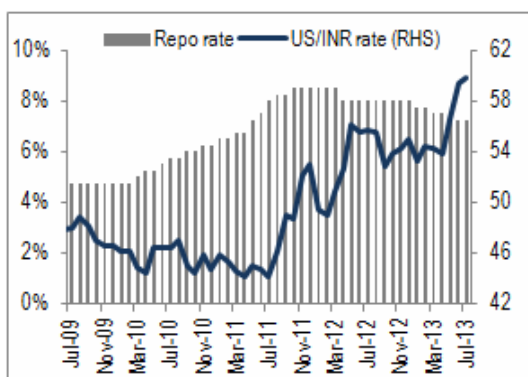
## Macroeconomic Developments

*Alok Rawat (alok@prsindia.org)*

### RBI leaves policy rates unchanged; cuts 2013-14 growth forecast

In its first quarter review of monetary policy for 2013-14 announced on July 30, the Reserve Bank of India (RBI) left the repo rate and Cash Reserve Ratio (CRR) unchanged at 7.25% and 4.0% respectively.<sup>6</sup> It cited the Current Account Deficit (CAD), capital outflows and exchange rate as the biggest risks to macroeconomic stability and called for structural reforms to reduce the CAD. The RBI cut the GDP growth forecast for 2013-14 to 5.5% from 5.7% projected in May 2013, taking note of the weak industrial activity and subdued investment climate. It clarified that the recent liquidity tightening measures aimed at containing the exchange rate volatility shall be reversed gradually, once the foreign exchange market stabilises. The RBI is hopeful that this would allow monetary policy focus to shift back to support growth while guarding against the re-emergence of inflationary pressures.

**Figure 1: Exchange rate volatility is the prime concern for the RBI**



Source: Reserve Bank of India, PRS.

**RBI tightens liquidity to restrain the volatility in exchange rates**

Earlier, through two announcements on July 15 and July 23, 2013, the RBI announced measures to tighten money market liquidity in order to reduce the volatility in exchange rates.<sup>7</sup> The Marginal Standing Facility (MSF) rate and bank rate, rates at which banks can borrow from the RBI for emergency purposes, have been raised by 200 basis points to 10.25% each. Each bank’s individual access to Liquidity Adjustment Facility (LAF), the window under which banks access short-term funds from the RBI, has been limited at 0.5% of respective net deposits and secured borrowings. RBI has also raised each bank’s daily maintenance limit for Cash Reserve Ratio (CRR) to 99% from 70%. While banks are required to maintain the CRR on average over every fortnight, the flexibility for daily maintenance for CRR allowed previously has been curtailed.

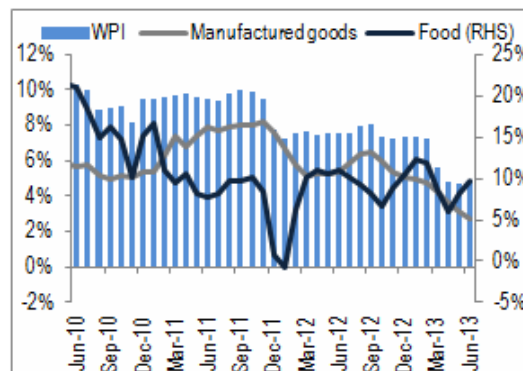
The Securities and Exchange Board of India (SEBI), in consultation with the RBI, has curtailed position limits and raised margin requirements for exchange-traded currency derivatives to curb speculative trades.<sup>8</sup> Separately, the government is studying various options including issuance of foreign currency dominated sovereign bonds to support the exchange rate.<sup>9</sup>

**WPI inflation inches up to 4.86%**

The Wholesale Price Index (WPI) inflation increased marginally to 4.86% in June 2013 from 4.70% in May.<sup>10</sup> Manufactured goods inflation declined further to 2.75% in June against 3.1% in May. Primary goods inflation increased for the second consecutive month to 8.1% (versus 6.7% in May) driven by a rise in food inflation to 9.7%

(from 8.2% in May) – see the section on food inflation on page 5. Fuel and power inflation eased to 7.1% from 7.3% in May, as electricity price inflation abated to 13.0% from 27.9% in May.

