# Monthly Policy Review

## December 2018

## Highlights of this Issue

### Winter Session 2018 of Parliament begins (p. 2)

The session will have 17 sittings till January 8, 2019. During this session, 23 Bills were listed for consideration and passage by Parliament. In addition, 20 Bills were listed for introduction.

### Five Bills passed by Lok Sabha (p. 5, 9, 10)

These include the Surrogacy (Regulation) Bill, 2018, the Transgender Persons (Protection of Rights) Bill, 2018, the Consumer Protection Bill, 2018, and the Muslim Women (Protection of Rights on Marriage) Bill, 2018.

### Seven Bills introduced in Lok Sabha (p. 10, 11)

These Bills include the Dam Safety Bill, 2018, the Muslim Women (Protection of Rights on Marriage) Bill, 2018, and the Companies (Amendment) Bill, 2018. Of these, three were to replace Ordinances.

### Current Account Deficit at 2.9% of GDP in Q2 of 2018-19 (p. 2)

Current Account Deficit in the second quarter of 2018-19 was USD 19.1 billion (2.9% of Gross Domestic Product), an increase from the deficit of USD 6.9 billion (1.1% of GDP) in the second quarter of 2017-18.

### Revised policy on FDI in e-commerce announced (p. 3)

Under the revised guidelines, a vendor or seller with equity participation by a marketplace model e-commerce platform is not permitted to sell its products on the concerned platform.

### Ministry invites public feedback on draft amendments to intermediary rules (p. 3)

Key changes relate to: assistance to be provided to government agencies, and steps to be taken by intermediaries to remove unlawful content.

### Guidelines and standards for charging infrastructure for electric vehicles released (p. 4)

The guidelines provide for setting up of private charging units at residences and offices, and public charging units. The infrastructure will be rolled out in two phases, starting with mega cities followed by state capitals.

### Union Cabinet approves Coastal Regulation Zone Notification, 2018 (p. 18)

The Notification streamlines the procedures for granting Coastal Regulation Zone (CRZ) clearances. It also seeks to de-limit and permit the prevailing FSI for construction projects.

### Union Cabinet approves the Agriculture Export Policy 2018 (p. 13)

The policy aims to double agricultural exports to USD 60 billion by 2022. It also aims to diversify the export basket, destinations, and increase high value and value-added agricultural exports, with focus on perishables.

### Standing Committee on Labour submits its report on the Code on Wages, 2017 (p. 15)

The Committee recommended: consultation with state governments before the national minimum wage is fixed by the central government, and flexibility in time period for revision of minimum wages.

### Parliamentary Committees submit reports on various subjects (p. 14, 18, 20)

The subjects include the National Action Plan on Climate Change, implementation of the District Mineral Fund, and working conditions of Central Armed Police Forces.

### Union Cabinet approved two Bills related to regulation in the health sector (p. 8)

The Cabinet approved the National Commission for Homoeopathy Bill, 2018 and the National Commission for Indian System of Medicines Bill, 2018 to replace the current regulators of Homoeopathy, Ayurveda and Siddha.

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# Parliament

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## Winter session of Parliament begins

The Winter Session of Parliament began on December 11, 2018.[1] It will have 17 sittings until January 8, 2019. In this session, 23 Bills have been listed for consideration and passing. These include the DNA Technology (Use and Application) Regulation Bill, 2018, National Medical Commission Bill, 2017, and the Right of Children to Free and Compulsory Education (Second Amendment) Bill, 2017. Of these, one Bill has been passed by Parliament. This is the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities (Amendment) Bill, 2018

In addition, seven Bills have been introduced in the Lok Sabha. Of these, three Bills replaced Ordinances. These were the Indian Medical Council (Amendment) Bill, 2018, the Muslim Women (Protection of Rights on Marriage) Bill, 2018, and the Companies (Amendment) Bill, 2018. Other Bills introduced include the Dam Safety Bill, 2018, the Central Universities (Amendment) Bill, 2018, the National Institute of Design (Amendment) Bill, 2018, and the Jallianwala Bagh National Memorial (Amendment) Bill, 2018. The Allied and Healthcare Professions Bill, 2018 was introduced in Rajya Sabha.

Lok Sabha has passed five Bills, including the Muslim Women (Protection of Rights on Marriage) Bill, 2018, the Consumer Protection Bill, 2018, the Surrogacy (Regulation) Bill, 2018, the Transgender Persons (Protection of Rights) Bill, 2018, and the Indian Medical Council (Amendment) Bill, 2018. The Second Supplementary Demand for Grants 2018-19 for the Union Budget was also passed by Lok Sabha.

For more details on the legislative agenda during the Winter Session 2018, see here.

# Macroeconomic Development

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## Current Account Deficit at 2.9% of GDP during the second quarter of 2018-19

India's Current Account Deficit (CAD) in the second quarter (July – September) of 2018-19 increased to USD 19.1 billion (2.9% of Gross Domestic Product) from USD 6.9 billion (1.1% of GDP) in the second quarter of 2017-18.[2] CAD in the previous quarter, i.e. first quarter (April – June) of 2018-19 was USD 15.9 billion (2.4% of GDP). The increase in CAD was primarily due to a higher trade deficit (the difference between a country's exports and imports) of USD 50 billion in the second quarter of 2018-19, as compared to USD 32.5 billion in the previous year.

The capital account surplus was USD 16.3 billion, decreasing marginally from USD 16.9 billion in the second quarter of 2017-18. The decrease is due to (i) outflow of USD 1.6 billion of foreign portfolio investment, as compared to an inflow of USD 2.1 billion in the previous year, and (ii) moderation of foreign direct investment to USD 7.9 billion, as compared to USD 12.4 billion in the previous year.

As a result, there was a depletion of USD 1.9 billion in foreign exchange reserves, as compared to an accretion of USD 9.5 billion in the corresponding quarter of the previous year.

Table 1 shows India's balance of payments in the second quarter of 2018-19.

**Table 1: Balance of Payments, Q2 2018-19 (USD billion)**

| | Q2 2017-18 | Q1 2018-19 | Q2 2018-19 |
|---|---|---|---|
| Current Account | -6.9 | -15.8 | -19.1 |
| Capital Account | 16.9 | 5.3 | 16.3 |
| Errors and Omissions | -0.4 | -0.8 | 0.9 |
| Change in reserves | 9.5 | -11.3 | -1.9 |

Sources: Reserve Bank of India; PRS.

## Repo and reverse repo rate remain unchanged at 6.5% and 6.25% respectively

The Monetary Policy Committee (MPC) released its Fifth Bi-Monthly Monetary Policy Statement of 2018-19.[3] The policy repo rate (the rate at which the Reserve Bank of India (RBI) lends money to banks) remained unchanged at 6.5%. Other decisions of the MPC include:

- The reverse repo rate (the rate at which the RBI borrows money from banks) remained unchanged at 6.25%.
- The marginal standing facility rate (the rate at which banks can borrow additional money) remained unchanged at 6.75%.
- The bank rate (the rate at which the RBI buys or rediscounts bills of exchange) remained unchanged at 6.75%.

The RBI maintained the stance of its monetary policy at "calibrated tightening", indicating a focus on a contractionary monetary policy to curb Consumer Price Index inflation rates.

# Finance

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## Expert Committee constituted to examine RBI's Economic Capital Framework

The Reserve Bank of India (RBI) constituted an Expert Committee to review its existing Economic Capital Framework.[4] The Committee will be chaired by Dr. Bimal Jalan (former Governor, RBI) and have representatives from both the RBI and the Department of Economic Affairs, Ministry of Finance.

The terms of reference of the Expert Committee include: (i) reviewing the status, need and justification of various reserves, buffers and provisions currently maintained by the RBI, (ii) determining whether the RBI is holding reserves and provisions in excess or in deficit of required levels, (iii) suggesting an adequate level of risk provisioning that the RBI needs to maintain, (iv) reviewing global best practices followed by central banks to assess and make provision for risks, and (v) proposing a suitable profit (surplus) distribution policy of the RBI to the government.

The Expert Committee is expected to submit its report within 90 days from its first meeting.