**Figure 2: Inflation rise led by food**

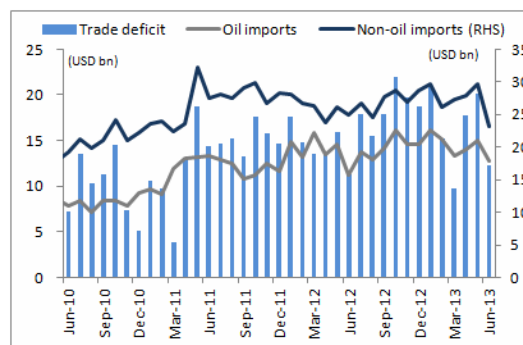


Source: Office of the Economic Adviser, Ministry of Commerce and Industry, PRS.

**Trade deficit moderates in June**

India’s trade deficit grew to USD 12.2 billion during June 2013 from USD 11.2 billion in June 2012, but declined from last month’s level of USD 20.1 billion.<sup>11</sup> Compared to last year, imports declined 0.5% to USD 36.0 billion while exports declined 4.6% to USD 23.8 billion. Oil imports grew 13.7% to USD 12.8 billion over the same time period, while non-oil imports declined 6.7% to USD 23.3 billion.

**Figure 3: India's trade deficit moderates**



Source: Ministry of Commerce and Industry; PRS.

**IIP declines 1.9% in April**

The Index of Industrial Production (IIP) declined 1.6% during April 2013 compared to last year.<sup>12</sup> The decline was led by a sharp slowdown in the production of consumer non-durables and continued weakness in mining, consumer durables and capital goods. The IIP growth has been negative in eight out of the last 15 months.



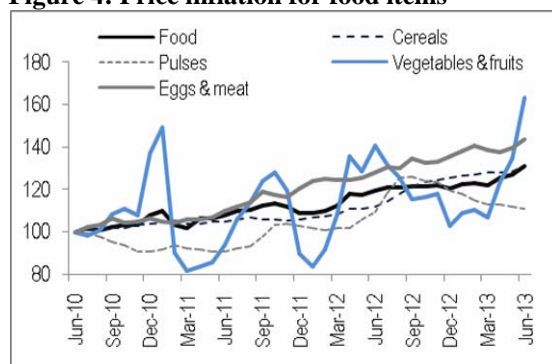
## Agriculture

Sakshi Balani ([sakshi@prsindia.org](mailto:sakshi@prsindia.org))

### Inflationary trends in food pricing

According to news reports, the prices of vegetables such as tomatoes, potatoes and onions have soared in July.<sup>13</sup> The Minister of Agriculture, Mr. Sharad Pawar commented that this sharp rise in prices was due to delays in the supply chain caused by heavy rainfall, but said that he expected prices to stabilise soon.<sup>14</sup> Commenting on the rising costs of foodgrains, the Minister for Consumer Affairs, Food and Public Distribution, Mr. K.V. Thomas said that the government was contemplating releasing foodgrains from government stocks to control food inflation.<sup>15</sup> According to the Office of the Economic Adviser, food inflation has risen to 9.7% in June from 8.2% in May.<sup>16</sup> As can be seen in Figure 1, vegetables and fruits have registered the highest inflation compared to other food articles.

**Figure 4: Price inflation for food items**



Sources: Office of the Economic Adviser, Ministry of Commerce and Industry; PRS.

A recent discussion paper released by the Commission for Agricultural Costs and Prices observes that the pressure on prices from 2004-05 onwards has been on protein foods (pulses, milk and milk products, eggs, fish and meat) as well as fruits and vegetables, rather than on foodgrains.<sup>17</sup> This is because rising incomes lead people to switch from cereal based diets to more protein based diets. The report also argues that food inflation in India is due to three major factors: (i) a ballooning fiscal deficit, (ii) rising farm wages, and (iii) transmission of global food inflation. The paper goes on to suggest the following methods to combat food inflation:

- **Reducing fiscal deficit:** The centre would be required to rationalise fuel, food and fertiliser

subsidies. Direct transfers of food and fertiliser subsidies in cash to targeted beneficiaries have the potential to save Rs 60,000 crores. This requires innovative implementation of direct cash transfers through Aadhaar.

- **Mechanisation of farms:** Mechanisation of farms to raise productivity and combining the Mahatma Gandhi National Rural Employment Guarantee Scheme with farm operations through panchayats, is a way to contain inflation. Also, land lease markets should be freed to let an economically viable size of holdings to emerge. Custom hiring of capital farm machinery will have to be developed to contain capital costs. Lastly, stable, predictable and open trade policies with special safeguards from sudden fluctuations in prices can be helpful to contain food inflation.
- **Increase in investment:** There is a need to boost supply response and save on wastages in the supply chain. This requires: (i) investment in whole supply chains, (ii) research and development in agriculture to get high quality and high yielding seeds, (iii) irrigation to tap the remaining potential of about 30 million hectares, (iv) logistics (warehousing and movement), and (v) processing and organised retailing. Additionally, private sector investments can be leveraged through open and investor friendly policies and farmer producer organisations.

## Finance

Alok Rawat ([alok@prsindia.org](mailto:alok@prsindia.org))

### Ordinance to empower SEBI against illegal collective investment schemes

The centre has issued the Securities Law (Amendment) Ordinance, 2013 to amend the Securities and Exchange Board of India (SEBI) Act, 1992, the Securities Contracts (Regulation) Act, 1956 and the Depositories Act, 1996.<sup>18</sup> The Ordinance empowers SEBI to regulate collective investment schemes with a corpus above Rs 100 crore, attach assets in case of non-compliance and conduct search and seizure operations.

Further, the Ordinance provides SEBI with powers to seek information from any persons or entities in respect to any securities transaction

under its investigation. It also provides for establishment of special courts for fast-track trial of offences under the SEBI Act.

The government had constituted an inter-ministerial group to suggest measures for controlling illegal collective investment schemes and investor protection after the collapse of the Saradha Group.<sup>19</sup> The government plans to introduce the SEBI Laws (Amendment) Bill in the Parliament, incorporating the changes.<sup>20</sup> It is also considering a ban on the promotion of collective investment schemes promising unrealistic returns.<sup>21</sup>

## Commerce

Alok Rawat ([alok@prsindia.org](mailto:alok@prsindia.org))

### Government revises FDI limits in twelve sectors

The government has decided to revise the limits on Foreign Direct Investment (FDI) in twelve sectors.<sup>22</sup> A summary of changes is given below:

**Table 3: Revision of FDI limits**

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

\* To be decided on a case-to-case basis

Source: Press Information Bureau, Ministry of Commerce and Industry; Livemint; PRS.

While the FDI limit for defence production has been maintained at 26%, the Cabinet Committee on Security (CCS) may approve proposals for

FDI beyond 26% if they result in access to state-of-the-art technology. The Insurance Laws (Amendment) Bill, 2008 is currently pending in Parliament and proposes to allow FDI up to 49% in the insurance sector against the current limit of 26%.<sup>23</sup>

## Law and Justice

Jhalak Kakkar ([jhalak@prsindia.org](mailto:jhalak@prsindia.org))

### Supreme Court disqualifies convicted legislators

On July 10, 2013, the Supreme Court ruled that section 8(4) of the Representation of Peoples Act, 1951 (RPA) violates the Constitution.<sup>24</sup> Section 8(4) states that a sitting legislator cannot be disqualified from Parliament or State Legislatures on conviction in a criminal case if he files an appeal in the appropriate court. The Court has ruled that Parliament had exceeded its legislative competence in enacting this provision.