# Industry

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## Revised policy on foreign direct investment in e-commerce announced

The Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, announced revised guidelines for foreign direct investment (FDI) in e-commerce.[5] The existing guidelines specify that (i) 100% FDI through the automatic route is permissible in a marketplace model of e-commerce (where the e-commerce entity/platform acts as a facilitator between buyers and vendors/sellers), and (ii) FDI is not permissible in an inventory based model of e-commerce (where the inventory of goods and services is owned by the e-commerce entity and sold to the customers directly).

The revised policy changes some existing guidelines and also specifies certain other conditions. These include:

- A vendor or seller having equity participation by a marketplace model e-commerce platform or its group companies will not be permitted to sell its products on the concerned platform.
- A marketplace model platform cannot mandate any vendor to sell a product exclusively on its platform.
- A marketplace model platform cannot exercise ownership or control over the inventory of a vendor, as this will render the platform into an inventory-based model. The inventory of the vendor will be deemed to be controlled or owned by the e-commerce platform if more than 25% of the vendor's sales accrue to that platform or its group companies.
- A marketplace model e-commerce platform has to ensure that it provides services (such as logistics, warehousing and payment collection, among others) to different vendors in a non-discriminatory and fair manner. The same is applicable for cashback benefits provided to customers for purchases from various vendors.
- Earlier guidelines disallowed a marketplace model e-commerce platform to have a vendor or its group companies contributing to more than 25% of its sales.[6] The revised guidelines remove this provision.

The revised guidelines will come into effect from February 1, 2019.

# Information Technology

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## Ministry invites public feedback on draft amendments to intermediary rules

The Ministry of Electronics and Information Technology invited comments on the Information Technology [Intermediary Guidelines (Amendment) Rules] 2018.[7] These draft rules seek to amend the Information Technology (Intermediary Guidelines) Rules, 2011. Intermediaries are entities that store or transmit data on behalf of other persons, and includes internet or telecom service providers, web-hosting service providers, and search engines. The 2011 Rules specify the due diligence that intermediaries are required to follow. Key features of the draft rules include:

- **Assistance to government agencies:** Any intermediary must, within three days, provide assistance or information when asked by any government agency. In addition, the intermediary must enable tracing of the originator of the information, on its platform.

- **Removal of information:** Any intermediary must, on receipt of a court order or notification by the government, remove access to unlawful acts. These are acts related to the sovereignty of India, security, and public order, among others. Such removal must be done by the intermediary within 24 hours.
- **Identifying unlawful information:** Intermediaries must use automated tools to identify and remove public access to unlawful information.
- **Large user size:** Intermediaries with more than fifty lakh users must be incorporated in India under the Companies Act, 2013. In addition, they must have a permanent registered office in India, with a physical address. Further, they must appoint a senior individual for regular coordination with law enforcement agencies. The government can also notify other intermediaries that have to comply with this rule.

### Ministry notifies agencies that can intercept information on computer devices

The Ministry of Home Affairs has notified ten security agencies for the purpose of intercepting, and monitoring information stored on any computer device.[8] The agencies notified include the Intelligence Bureau, Central Bureau of Investigation, National Investigation Agency, and the Enforcement Directorate. These agencies have been notified under the Information Technology Act, 2000, which allows the central or state government to direct any agency, in writing, to monitor or intercept such information.[9] As per the Act, interception can be authorised for various reasons, including: (i) defence of India, (ii) national security, (iii) friendly relations with foreign governments, or (iv) public order.

## Power

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### Guidelines for charging infrastructure for electric vehicles released

The Ministry of Power released guidelines and standards for charging infrastructure for electric vehicles.[10] These guidelines seek to encourage adoption of electric vehicles (EVs) by providing an enabling framework. Key features of the guidelines include:

- **Objectives:** Objectives of the guidelines include: (i) enabling faster adoption of EVs in India by ensuring safe, accessible, and affordable charging eco-system, (ii) promoting affordable tariff chargeable from EV owners and charging station owners, (iii) creating economic opportunities for small entrepreneurs, and (iv) building a market for EV charging business.
- **Charging stations:** The guidelines provide for setting up of private and public charging stations. Private stations will be provided at residences and offices. Setting up public charging stations will be a de-licensed activity. Any individual can set up these public charging stations provided they meet the specified technical and performance standards. Power distribution companies will facilitate setting up of these stations.
- **Specifications:** The guidelines also provide the technical and infrastructure requirements for public charging stations. These include voltage specifications, number of charging points, associated electrical equipment, and public amenities. These infrastructure requirements will not apply to private charging points set up for the self-use of individual EV owners.
- **Location of public charging stations:** At least one charging station should be available in a grid of 3 km x 3 km. One charging station should be set up at every 25 km on both sides of highways/roads.
- **Rollout plan:** There will be two phases for rolling out the charging infrastructure: Phase I (one to three years), and Phase II (three to five years). Phase I will cover all mega cities with population above forty lakh, and the associated expressways and highways. Phase II will cover state and UT capitals.
- **Tariff:** The Central or State Electricity Regulatory Commissions will determine the tariff for supply of electricity to the public charging stations. However, such tariff will not be more than the average cost of supply plus 15%. Domestic tariffs will apply for domestic charging of EVs.

### High Level Committee submits report on stressed thermal power projects

The High Level Empowered Committee (Chair: Mr. P.K. Sinha, Cabinet Secretary) submitted its report to 'Address the issues of Stressed Thermal

Power Projects'.[11] Coal based power plants have been unable to service their debts due to various reasons such as coal supply issues, inability of discoms to pay generators, regulatory issues, inability of promoters to infuse equity, and poor implementation. The Department of Financial Services had provided a list of 34 coal based thermal power projects that had been declared stressed by the Ministry of Power in March 2017. Subsequently, the central government constituted a High Level Empowered Committee (HLEC) to address the issues of stressed thermal power projects in July 2018. Key observations and recommendations of the Committee include:

- **Coal allocation:** The HLEC observed that while several coal based power plants have Fuel Supply Agreements agreement between coal company and power plant, also known as coal linkage), they do not have medium term/long term power purchase agreements (or PPAs, agreement between power plant and discom). In the absence of long/medium term PPAs, these plants are not able to operate because such linkage coal cannot be used against short term PPAs. The Committee recommended that such linkage coal may be allowed to be used against short term PPAs. Further, power may be sold through the day ahead market (electricity trading market), following a transparent bidding process. This would also help increase the supply of power, and reduce prices.
- **Delayed payments by discoms:** The HLEC also noted that one of the major reasons for stress is the delay in payments by the discoms to the power plants. This adversely affects the latter's liquidity and ability to service their debt and operate the plant. Currently, power plants are unable to cancel PPAs with such discoms, or sell power on the exchange or through short term PPAs. The HLEC recommended that a power plant should be able to terminate a PPA in case of default in payment from the discoms. Further, they should have the facility to use linkage coal for short-term PPAs for a period of maximum two years, or until they find another buyer, whichever is earlier.

For a PRS report summary, please see here.

### Phase II of Atal Jyoti Yojana (AJAY) launched

Phase II of the Atal Jyoti Yojana (AJAY) was launched for the financial years 2018-19 and 2019-20.[12] The AJAY scheme provides solar street lighting (SSL) systems for public use. These public uses include: (i) lighting roads and intersections in remote, rural and semi-urban areas that do not have adequate lighting, and (ii) lighting at bus stops, public conveniences, market places.

Phase II will cover: (i) states that were covered in Phase I and have additional demand, (ii) hilly states of Jammu and Kashmir, Himachal Pradesh and Uttarakhand, (iii) north-eastern states including Sikkim, (iv) islands of Andaman and Nicobar and Lakshadweep, and (v) Parliamentary constituencies covering 48 aspirational districts of states other than the ones mentioned above. The total cost is estimated to be Rs 761 crore. 75% of the cost of the SSL system will be provided by the Ministry of New and Renewable Energy, and the remaining 25% will be provided from the MPLADS fund.