As per the Constitution, Parliament can legislate and create disqualifications for membership of either House of Parliament or of a Legislative Assembly or a Legislative Council of a state.<sup>25</sup> If a sitting legislator becomes subject to any of these disqualifications, his seat will become vacant.<sup>26</sup> These disqualifications will apply uniformly to both candidates as well as elected legislators.

In exercise of its power, Parliament provided for the disqualification from membership of Parliament or a State Legislatures if convicted of certain offences as specified under the RPA. However, the RPA creates an exception from disqualification on the date of conviction in the case of a sitting legislator. Under the RPA Act, disqualification of a sitting legislator will not take effect: (i) until three months have elapsed from the date of conviction, or (ii) if within that period an appeal is filed against the conviction, and is disposed of by the court. The Court held that Parliament did not have the legislative competence to create this differentiation between candidates and sitting legislators. The Court held it unconstitutional to give immunity to sitting legislators. The Court also observed that deferring the date of disqualification upon conviction is prohibited under the Constitution.

The Court has held that disqualification will take place from the date of conviction. However, the decision will not apply to current legislators who

have been convicted and have filed an appeal in the higher courts before this judgment. If any sitting legislator is convicted after this judgment, he will lose his membership of Parliament or the State Legislature.

The Supreme Court judgment was in response to two Public Interest Litigations filed in 2005 regarding the constitutionality of section 8(4).

### Supreme Court disallows persons in custody from contesting elections

On July 10, 2013, the Supreme Court upheld the Patna High Court judgment stating that a person, who is in jail or in police custody, cannot contest elections to legislative bodies.<sup>27</sup> The reasoning of the Court is detailed below.

The Representation of Peoples Act, 1951 (RPA 1951) states that no person is eligible to vote at an election, if he is confined in a prison, whether under a sentence of imprisonment, transportation or is in the lawful custody of the police.<sup>28</sup> However, this will not apply to a person under preventive detention under any law for the time being in force. The RPA 1951 lays down the qualifications for membership of the House of the People and Legislative Assembly. One of the qualifications laid down is that he must be an elector.<sup>29</sup>

Under the RPA 1951, an elector refers to a person whose name is entered in the electoral roll of that constituency and is not subject to any of the disqualifications mentioned in section 16 of the Representation of the People Act, 1950 (RPA 1950). Under section 16 of the RPA 1950, a person is disqualified from registration in an electoral roll if he is disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

The Court concluded that a person in jail or police custody is not eligible to vote and is therefore not an elector and hence cannot contest an election.

The verdict is in response to a petition filed in 2004 by the Election Commission.

### Amendment to exempt political parties from the ambit of the RTI Act

According to news reports, the government will seek Cabinet approval to amend the Right to Information (RTI) Act to exempt political parties from its purview.<sup>30</sup> The government is proposing to amend the definition of public

authorities to exempt all recognised and registered political parties from the ambit of the Act.

Last month, the Central Information Commission decided that political parties should be considered to be public authorities within the RTI Act as they perform public functions and receive substantial funding from the government.<sup>31</sup> As a result the CIC brought six major political parties under the transparency and information requirements of the RTI Act. (See the June 2013 Monthly Policy Review for more details.)

As per news reports, the Cabinet note also has a validation clause, declaring that the amendment will take effect retrospectively, from the date on which the CIC order was passed.

### Cabinet clears GoM recommended amendments to marriage laws

As per news reports, the Cabinet has accepted recommendations made by the Group of Ministers on amendments to current marriage laws.<sup>32</sup> These are:

**Mutual divorce:** At present, both parties to a marriage present a petition for divorce to a judge. Then there is a mandatory waiting period of six to 18 months. After this waiting period, the couple is required to file a joint application, even if the divorce is consensual. The proposed amendment empowers the courts to exercise discretion in granting divorce even if one of the partners does not move a joint application for divorce (with mutual consent) within three years.<sup>33</sup>

### Women's share in husband's property:

Currently, at the time of passing a decree of divorce, the court can order one party to pay the other party maintenance. This could be either a gross sum or a monthly or periodical sum for a term not exceeding the life of the party applying for maintenance. This sum will be based on the income and property of the party paying the maintenance and depending on the circumstances of the case. This payment can be secured by a charge on his immovable property.

The proposed amendment states that a woman will have a share in her husband's inherited or inheritable property on divorce. The exact quantum of the compensation amount for the wife and children will be decided on by the court. The basis for compensation will include: (i) the husband's inherited and inheritable



property, (ii) the disposable income of the husband and wife, and (iii) who will bear the primary responsibility of raising the children. In cases where the ancestral property cannot be divided, the woman is entitled to get sufficient compensation by calculating her husband's share in it.<sup>34</sup>

Incidentally, an amendment to the marriage laws is pending in the Rajya Sabha since 2010. The Marriage Laws (Amendment) Bill, 2010 seeks to alter the Hindu Marriage Act, 1955, and the Special Marriage Act, 1954. The amendment does away with the requirement of both the parties to the marriage filing a second joint petition within six to 18 months of the first petition.

## Science and Technology

Jhalak Kakkar (*jhalak@prsindia.org*)

### Supreme Court Technical Committee report on GM Crops

According to news reports, the Supreme Court-appointed Technical Expert Committee (TEC) has submitted its final report on genetically-modified (GM) crops to the Court.<sup>35</sup> The Committee has reiterated the recommendations made in its interim report of October 2012.

The TEC has recommended the following:

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

### Types of GM crops to be allowed:

Herbicide tolerant crops are unsuitable in the Indian context. They would most likely exert a highly adverse impact on sustainable agriculture, rural livelihoods, and environment. GM crops for which India is a centre of origin, such as rice, brinjal and mustard, should not be allowed.

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

## Telecom

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### TRAI releases consultation paper on spectrum pricing

The Telecom Regulatory Authority of India (TRAI) has released a consultation paper inviting comments on various issues related to reassignment, auction, trading, valuation and reserve price of spectrum for cellular services.<sup>36</sup> The Department of Telecommunications (DoT) has sought TRAI's recommendations on the reserve price for the auction of spectrum in 800, 900 and 1800 MHz bands. The auctions for spectrum in 800 and 1800 MHz bands held in November 2012 and March 2013 had witnessed a poor response.<sup>37</sup> Some of the key issues raised in the consultation paper are:

- Some of the early licences for cellular services were bundled with spectrum and will start expiring from 2014. In 2012, the DoT decided that spectrum will be unbundled from licence and licensees will have to obtain spectrum through a market-driven process. The paper invites suggestions on how these licensees should be provided spectrum to continue their services and if any spectrum should be set aside for such licensees.
- The paper notes that cut-throat competition has adversely impacted the financial health of licensees and highlights that average spectrum holdings are lower than most other countries. Hence it questions the need to restrict the eligibility for participation in future spectrum auctions and whether spectrum trading should be allowed in India.

In light of the diminishing interest in Code Division Multiple Access (CDMA) services, the paper invites suggestions on the adoption of an Extended- Global System for Mobile Communications (E-GSM) frequency band by migrating current CDMA licensees in 880-890 MHz band to other frequencies.

- TRAI has earlier recommended that there should be no restrictions on usage of spectrum for providing different kind of services. As some of the existing licences only allow a restricted use of existing spectrum, the paper invites suggestions on allowing unrestricted usage of such spectrum holdings.
- In its earlier approach, TRAI used the prices discovered in the 2010 Third Generation (3G) spectrum auction to determine the reserve price for subsequent auctions. In this context, the paper invites comments on adoption of overall versus circle-by-circle approach, application of valuations to all circles, premium for 800/900 MHz bands, ratio of reserve price to spectrum valuation and methodologies for valuation (past auction prices, multiple regression, producer surplus and production function).
- Presently licensees pay 3-8% of their revenues as Spectrum Usage Charges (SUC), rising with their Second Generation (2G) spectrum holding. The paper highlights that this system penalises licensees holding both 3G and 2G spectrum and discourages consolidation. Hence, it invites suggestions on whether the SUC should be a percentage of revenue and whether the percentage should remain fixed or rise with spectrum holdings.