The scheme was launched in September 2016 by the Ministry of New and Renewable Energy for the installation of SSL systems in states with less than 50% households covered with grid power (as per Census 2011). These states were Assam, Bihar, Jharkhand, Odisha, and Uttar Pradesh.

## Health

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### Surrogacy (Regulation) Bill, 2018 passed by Lok Sabha

The Surrogacy (Regulation) Bill, 2018 was passed by Lok Sabha.[13] The Bill was introduced in Lok Sabha in November 2016 and referred to the Standing Committee on Health and Family Welfare (Chairperson: Prof. Ram Gopal Yadav).[14] The Bill defines surrogacy as a practice where a woman gives birth to a child for an intending couple with the intention to hand over the child to them after the birth.

Key features of the Bill include:

- **Regulation of surrogacy:** The Bill prohibits commercial surrogacy, and 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 mother.

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

For more information on the Bill, see here

## The Allied and Healthcare Professions Bill, 2018 introduced

The Allied and Healthcare Professions Bill, 2018 was introduced in Rajya Sabha.[15] The Bill seeks to regulate and standardise the education and practice of allied and healthcare professionals.

- **Allied health professional:** The Bill defines 'allied health professional' as an associate, technician, or technologist trained to support the diagnosis and treatment of any illness, disease, or impairment. Such a professional is trained to support the implementation of any healthcare treatment recommended by a medical, nursing or any other healthcare professional. An allied health professional should obtain a diploma or degree, with a minimum duration of 2,000 hours.
- **Healthcare professional:** A 'healthcare professional' includes a scientist, therapist, or any other professional who studies, advises, researches, or provides preventive, curative, rehabilitative, therapeutic, or promotional health services. A healthcare professional should obtain a degree, with a minimum duration of 3,600 hours.
- **Allied and healthcare professions:** The Bill specifies certain recognised categories of allied and healthcare professions in the Schedule. These include life science professionals, trauma and burn care professionals, and nutrition science professionals. The central government may amend this Schedule after consultation with the Allied and Healthcare Council.
- **Allied and Healthcare Council of India:** The Bill sets up the Allied and Healthcare Council of India. The Council will consist of 31 members, including: (i) six members (at the level of Joint Secretary) representing various Departments/ Ministries of the central government, (ii) one representative from the Directorate General of Health Services, (iii) three members appointed on a rotational basis from various Councils such as the Indian Nursing Council, and the Medical Council of India, and (iv) 12 members representing State Councils.
- Functions of the Council include: (i) framing policies for regulating the education and practice of allied and healthcare professionals, (ii) providing minimum standards of education, courses, maximum tuition fee, and (iii) providing for a uniform entrance and exit examination for the allied and healthcare professionals.

For more information on the Bill see here.

## Bill to supersede the Medical Council of India passed by Lok Sabha

The Indian Medical Council (Amendment) Bill, 2018 was passed by Lok Sabha.[16] It amends the Indian Medical Council Act, 1956 and replaces the Indian Medical Council (Amendment) Ordinance, 2018.[17] The Act sets up the Medical Council of India (MCI) which regulates medical education and practice.

- **Supersession of the MCI:** The 1956 Act provides for supersession of the MCI and its reconstitution within a period of three years. The Bill amends this provision to provide for the supersession of the MCI for a period of one year. In the interim period, the central government will constitute a Board of Governors, which will exercise the powers of the MCI.
- The Act provides for the Board of Governors to consist of up to seven members including persons of eminence in

medical education, appointed by the central government. The Bill amends this provision to allow for eminent administrators to be selected in the Board. Further, the Bill provides for the Board of Governors to be assisted by a Secretary General appointed by the central government.

For more information on the Bill, see here.

## Amendments to the National Medical Commission Bill, 2017 circulated

The National Medical Commission Bill, 2017 was introduced in Lok Sabha on December 29, 2017.[18] The Bill repeals the Indian Medical Council Act, 1956 and sets up the National Medical Commission (NMC) to regulate medical education and practice. The Standing Committee on Health and Family Welfare (Chairperson: Prof. Ram Gopal Yadav) examined the Bill and submitted its report on March 20, 2018.[19] Certain amendments to the 2017 Bill were circulated in Lok Sabha. The proposed amendments include:

- **Composition of the NMC:** Under the Bill, members of the NMC include: (i) the Chairperson, (ii) 12 ex officio members, (iii) 11 part-time members (including three nominees from states), and (iv) one ex-officio Member Secretary. The amendments change the composition of the NMC to include: (i) the Chairperson, who must be a medical practitioner, (ii) 10 ex-officio members, and (iii) 14 part-time members (nominees of states increased from three to six).
- **Qualifying examination:** The Bill states that there will be a National Licentiate Examination for students graduating from medical institutions to obtain the licence for practice. This examination will also serve as the basis for admission into post-graduate courses at medical institutions. The amendments state that instead there will be a common final year undergraduate medical examination called the National Exit Test (NET) which will grant license to practice medicine. Further, medical students graduating from any medical institute which is an institute of national importance will be exempted from qualifying the NET to practice medicine.
- **Fee regulation**: The Bill gives the NMC the power to frame guidelines for determination of fees for up to 40% of seats in private medical colleges and deemed universities. The amendments increase the maximum limit up to 50% of seats.
- **Mid-level medical practitioners:** The Bill provides for a bridge course for AYUSH practitioners to enable them to prescribe modern medicines at such level as notified by the central government. Further, a separate National Register for licensed AYUSH practitioners who qualify the bridge course will be maintained. The amendments remove this provision and state that the NMC may grant a limited license to certain mid-level practitioners connected with the medical profession to practice medicine.
- These mid-level medical practitioners may prescribe specified medicines in primary and preventive healthcare. However, in any other cases, these practitioners may only prescribe medicine under the supervision of a registered medical practitioner.

For a detailed comparison of the 2017 Bill with the proposed amendments, see here.

## Bill to amend the National Trust for welfare of persons with disabilities passed by Parliament

The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities (Amendment) Bill, 2018 was passed by Parliament.[20] It amends the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.[21] The 1999 Act sets up a National Trust to enable persons with disability to live independently by: (i) promoting measures for their protection in case of death of their parents, (ii) evolving procedures for appointment of their guardians and trustees, and (iii) facilitating equal opportunities in society.

- **Tenure of the Board**: Under the Act, the Chairperson and members of the Board of the National Trust can hold office for a term of three years from the date of their appointment or until their successors are appointed, whichever is longer. The Bill amends this provision to fix the tenure of the Chairperson and members of the Board at three years. Further, the Bill states that the central government will initiate the process for appointment of the Chairperson or any member of the Board at least six months prior to the expiry of his tenure.

- **Resignation of Chairperson:** The Act states that if the Chairperson or members of the Board resign, they will continue in office until the appointment of their successor is made by the central government. The Bill amends this provision to allow the Chairperson or members of the Board to hold office till their resignation is accepted by the central government.
- **Vacancy in office of the Chairperson:** In case of a vacancy in the office of the Chairperson, the central government may direct an officer of appropriate level to perform the functions of the Chairperson until such vacancy is filled in.

For more information on the Bill, see here.

## Cabinet approves the National Commission for Homoeopathy Bill, 2018

The Union Cabinet approved the draft National Commission for Homoeopathy Bill, 2018.[22] The draft Bill seeks to set up the National Commission for Homoeopathy, and replace the Central Council of Homoeopathy. The Central Council currently regulates homoeopathic education and practice.

The draft Bill sets up three autonomous boards under the supervision of the National Commission of Homoeopathy. These are: (i) the Homoeopathy Education Board to conduct the overall education of homoeopathy, (ii) the Board of Assessment and Rating to assess and grant permission to educational institutions of homoeopathy, and (iii) the Board of Ethics and Registration to regulate professional and ethical conduct; and maintain a national register.

There will be a common entrance test for admission in homoeopathy institutions regulated by the Bill. Further, the draft Bill proposes a common exit exam for all graduates to obtain a licence to practice. The draft Bill also provides for a teacher's eligibility test to assess their standard before appointment and promotions.

A copy of the Bill is not available in the public domain.

## Cabinet approves the National Commission for Indian System of Medicine Bill, 2018

The Union Cabinet approved the draft National Commission for Indian Systems of Medicine Bill, 2018.[23] The draft Bill seeks to replace the existing Central Council for Indian Medicine with the National Commission for Indian Systems of Medicine.

The draft Bill sets up four autonomous boards under the supervision of the National Commission. These are: (i) the Board of Ayurveda and Unani, to conduct overall education of Ayurveda, and (ii) the Board of Unaini, Siddha and Sowarigpa, to conduct the overall education of Siddha and Sowarigpa. Further, there are two common Boards: (i) the Board of Assessment and Rating to assess and grant permission to educational institutions of Indian systems of Medicine, and (ii) the Board of Ethics and Registration to regulate ethical conduct and maintain a national register.

There will be a common entrance test for admission in institutions regulated by the Bill. Further, the draft Bill proposes a common exit exam for graduating students to obtain a licence to practice. The draft Bill also provides for a teacher's eligibility test to assess the standard of teachers before appointment and promotions.

A copy of the Bill is not available in the public domain.

## Cabinet approves setting up of two new AIIMS in Tamil Nadu and Telangana

The Union Cabinet approved the establishment of two new All India Institute of Medical Sciences (AIIMS) in Madurai, Tamil Nadu, and Bibinagar, Telangana.[24] These will be set up under the Pradhan Mantri Swasthya Suraksha Yojana (PMSSY). PMSSY was launched in 2006 with the aim of correcting the imbalances in the availability of affordable healthcare facilities in different parts of the country.

A provision of Rs 1,264 crore and Rs 1,208 crore has been approved for setting up of the new AIIMS in Tamil Nadu and Telangana respectively. Each AIIMS will consist of: (i) a hospital with a capacity of 750 beds, (ii) trauma center facilities, (iii) a medical college with an intake of 100 MBBS students per year, (iv) a nursing college with an intake of 60 B.Sc. (Nursing) students per year, (v) 15 to 20 speciality and super-speciality departments, and (vi) an AYUSH department with 30 beds for providing treatment facilities in traditional system of medicine.

## Social Justice and Empowerment

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### Transgender Persons (Protection of Rights) Bill, 2018 passed by Lok Sabha

The Transgender Persons (Protection of Rights) Bill, 2018 was passed by Lok Sabha and is currently pending in Rajya Sabha.[25] The Bill was passed in Lok Sabha with a few amendments. The key features of the Bill as passed by Lok Sabha are:

- **Definition of a transgender person:** The Bill defines a transgender person as one whose gender does not match the gender assigned at birth. In addition, it requires that such a person's gender does not match the gender assigned at birth, and includes trans-men and trans-women, persons with intersex variations, gender-queers, and persons with socio-cultural identities like hijras.
- **Certificate of identity for a transgender person:** A transgender person may make an application to the District Magistrate for a certificate of identity, indicating the gender as 'transgender'. The District Magistrate will issue such certificate based on the recommendations of a District Screening Committee. The Committee will comprise: (i) the Chief Medical Officer; (ii) District Social Welfare Officer; (iii) a psychologist or psychiatrist; (iv) a representative of the transgender community; and (v) an officer of the relevant government.
- **Prohibition against discrimination:** The Bill prohibits discrimination against a transgender person, including denial of a service or unfair treatment in relation to: (i) education; (ii) employment; (iii) healthcare; (iv) access to goods, facilities, or 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.
- **Health care:** The relevant central or state government shall 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 medical insurance schemes for them.

A PRS Summary of the Bill and the 2018 Amendments are available here and here.

## Consumer Affairs

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### Consumer Protection Bill, 2018 passed by Lok Sabha

The Consumer Protection Bill, 2018 was passed by Lok Sabha.[26] The Bill replaces the Consumer Protection Act, 1986. Key features of the Bill include the following:

- **Rights of consumers:** Consumer rights include 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 a variety of goods or services at competitive prices; and (iv) seek redressal against unfair 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 for a false or misleading advertisement. In case of a subsequent offence, the fine may extend to Rs 50 lakh. The manufacturer can also be punished with imprisonment of up to two years, extendable to five years for every subsequent offence.
- **Consumer Disputes Redressal Commission:** Consumer Disputes Redressal Commissions (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. Appeals from the State CDRC will be heard 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 specified in the Bill.

A PRS Summary of the Bill is available here.

## Law and Justice

*Roshni Sinha (roshni@prsindia.org)*

### Muslim Women (Protection of Rights on Marriage) Bill, 2018 passed by Lok Sabha

The Muslim Women (Protection of Rights on Marriage) Bill, 2018 was passed by Lok Sabha.[27] It replaces an Ordinance promulgated on September 19, 2018.[28] Note that a Muslim Women (Protection of Rights on Marriage) Bill, 2017 was introduced and passed by Lok Sabha on December 28, 2017.[29] The 2017 Bill is listed for withdrawal. Key features of the Bill include:

- The Bill makes all declaration of talaq, including in written or electronic form, to be void (i.e. not enforceable in law) and illegal. It defines talaq as talaq-e-biddat or any other similar form of talaq pronounced by a Muslim man resulting in instant and irrevocable divorce. Talaq-e-biddat refers to the practice under Muslim personal laws where pronouncement of the word 'talaq' three times in one sitting by a Muslim man to his wife results in an instant and irrevocable divorce.
- **Offence and penalty:** The Bill makes declaration of talaq a cognizable offence, attracting up to three years imprisonment with a fine. (A cognizable offence is one for which a police officer may arrest an accused person without warrant.) The offence will be cognizable only if information relating to the offence is given by: (i) the married woman (against whom talaq has been declared), or (ii) any person related to her by blood or marriage.
- The Bill provides that the Magistrate may grant bail to the accused. The bail may be granted only after hearing the woman (against whom talaq has been pronounced), and if the Magistrate is satisfied that there are reasonable grounds for granting bail.
- The offence may be compounded by the Magistrate upon the request of the woman (against whom talaq has been declared). Compounding refers to the procedure where the two sides agree to stop legal proceedings, and settle the dispute. The terms and conditions of the compounding will be determined by the Magistrate.
- **Subsistence allowance and custody:** A Muslim woman against whom talaq is declared is entitled to seek subsistence allowance from her husband for herself and for her dependent children. She is also entitled to seek custody of her minor children. The amount of the allowance as well as manner of custody will be determined by the Magistrate.

For a PRS Bill summary, see here.

### High Court of Andhra Pradesh constituted at Amravati

The President of India notified the constitution of a separate High Court for the state of Andhra Pradesh, namely, the High Court of Andhra Pradesh.[30] It will come into effect from January 1, 2019, and will have its principal seat at Amaravati in Andhra Pradesh. Consequently, the High Court of Hyderabad shall become the High Court for the state of Telangana.

## Corporate Affairs

*Roshni Sinha (roshni@prsindia.org)*

### Companies (Amendment) Bill, 2018 introduced in Lok Sabha

The Companies (Amendment) Bill, 2018 was introduced in Lok Sabha by Mr. Arun Jaitley, Minister of Corporate Affairs, on December 20, 2018.[31] It replaces an Ordinance promulgated on November 2, 2018.[32] The Bill amends several provisions in the Companies Act, 2013 relating to penalties, among others.

- **Re-categorisation of certain Offences:** The 2013 Act contains 81 compoundable offences punishable with fine or fine or imprisonment, or both. These offences are heard by courts. The Bill re-categorizes 16 of these offences as civil defaults, where adjudicating officers (appointed by central government) may levy penalties for default. These offences include: (i) issuance of shares at a discount, and, (ii) failure to file annual return.

- **Commencement of business:** The Bill states that a company may not commence business, unless it (i) files a declaration within 180 days of incorporation, confirming that every subscriber to the Memorandum of the company has paid the value of shares and (ii) files a verification of its registered office address with the Registrar of Companies within 30 days of incorporation. If a company fails to comply with these provisions and is found not to be carrying out any business, its name may be removed from the Register of Companies.
- **Change in approving authority:** Under the Act, change in period of financial year for a company associated with a foreign company, has to be approved by the National Company Law Tribunal. Similarly, any alteration in the incorporation document of a public company which has the effect of converting it to a private company, has to be approved by the Tribunal. Under the Bill, these powers have been transferred to the central government.
- **Compounding:** Under the Act, a regional director can compound (settle) offences with penalty of up to five lakh rupees. The Bill increases the limit to Rs 25 lakh.