### Ministry of Communications & IT notifies National Cyber Security Policy

The Ministry of Communications and Information Technology (MoCIT) has notified the National Cyber Security Policy 2013 (NCSP).<sup>38</sup> The NCSP underscores the need for the creation of a secure computing environment and generating adequate trust in online systems and networks.

Key objectives of the policy are:

- To create a secure cyber ecosystem and build adequate confidence in IT systems and transactions.
- To strengthen the regulatory framework for ensuring secure cyber ecosystem.

- To create and enhance mechanisms for monitoring and resolving cyber security threats.
- To enhance the protection and resilience of the nation's critical information infrastructure.
- To create a workforce of five lakh specialists in cyber security over the next five years.

To achieve these objectives, the NCSP proposes to implement following strategies:

- Establish a round-the-clock National Level Computer Emergency Response Team as the designated national nodal agency for coordination on cyber security, supported by round-the-clock Sectoral Level Computer Emergency Response Teams.
- Implement a Cyber Crisis Management Plan to deal with incidents impacting critical processes, public safety or national security.
- Encourage all public and private organisations to appoint Chief Information Security Officers and implement information security policies.
- Develop a dynamic legal framework with provisions for periodic review and harmonisation with international frameworks.
- Mandate periodic audit and evaluation of information infrastructure security.
- Establish cyber security training infrastructure through public private partnerships.
- Establish institutional mechanisms for capacity building of law enforcement agencies.

## Health

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### Cabinet clears the Drugs and Cosmetics Bill, 2013

According to news reports, the Cabinet has approved changes to the Act regulating drugs and cosmetics.<sup>39</sup> The proposed Drugs and Cosmetics Bill, 2013 seeks to replace the Drugs and Cosmetics Act, 1940 and covers various aspects of drugs and cosmetics, and regulates clinical trials and medical equipment.

Key features of the Bill are:<sup>39</sup>

- Licenses for manufacturing drugs under 17 key categories will be given only by the centre through the Central Drugs Standard Control Organisation (CDSCO) and not by states. Currently manufacturing licenses for these drugs are granted by state drug controllers after obtaining a no-objection from the central drug controller. The 17 critical categories of drugs include life-saving drugs, vaccines and DNA products which require specialised manufacturing.
- A Central Drugs Authority will be set up to act as an appellate body for central and state drug controllers. The Authority will have the power to review, suspend or cancel licenses granted by the central and state drug authorities.
- Currently medical equipment is classified as a ‘drug’ under the Drugs and Cosmetics Act, 1940. The new Bill creates specific provisions relating to medical equipment in order to regulate, monitor and set standards for medical devices and establishes a Medical Devices Technical Advisory Board.
- The Bill creates provisions for the grant of compensation in the case of death or injury to the individual participating in a clinical trial. According to news reports, the health ministry has amended guidelines for compensation of participants in trials that go wrong.

### Supreme Court strikes down the common entrance test for medical courses

On June 18, 2013 the Supreme Court struck down the notifications providing for the National Eligibility-cum Entrance Test (NEET) as a common entrance test for admission to MBBS, BDS and post-graduate courses in all medical colleges.<sup>40</sup> The Medical Council of India (MCI) in 2010 and Dental Council of India (DCI) in 2012 amended their regulations to provide that admission to the above mentioned courses in government and private medical colleges be solely based on the results of the NEET. This implied that government and private medical institutions were prevented from conducting a separate examination for admitting students to the courses administered by them.

In judging the validity of the notification, the Court examined whether mandating a common entrance test for admission to medical courses violates the right of government and private

institutions to administer admissions according to their own procedures. The Court held that that the notifications mandating NEET violate the rights of government and private institutions to establish, and administer educational institutions and admit students to courses conducted by them.