A PRS summary of the Bill is available here.

## Education

*Gayatri Mann (gayatri@prsindia.org)*

### The Central Universities (Amendment) Bill, 2018 introduced in Lok Sabha

The Central Universities (Amendment) Bill, 2018 was introduced in Lok Sabha.[33] The Bill seeks to amend the Central Universities Act, 2009, which establishes universities for teaching and research in various states.

The Bill provides for the establishment of two central universities in Andhra Pradesh to be known as the Central University of Andhra Pradesh, and the Central Tribal University of Andhra Pradesh. The Central Tribal University will take additional measures to provide higher educational and research facilities in tribal art, culture, and customs primarily to the tribal population of India.

Note that the establishment of a Central University and a Central Tribal University in the Andhra Pradesh is obligatory under the Andhra Pradesh Reorganisation Act, 2014.

For more information on the Bill, see here.

### The National Institute of Design (Amendment) Bill, 2018 introduced in Lok Sabha

The National Institute of Design (Amendment) Bill, 2018 was introduced in Lok Sabha.[34] 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 Amaravati, Bhopal, Jorhat, and Kurukshetra 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 more information on the Bill, see here.

## Water Resources

*Suyash Tiwari (suyash@prsindia.org)*

### The Dam Safety Bill, 2018 introduced in Lok Sabha

The Dam Safety Bill, 2018 was introduced in Lok Sabha on December 12, 2018.[35] The Bill provides for the surveillance, inspection, operation, and maintenance of specified dams across the country. The Bill also provides for the 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 m 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. Its functions include: (i) implementing the policies formulated by the National Committee on Dam Safety, (ii)

resolving issues between State Dam Safety Organisations (SDSOs), or between an SDSO and any dam owner in that state.

- **State Dam Safety Organisation:** The Bill provides for the establishment of SDSOs by state governments. 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, or (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, and (ii) suggesting 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 potential impact on other 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 season, and (ii) during and after every earthquake, flood, or any other calamity or sign of distress.

For more details on the Bill, please see here.

### Central Ground Water Authority notifies guidelines for ground water extraction

The Central Ground Water Authority (CGWA) notified guidelines for regulation and control of ground water extraction.[36] The guidelines will apply across the country from June 1, 2019.

As per the guidelines, users extracting ground water are required to obtain a No Objection Certificate (NOC) from CGWA. Certain users are exempted from this requirement, including: (i) agricultural users, (ii) users proposing to draw ground water through non-energised means, (iii) individual households proposing to draw ground water from a single well, through delivery pipe of up to one-inch diameter, (iv) armed forces during operational deployment or mobilisation, and (v) government water supply agencies in safe and semi-critical areas.

The guidelines specify different categories of ground water users and prescribe norms for each user group for extraction of ground water. For instance, users extracting ground water for drinking and domestic usage will be given NOCs only in cases where the concerned water supply department or agency is unable to supply adequate amount of water in the area.

NOCs given to users will become void in case of change in land use (of the property) or water use. NOCs are valid for a specific time period based on the category of user; and can be renewed thereafter. A processing fee of Rs 10,000 is applicable for new NOCs and Rs 5,000 for renewal of existing NOCs.

Users required to obtain NOC also have to pay a Water Conservation Fee (WCF) for ground water extraction. WCF payable by users depends on their type of usage, the quantum of ground water extraction and the area from where it is being extracted. 25% rebate on WCF will be given to users drawing or proposing to draw saline ground water. Packaged drinking water units located in salinity, arsenic or fluoride affected areas will be given 50% rebate on WCF.

The guidelines also include provisions for: (i) encouraging use of recycled and treated sewage water by industries, (ii) taking action against polluting industries, (iii) mandatory requirement of digital flow meters, piezometers, and digital water level recorders, (iv) mandatory water audit for certain industries, (v) mandatory roof top rain water harvesting for certain industries, and (vi) prevention of ground water contamination on the premises of polluting industries and projects.

## Culture

*Gayatri Mann (gayatri@prsindia.org)*

### The Jallianwala Bagh National Memorial (Amendment) Bill, 2018 introduced in Lok Sabha

The Jallianwala Bagh National Memorial (Amendment) Bill, 2018 was introduced in Lok Sabha.[37] 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 more information on the Bill, see here.

## Agriculture

*Suyash Tiwari (suyash@prsindia.org)*

### Cabinet approves the Agriculture Export Policy, 2018

The Union Cabinet approved the Agriculture Export Policy, 2018.[38] The policy aims to double agricultural exports from the present USD 30 billion to USD 60 billion by 2022. It also aims to diversify the export basket and export destinations, and increase high value and value-added exports, with focus on perishables.

The Union Cabinet also approved the establishment of a Monitoring Framework to oversee the implementation of the policy. It comprises representatives of several ministries and concerned state governments, with the Ministry of Commerce as the nodal department.

The policy proposes strategic and operational recommendations, which include: (i) greater involvement of state governments in agricultural exports, (ii) infrastructure and logistics support, (iii) focus on export clusters, (iv) private investments in production and processing, and (v) strong quality measures.

### CCEA approves increase in the Minimum Support Price of copra for 2019

The Cabinet Committee on Economic Affairs approved an increase in the Minimum Support Price (MSP) of copra for 2019.[39] The MSP of milling copra has been increased by Rs 2,010 per quintal to Rs 9,521 per quintal. The MSP of ball copra has been increased by Rs 2,170 per quintal to Rs 9,920 per quintal.

National Agricultural Cooperative Marketing Federation of India (NAFED) and National Cooperative Consumers' Federation of India (NCCF) will continue to be the central nodal agencies responsible for procurement of copra in the coconut growing states.

## Women and Child Development

*Gayatri Mann (gayatri@prsindia.org)*

### Cabinet approves amendments to the Protection of Children from Sexual Offences Act, 2012

The Union Cabinet approved certain amendments to the Protection of Children from Sexual Offences Act, 2012.[40] The Act seeks to protect children from offences such as sexual assault, sexual harassment and pornography. The government's press release states that the amendments seek to make punishment more stringent for committing sexual crimes against children. These include:

- **Penetrative sexual assault**: Under the Act, "penetrative sexual assault" is committed if there is penetration in the private parts of a child. The penalty is imprisonment between seven years and life and a fine. The Act also penalises certain acts as "aggravated penetrative sexual assault." This includes cases when a police officer, a member of the armed forces or a public servant commits penetrative sexual assault on a child. The penalty is imprisonment between ten years and life and a fine.

- The amendments propose to impose stringent punishment, including death penalty, for committing aggravated penetrative sexual assault on a child.

- **Aggravated sexual assault**: Under the Act, a person commits "sexual assault" if he touches the vagina, penis, anus or breast of a child with sexual intent without penetration. The offence of "aggravated sexual assault" is committed under similar conditions as for "aggravated penetrative sexual assault". The penalty for the offence is imprisonment between five to seven years and a fine.

- In relation to these offences, the press release states that the amendments seek to protect children in the event of natural calamities and disasters. Protection of children is also provided in cases where they are administered any hormone or any chemical substance, in order to attain early sexual maturity.

- **Pornographic purposes:** Under the Act, a person is guilty of using a child for pornographic purposes if he uses a child in any form of media for the purpose of sexual gratification. The penalty is imprisonment for up to five years and a fine. The Act also includes penalties for storage of pornographic material as well as abetment of an offence.

- The amendments propose to levy a fine for not destroying, or deleting, or reporting pornographic material involving a child. The person may be further penalised with imprisonment and fine for transmitting, propagating, or administering such material in any manner other than for reporting it.

# Home Affairs

*Vinayak Krishnan (vinayak@prsindia.org)*

## Ministry extends date for updating of the National Register of Citizens in Assam

The Ministry of Home Affairs has extended the date for the updating of the National Register of Citizens, 1951, in Assam.[41] The deadline has been extended from December 31, 2018 to June 30, 2019. Previously, the deadline has been extended five times.

## Standing Committee submits report on Working Conditions in Non-Border Guarding Central Armed Police Forces

The Standing Committee on Home Affairs (Chairperson: Mr. P. Chidambaram) submitted its report on 'Working Conditions in Non-Border Guarding Central Armed Police Forces'. These forces include the Central Industrial Security Force (CISF, which provides security for key installations), Central Reserve Police Force (CRPF, which is deployed for maintaining internal security), and the National Security Guard (NSG, which is deployed for anti-terrorist activities). Key observations and recommendations of the Committee include:

- **Cadre review of CISF:** The Committee noted severe stagnation at various ranks of Group B and C personnel of the CISF, due to lack of cadre review. These include ranks such as constable, head constable, and sub-inspector. For example, a constable gets promoted to head constable in 22 years, as against the eligibility period of five years. The Committee stated that lack of cadre review is a demoralising factor for CISF personnel. In this context, it recommended that cadre review of Group B and C personnel must be expedited., so that lower ranks get their first promotion within ten years of recruitment.

- **Deployment of CRPF:** The Committee observed that states are over-dependent on the CRPF for maintaining various law and order situations. The continuous deployment of training companies affects the operational efficiency of the CRPF, as well as denies them training and rest. The Committee recommended that at any given time, one-sixth of a battalion should be mandatorily given training or rest.

- **Air wing of NSG:** The Committee noted that the NSG does not have an air wing of its own, and is dependent on air assets of other forces. Given that the NSG is supposed to provide swift counter-strike response, the Committee recommended that steps must be taken to commission a dedicated air wing for the NSG.

For a PRS report summary, please see here.

## Standing Committee submits report on Working Conditions in Border Guarding Forces

The Standing Committee on Home Affairs (Chairperson: Mr. P. Chidambaram) submitted its report on 'Working Conditions in Border Guarding Forces' on December 12, 2018. These forces include the Assam Rifles (which guards the Indo-Myanmar border), Border Security Force (BSF, which guards the Indo-Pakistan and Indo-Bangladesh borders), Indo-Tibetan Border Police (ITBP, which guards the Indo-China border), and the Sashastra Seema Bal (SSB, which guards the Indo-Bhutan and Indo-Nepal borders). Key observations and recommendations of the Committee include:

- **Recruitment:** The Committee noted that there were vacancies among different Central Armed Police Forces. The Committee stated that there was lack of foresight, planning, and proactive estimation of future vacancies. It recommended that the Ministry of Home Affairs could explore the possibility of proactively identifying vacancies and reporting the same to recruitment agencies.

- **Promotion avenues:** The Committee observed that there was stagnation in promotions among the CAPFs. It noted that in the ITBP, a constable gets promoted to head constable in 12-13 years, as against the required period of five years. The Committee recommended that appropriate measures must be taken to reduce the time for promotion, in order to boost the morale of personnel.

- The Committee further observed that cadre review for Assam Rifles and ITBP was pending, and in the case of ITBP and SSB, cadre review has been done for only certain ranks. It stated that cadre review of border guarding forces is essential to maintain their organizational structure. The Committee recommended that steps should be undertaken to expedite the cadre review of these forces.
- **Road connectivity and mobility:** The Committee noted that personnel of the Assam Rifles are located in remote areas, and therefore, all-weather roads are required to improve their working conditions. Similarly, it observed that there was a requirement of construction of 4,210 kms of roads, in areas where the BSF are deployed. The Committee recommended that all these projects must be considered in a time-bound manner and an early decision must be taken to approve them, so that construction work on the ground is started without delay.

For a PRS report summary, please see here.

## Labour and Employment

### Standing Committee submits report on the Code on Wages, 2017

*Vinayak Krishnan (vinayak@prsindia.org)*

The Standing Committee on Labour (Chairperson: Dr. Kirit Somaiya) submitted its report on the Code on Wages, 2017. The Code seeks to regulate wage and bonus payments in all employments where any trade, business, or manufacture is carried on. It replaces four existing laws related to wages: (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. Key observations and recommendations made by the Committee include:

- **National minimum wage:** The Code provides that a national minimum wage may be set by the central government. The central government may set separate national minimum wages for different states or regions of the country. The Committee recommended that this provision should be modified to state that the central government shall fix the national minimum wage in the manner as may be prescribed.
- In addition, the Committee stated that state governments must be consulted before that national minimum wage is set by the central government. Therefore, it recommended that before fixing the national minimum wage, the central government should obtain the advice of the Central Advisory Board and the State Advisory Boards. In this context, the Committee recommended that the Central Advisory Board should include five representatives of state governments, to be nominated by the central government.
- **Revision of minimum wages:** The Code specifies that the central or state governments must revise minimum wages at an interval of five years. The Committee observed that under the Minimum Wages Act, 1948, state governments have flexibility in revising minimum wages, as long as it is not more than five years. In order to maintain flexibility, the Committee recommended that the Code should specify that the central or state governments should revise minimum wages, at an interval not exceeding five years.

For a PRS report summary, please see here.

### Standing Committee submits report on safety and security of workers in the TV/broadcasting/digital industry

*Roshni Sinha (roshni@prsindia.org)*

The Standing Committee on Labour (Chair: Dr. Kirit Somaiya) submitted its report on 'Safety, Security and Welfare of TV/Broadcasting / Digital Entertainment/Advertisement Industry Workers'.[42] The Committee noted in that in the recent past, there has been a high growth in television and digital entertainment sector. However, the workers in this industry have not been able to secure coverage under existing labour laws.

- **Coverage**: The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 Act regulates the conditions of employment of certain cine-workers and cinema theatre workers. The Committee noted that the Act did not include workers in the television /broadcasting/digital entertainment industry ('Industry'). The Committee noted that this had led to these workers being vulnerable since no specific safeguards are present in labour laws with regard to their terms and conditions of employment, payment of wages and provisions of other amenities. The Committee recommended that the Act be suitably amended to include Industry workers under its ambit.

- **Increase in remuneration**: The Committee observed that the remuneration of cine workers is up to Rs. 8,000 per month, or up to one lakh rupees, where it is paid in lump sum or instalments. However, the Committee was of the opinion that this amount is meagre. It recommended that the remuneration be revised to Rs. 16,000 per month, or two lakh rupees if paid in lump sum or in instalments.
- **Oversight and regulation:** The Committee observed that the central government has delegated all the powers exercisable by it under the Act, to the state government, except the power to make rules. However, the Committee, stated that the Ministry of Labour and Employment is the nodal Ministry under the provisions of the said Act and must ensure proper implementation of the Act, in conjunction with all stakeholders, like state governments. It recommended that the Ministry of Labour and Employment, and the Ministry of Information and Broadcasting jointly institute a regulatory mechanism in due time to ensure proper implementation of the Act.
- **Safeguards for women workers**: The Committee noted that the Act does not contain any specific provision for the safety and security of women working in the Industry. It recommended that the Ministry of Labour and Employment should institute specific safeguards catering to the safety and security of female workers in due time and come up with stringent penal provisions that would act as a deterrent.

A PRS Summary of the Report is available here.

## Atal Bimit Vyakti Kalyan Yojna notified

*Roshni Sinha (roshni@prsindia.org)*

The Employees' State Insurance Corporation (ESIC) has notified a scheme called the 'Atal Bimit Vyakti Kalyan Yojna', on a pilot basis for a period of two years.[43] The Scheme will be retrospectively effective from July 1, 2018.

It will cover persons insured under the Employees' State Insurance Act, 1948. The Act applies to establishments having more than 10 workers with monthly wage ceiling of Rs 21,000. The Scheme will provide one-time cash compensation to unemployed person up to 90 days, which may be claimed after three months. The relief shall not exceed 25% of the average earning per day.