The Court also stated that under the relevant Acts, the role of the MCI and DCI is limited to prescribing standards that are uniformly applicable to medical colleges across the country to ensure quality in medical education. The MCI and DCI had no authority to extend their mandate to control the manner of admissions to medical courses in medical institutions across the country. The Court observed that earlier judgments have consistently held that the right to admit students is an integral part of the right to administer an educational institution and cannot be interfered with except in cases of maladministration or lack of transparency.<sup>41</sup>

According to news reports the government plans to file a review petition against the Court’s decision.<sup>42</sup>

## Rural Development

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### Draft Land Reform Policy released by Ministry of Rural Development

The Ministry of Rural Development released a Draft National Land Reforms Policy for discussion and comments on July 24, 2013.<sup>43</sup>

The Policy seeks to address several land related issues such as inequity in access to land, especially for marginalised communities; inefficient land usage; and poor dispute resolution mechanisms. Key features of the Draft Policy are:

- **National land use plan:** The central government must create a national land use plan based on information from tehsils, districts, regions and states.
- **Assignment of land to landless:** State governments must evolve comprehensive policies for the assignment of land to the landless.
- **Land rights for Scheduled Castes, Scheduled Tribes and nomadic communities:** The states shall review

existing law and policies pertaining to the alienation/transfer of land belonging to Scheduled Castes, Scheduled Tribes and nomadic communities and take necessary steps for removing constraints.

- **Land for nomads:** The central government must enact a Right to Minimum Land Holding Act through which every nomadic family will be entitled to at least five acres of cultivable land.
- **Land rights for women:** Several suggestions have been made to improve women's access to land including homestead land distribution only in the woman's name rather than joint titles with husbands, granting 'group land titles' to groups of women, among others.
- **Dispute resolution:** State governments shall establish an authority at the sub district level and a tribunal at the state level for land related dispute resolution. Land Tribunals at the state level will function as fast track courts to resolve land disputes.
- **Modernisation of Land Records:** The Policy recommends establishing a National Authority for Computerisation of Land Records and State Authorities for Computerisation of Land Records to enable modernisation of land records.
- **Training:** Training centres at the national, state and district level must be established or identified to provide training in land administration and management to concerned officials.
- **Monitoring and evaluation:** All state governments are required to establish a State Land Rights Commission (SLRC) to review the progress made by state governments on the realisation of land rights. A Land Reforms Unit must be established in every State Academy for Administration. The central government must establish a monitoring mechanism for this policy under the Department of Land Resources, Ministry of Rural Development.

## Urban Development

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### Formation of NCRTC

On July 11, 2013 the Cabinet approved the formation of the National Capital Region Transport Corporation Limited (NCRTC).<sup>44</sup>

The NCRTC, registered under the Companies Act, 1950, will be responsible for designing, financing, operating and maintaining the Regional Rapid Transport System (RRTS) in the National Capital Region (NCR). The RRTS aims at connecting important towns of the NCR with a high speed rail based commuter transit system.

The seed capital of Rs 100 crore to establish the NCRTC shall come from the Ministry of Urban Development (22.5%), Ministry of Railways (22.5%), National Capital Region Planning Board (NCRPB) (5%) and the state governments of Delhi, Haryana, Rajasthan and Uttar Pradesh (12.5% each).

The NCRPB recommended establishing 8 RRTSs. Construction is expected to start on three at present. These are the Delhi–Sonipat–Panipat corridor, Delhi–Gurgaon–Alwar corridor and Delhi–Ghaziabad–Meerut corridor.

Table 3 outlines the details of these three projects.

**Table 3: NCRTC project details**

Corridor	Length (km)	Daily ridership (lakhs)	
		2016	2041
Delhi-Sonipat-Panipat	111	3.77	9.83
Delhi-Gurgaon-Alwar	180	6.90	15.10
Delhi-Ghaziabad-Meerut	90	5.70	11.40
<b>Total</b>	<b>381</b>	<b>16.37</b>	<b>36.33</b>

Source: Press Information Bureau, Ministry of Urban Development

## Education

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### Cabinet clears the Indira Gandhi National University for Women Bill, 2013

According to news reports, the Cabinet has cleared the Indira Gandhi National University for Women Bill, 2013.<sup>45</sup> The university will be located at Raebareli, Uttar Pradesh.