The conditions of the Scheme include:

- The compensation will be available only if the employee has completed two years of insurable employment and contributed at least 78 days in the four contribution periods immediately preceding the claim of relief.
- The unemployment should not have been as a result of any punishment for misconduct or superannuation or voluntary retirement.
- The average earning per day shall be the total wages received during the four consecutive contribution periods divided by 730 days.
- The identity of the person of the person shall be established from the ESIC database against their Aadhar Number.

## Non-refundable advance of 75% of PF amount permitted in case of unemployment for at least one month

*Roshni Sinha (roshni@prsindia.org)*

The Ministry of Labour notified an amendment to the Employees' Provident Funds Scheme, 1952.[44] The Scheme is notified under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, which institutes and regulates provision of provident fund for establishments having more than 20 workers.

Under the revised scheme, the Labour Commissioner or any other authorised officer, may allow an employee leaving the establishment, a non-refundable advance of up to 75% of the amount in his name in the Fund. The withdrawal will only be permitted if the employee has not been employed in any other establishment for more than one month, preceding the date on which he makes an application for the advance.

# Communication

*Vinayak Krishnan (vinayak@prsindia.org)*

## TRAI releases consultation paper on review of television audience measurement and ratings in India

The Telecom Regulatory Authority of India (TRAI) invited public feedback on a consultation paper on review of television audience measurement and ratings in India.[45] TRAI noted that economic growth and evolution in technology has created a new generation of consumers and a various programmes on different media. Therefore, the terms and methodology used to derive audience measurement becomes important. Key observations made and issues raised include:

- **Broadcast Audience Research Council:** The Broadcast Audience Research Council (BARC) is a self-regulated body which runs a television audience measurement system for India. It comprises of three industry associations: (i) the Indian Broadcasting Foundation, (ii) the Indian Society of Advertisers, and (iii) the Advertising Agencies Association of India. These hold 60%, 20%, and 20% shares in BARC, respectively. TRAI stated that some stakeholders had raised concerns about the neutrality of ratings services provided by BARC. In this context, TRAI raised the issue of whether the existing ownership structure of BARC ensures adequate representation of all stakeholders to maintain neutrality in television ratings.
- **Audience measurement technique:** All BARC data is based on a sample of the population. TRAI noted that the published ratings actually indicate a range of values. The range depends on the relative error associated with each estimate. The relative error can influence how reliable or significant an estimate is. The factors that affect relative error are sample size and the reach. TRAI noted that new methods need to be developed to minimize the relative errors. It raised the issue of whether the current technique is apt or needs improvements.
- **Competition:** TRAI observed that only BARC currently provides rating services, which may raise concerns of monopolistic behaviour. It suggested that one way of limiting monopoly could be by having different rating agencies for different regions or states. TRAI raised the issue of whether further competition is required in television rating services.
- **Panel expansion:** Panel size is the number of homes where the audience measuring devices are placed. TRAI noted that a smaller panel size results in limited data for analysis and is not truly representative. It suggested alternative methods for expanding panel size such as: (i) transferring viewership data electronically from a large set of panel homes, and (ii) mandating cable and Direct-to-Home operators to electronically send viewership data to the television measurement agency.

## Ministry notifies regulations for in flight and maritime connectivity

The Ministry of Communication notified regulations for in flight and maritime connectivity (IFMC).[46] IFMC refers to the provision of wireless voice or data in aircrafts and on ships.

In order to provide IFMC services, entities must apply for authorisation from the Department of Telecommunications (DoT). The conditions for eligibility to apply for an authorisation include those who have a license for providing telecommunication services, and Category A Internet Service Providers (those that provide internet services across India). Further, certain airlines and shipping companies that have entered into commercial agreements with service providers, are also eligible to apply for authorisation. Such authorisation will be valid for a period of ten years, and can be revoked by the DoT with a written notice of 21 days.

The regulations specify that there shall be separate infrastructure for IFMC and navigation systems in aircrafts and ships, to avoid interference. Further, the IFMC will be in the exclusive control of the pilot or captain of the aircraft or ship. Further, a designated officer of the central or state government will have the right to intercept telegraph messages passing through the IFMC network.

## TRAI notifies amendments to mobile number portability regulations

The Telecom Regulatory Authority of India notified the Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2018.[47] Mobile Number Portability (MNP) is a facility that allows subscribers to maintain their mobile number when they move from one service provider to another provider.

MNP is carried out by providing subscribers with a Unique Portability Code (UPC). In the current framework, the UPC is provided by the service provider whom the subscriber’s number belongs to at the time of requesting porting. Further, a Mobile Number Portability Service Provider (MNPSP) is supposed to facilitate the process of porting of numbers.

According to the amendments, the UPC will now be generated and provided to subscribers by the MNPSP, rather than the service provider. The MNPSP is to provide the UPC after checking from the database of the service provider. According to TRAI, this will facilitate porting in a more efficient manner.

# Environment

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## Estimates Committee submits report on the National Action Plan on Climate Change

The Committee on Estimates (Chair: Dr. Murli Manohar Joshi) submitted its report on the performance of the National Action Plan On Climate Change (NAPCC).[48] The NAPCC was launched in June 2008 to deal with issues related to climate change.

- **Regulation of NAPCC:** The NAPCC comprises eight missions, including: (i) National Solar Mission, (ii) National Water Mission, and (iii) National Mission for a Green India. Each mission is anchored under a Ministry, which is responsible for its implementation, budgetary provisions, and its actionable priorities. The Ministry of Environment, Forest and Climate Change (MoEF) is the coordinating Ministry of NAPCC. The broad policy initiatives of the Central Government are supplemented by actions at the level of state governments and Union Territories.
- **National Solar Mission:** The Committee noted that the Mission is expected to generate 1,00,000 MW by 2021-22, at an expected cost of Rs 6,00,000 crore. It noted that the funding requirement for the targeted solar power generation will be met from budgetary support, internal, and international financing. However, it expressed concerns about the lack of funds in relation to the targets under the Mission. It noted that the government's outlay for the 12th Plan period is Rs 13,690 crore, which is a fraction of the required investment. The Committee recommended that that an analysis of financial support from each source be undertaken by the government and a revised mission document be brought out indicating the sources of financing.
- **National Mission on Enhanced Energy Efficiency:** The Committee noted that the Mission had under-utilised allocated funds. It noted that between 2010-11 and 2016-17, Rs 914 crore was the budgeted expenditure, which was revised to Rs 259 crore. Of this, only Rs 208 crore was spent. The Committee stated that one of the reasons for reduced allocation was delays in certain approvals. It recommended that the Ministry should ensure that the funds are utilised for the schemes for which they have been allocated.
- **National Water Mission:** The Committee noted that the major components of the Mission include development of a comprehensive water database and assessment of impact of climate change on water resources. It was informed of an exercise undertaken to map all the water bodies in India. In this connection, the Committee referred to studies indicating that water availability data is unreliable due to use of outdated collection techniques and methodologies. Siloed information collection and sharing, especially between States, adds to costs and inefficiencies. The Committee recommended reviewing the techniques and methodologies of data collection and preparing a comprehensive database of all water bodies.

A PRS Summary of the Report is available here.

## Coastal Regulation Zone Notification, 2018 approved by Cabinet

Cabinet approved the Coastal Regulation Zone (CRZ) Notification, 2018.[49] It amends the CRZ Notification, 2011, in relation to management and conservation of marine and coastal ecosystems and ecotourism, among others. The draft Notification was released for public comments in April, 2018.[50] Key features of the 2018 Notification include:

- **Floor Size Index in CRZ Areas:** The CRZ Notification, 2011 had frozen the Floor Space Index (built up area/ total area) (FSI) for CRZ-II areas as per the 1991 Development Control Regulation levels. The draft notification proposes to remove this and permit FSI for construction projects as on the date of the new notification.
- **Bifurcation of CRZ-III areas:** CRZ-III areas (areas that are relatively undisturbed such as rural areas, and where the ratio of built up plot to total plot is less than 50%) have been divided into two categories:
  - (i) **CRZ-III A-** rural areas with a population density of 2,161 people per square kilometre or more as per the 2011 Census. Such areas shall have a No Development Zone (NDZ) of 50 meter from the High Tide Line (line on land up to which the highest water line reaches during the spring tide) (HTL);
  - (ii) **CRZ-III B-** rural areas with a population density lesser than 2,161 people per square kilometre. Such areas

shall continue to have a NDZ of 200 meter from the HTL

- **CRZ clearances streamlined:** The procedure for CRZ clearances has been streamlined. Only those projects located in CRZ-I (environmentally most critical) and CRZ-IV (area covered between Low Tide Line and 12 Nautical Miles seaward) will require clearance from the Ministry of Environment. The powers for clearances with respect to CRZ-II and III have been delegated to the state level.
- **Tourism infrastructure for basic amenities:** Temporary tourism facilities such as shacks, toilet blocks, and drinking water facilities have now been permitted in beaches. Such temporary tourism facilities are also now permissible in the "No Development Zone" (NDZ) of the CRZ-III areas as per the Notification. However, a minimum distance of 10 m from HTL should be maintained while setting up of such facilities.