The University will only be for women and is expected to provide higher education courses oriented towards employment and research. The cost of the University is expected to be Rs 500 crore during the 12th Plan period.

The Bill is expected to be tabled in the upcoming monsoon session of Parliament.

## Railways

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### Government contemplating independent authority to determine railway tariffs

The Ministry of Railways is proposing to set up an independent Railway Tariff Authority (RTA) to determine railway tariffs.<sup>46</sup> After approval of the Ministry's proposal by the Cabinet, an amendment to the Railways Act, 1989 may be tabled in the Parliament.

The proposed RTA will be a five-member body headed by a retired member of the Railway Board. It will periodically determine the tariffs for both freight and passenger businesses, taking into account the various factors including costs of inputs like diesel and electricity.

## Civil Aviation

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### Cabinet approves establishment of Rajiv Gandhi National Aviation University

The Cabinet has approved a proposal to set up the Rajiv Gandhi National Aviation University (RGNAU) at Rae Bareilly in Uttar Pradesh.<sup>47</sup> The government proposes to introduce the Rajiv Gandhi National Aviation University Bill, 2013 in Parliament towards this purpose. The RGNAU will be established as a central university under the administrative control of Ministry of Civil Aviation. The centre will provide funding of Rs 202 crore during the first phase (2013-14 to 2018-19) and Indira Gandhi Rashtriya Udan Academy will provide 26.35 acres of land for RGNAU.

The university will promote aviation studies, teaching, training and research and provide academic inputs to safety and security regulators. The M. K. Kaw Committee on civil aviation and the Twelfth Five Year Plan had recommended

establishing a national aviation university to augment qualified and trained manpower for the aviation sector.<sup>48</sup>

## Youth Affairs and Sports

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### Comments invited on Draft National Sports Development Bill, 2013

On July 10, 2013, the Ministry of Youth Affairs and Sports placed the Draft Sports Development Bill, 2013 in the public domain. The Ministry is seeking public comments on the Bill till July 31, 2013.<sup>49</sup> The Bill seeks to promote and develop sports as well as strengthen the management and governance of sports.

The proposed Bill was drafted by a Working Group chaired by former Justice Mukul Mudgal and comprising eminent sports persons and legal experts. The working group was set up by the Ministry in 2012, following the recommendations of the Cabinet and National Sports Federations for revising a Draft Bill circulated by the Ministry.

The key features of the Bill are:

- **National Olympic Committee:** A National Olympic Committee is established subject to its recognition by the International Olympic Committee. The Committee will mainly perform functions prescribed in the Olympic Charter, be responsible for bidding for international multi-sport events, provide for a fair, expeditious and transparent mechanism for redressal of grievances in and amongst National Sports Federations affiliated with it, and conduct national games at regular intervals.
- **National Sports Federations:** The Bill prescribes the duties and functions of National Sports Federations and requires them to be recognised (by the International Federation and/or the National Olympic Committee) and accredited (by the central government). Sports federations have to be accredited to receive direct or indirect funding from the government.
- **Athletes Commission:** An Athletes Commission will be set up in the Olympic Committee and every sports federation, to advise them on the development of the



sport, training and competition schedules, athlete's grievances, selection and technical criteria, and logistics and administration support.

- **Sports Election Commission:** The Sports Election Commission will be responsible for the conduct of free and fair elections to the National Olympic Committee, National Sport Federations and the Athletes Commission.
- **Unethical and unfair practices in sports:** The Bill seeks to address unethical and unfair practices in sports and allows the central government to frame rules to prevent doping practices, fraud related to age and sexual harassment of athletes. An Ethics Commission will enforce a Code of Ethics in sports.
- **Appellate Sports Tribunal:** An Appellate Sports Tribunal is established to adjudicate disputes related to sports.

The Ministry had earlier framed a Bill on the same issue but was unable to get the approval at a Cabinet meeting held on August 30, 2011.

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