# Transport

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## Standing Committee submits report on cargo handling at major ports

The Standing Committee on Transport, Tourism and Culture (Chair: Mr. Derek O'Brien) submitted its report on 'Cargo Handling at the Major Ports'.[51] Key observations and recommendations of the Committee include:

- **Container traffic:** The Committee recommended that the existing and new ports should align their capacity expansion with the projected increase in coastal shipping volumes. A dedicated berth for coastal shipping should be provided to promote coastal shipping.
- **Draft limitations:** The draft of a ship or boat is the vertical distance between the surface of the water and the lowest point of the vessel. The Committee observed that the draft at Indian ports is relatively low and does not measure up to internationally set standards. Most major ports in India have minimum draft under 12 metre, except for some younger ports which have draft of more than 14 metre. The average draft for container ships is 8.3 metre, and for ships with higher capacities, it is 15.5 metre. The Committee noted that insufficient draft at Indian ports leads to increased costs and time taken. It recommended that Indian ports should have deeper drafts, as vessels are getting bigger. This would also require greater investment in dredging.
- **Role of tariff regulations:** The Committee noted that the port sector in India is facing certain tariff-related uncertainties due to the multiplicity of regimes. Tariffs at non-major ports are not regulated, and they price their services based on market and competition. However, the major ports (including private terminals) fall under the jurisdiction of a regulator, the Tariff Authority for Major Ports (TAMP). This results in a lack of a level playing field for major ports, and they end up losing business opportunities due to certain tariff related uncertainties. The Committee suggested that the TAMP rules must be made reasonable to make it lucrative for ships to call on major ports against private ports. Further, the role of TAMP must be redefined, and a strategic and market oriented system of tariff must be set up.

For a PRS report summary, see here.

## Standing Committee submits report on safety and social security measures for workers of airport and aircraft operators

The Standing Committee on Labour (Chair: Dr. Kirit Somaiya) submitted its report on 'Scheduled/ Non-Scheduled/ Test Flying Air Operators/Maintenance Repair and Overhaul (MRO) Companies - Safety and Social Security Measures for their Workers/ Employees especially in context of those who are associated with flying of the Aircraft'.[52] Key observations and recommendations include:

- **Non-scheduled operators:** Scheduled air transport service is one undertaken between the same two or more places and operated according to a published time table or with regularity. Such flights must be open to use by the public. Scheduled operators are granted an Air Operator Certificate by the Directorate General of Civil Aviation (DGCA). Non-Scheduled air transport service is an air transport service, other than the scheduled ones, being operated for carriage of passengers, and goods. These include charter flights and helicopters.
- The Committee observed that with growth in the civil aviation sector, the use of non-scheduled private aircrafts is increasing. However, the number of accidents of such aircrafts are also increasing. The Committee recommended that a regulatory mechanism

for such private non-scheduled aircrafts must be put in place. Further, the Ministry of Civil Aviation, DGCA, and the Ministry of Labour must: (i) review the current safety guidelines (for pilots, crew and ground staff), and (ii) put in place a regulatory mechanism for ensuring the social security and safety of the employees of such non-scheduled aircrafts.

- **Air crashes:** The Committee noted that in certain cases of air crashes, necessary action was taken only after the occurrence of the crash, and loss of lives. Such incidents may be averted if the authorities check safety requirements, before providing flight permits. The Committee recommended that the DGCA should put in place a mechanism to take strict and timely action on detecting any deviation from the established safety norms to minimise air crashes.
- **Coverage under labour laws:** With regard to one of the incidents, the Committee observed that names of the deceased pilots and technicians could not be determined as no muster roll and wage register were maintained at the work site. It recommended that the Ministry of Labour should inspect all such organisations and ensure presence of muster rolls and wage register. Further, inquiry must be conducted into the violation of labour laws (such as the Employees' Provident Funds and Miscellaneous Provisions Act, 1952).

For a PRS report summary, see here.

## Mines

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### Standing Committee submits report on implementation of DMF and Pradhan Mantri Khanij Kshetra Kalyan Yojana

The Standing Committee on Coal and Steel (Chair: Prof. Chintamani Malviya) submitted its report on 'Implementation of District Mineral Foundation (DMF) and Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY)'. The Mines and Minerals (Development and Regulation) Act, 1957 was amended in 2015 to enable the state governments to set up DMFs. DMFs seek to work for the benefit of persons in districts affected by mining related operations. PMKKKY was launched in 2015 to implement the projects approved by DMFs in coordination with the ongoing schemes of the central government and state governments. Key observations and recommendations of the Committee include:

- **Allocation of funds:** The Committee observed that under PMKKKY, 60% of the DMF funds are required to be utilised for projects in high priority sectors, such as health, education, drinking water, sanitation and environment, among others. It noted that this is resulting in spending getting prioritised over certain sectors and on people and areas who may not be directly affected by mining activities. The Committee recommended that the requirement to use 60% funds in high priority sectors should be done away with. Instead, 60% of the funds must be spent on the people living in areas directly affected by mining operations.
- **Implementation:** The Committee observed that till August 2018, Rs 21,235 crore has been collected under DMFs. Of this, projects worth Rs 15,548 crore have been sanctioned. It also observed that out of the 81,624 projects sanctioned, only 22,026 projects worth Rs 4,888 crore have been completed, reflecting non-initiation of projects and slow spending pattern. The Committee recommended that the Ministry of Mines should put a monitoring mechanism in place for timely allocation and utilisation of funds. Further, provisions must be made for fixing accountability in case of unnecessary delays in implementation of projects.
- **Composition of DMF:** The Committee noted that composition of DMFs specified by state governments is dominated by bureaucrats in most states, without much representation of public representatives. The Committee recommended that the local Member(s) of Parliament must be appointed as the Chairman of the Governing Council of the respective DMF.

For a PRS report summary, please see here.

## Space

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### Cabinet approves human spaceflight programme Gaganyaan

The Union Cabinet approved the human spaceflight programme Gaganyaan.[53] Under the programme, two unmanned missions will be launched before sending humans to space. The programme will be undertaken by the Indian Space Research Organisation (ISRO).

The manned spaceflight, with a three-member crew, is aimed to be launched within 40 months from the date of approval. It will be launched using the Geosynchronous Satellite Launch Vehicle Mk-III. Once launched, it will be placed in low earth orbit for a maximum period of seven days. Orbital period, in this case, is the time that will be taken by the spaceflight to complete an orbit of the earth.

An expenditure of Rs 9,023 crore has been approved for the programme. The total cost of programme is estimated to be within Rs 10,000 crore, which includes the cost of technology development, flight hardware realisation, and developing essential infrastructure elements.

# External Affairs

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## President of Maldives visits India

The President of Maldives visited India.[54] Four agreements were signed between India and Maldives in various fields including: (i) cultural cooperation, (ii) improving the ecosystem for agribusiness, and (iii) communications and information technology.[55]

## President visits Myanmar

The President Mr. Ram Nath Kovind visited Myanmar.[56] India and Myanmar signed two agreements for cooperation in the fields of: (i) training of judicial officers, as well as (ii) science and technology.[57]

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