Monthly Policy Review

September 2018

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Standing Committees submit reports on two subjects (p. 6,14)
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Cabinet approves PM-AASHA scheme for procurement of crops from farmers (p. 12)
Under the scheme, states have the option to adopt mechanisms for procurement of crops from farmers, including: (i) Price Support Scheme, (ii) Price Deficiency Payment Scheme, or (iii) Private Procurement & Stockist Scheme.

Draft India Cooling Action Plan released by the Ministry of Environment (p. 10)
The Plan provides recommendations to address cooling requirements across sectors over a 20 year period (2017-18 to 2037-38). By 2037-38, it aims to reduce cooling energy requirements by 25%-40%, among other things.

Two Committees to examine various issues related to companies and competition (p. 6)
They will: (i) review the existing framework and formulate a roadmap for a policy on Corporate Social Responsibility and (iii) review the Competition Act, 2002.

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Macroeconomic Development

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Current Account Deficit at 2.4% of GDP in the first quarter of 2018-19

India's Current Account Deficit (CAD) in the first quarter (April–June) of 2018-19 increased to USD 15.8 billion (2.4% of Gross Domestic Product) from USD 15 billion (2.5% of GDP) in the first quarter of 2017-18.[1] CAD in the previous quarter, i.e. fourth quarter (January – March) of 2017-18 was USD 13 billion (1.9% of GDP). The increase in CAD was primarily due to a higher trade deficit (difference between a country's exports and imports) of USD 45.7 billion in the first quarter of 2018-19 compared to USD 41.9 billion in the same period of the previous year.

The capital account surplus was USD 5.3 billion, decreasing from USD 26.9 billion in the first quarter of 2017-18. The decrease is primarily due to outflow of USD 8.1 billion of foreign portfolio investment, as compared to an inflow of USD 12.5 billion in the previous year. Foreign direct investment increased to USD 9.7 billion from USD 7.1 billion in the first quarter of 2017-18.

Further, there was a depletion of USD 11.3 billion in foreign exchange reserves, as compared to an accretion of USD 11.4 billion in the corresponding quarter of the previous year. Table 1 shows India's balance of payments in the first quarter of 2018-19.

Table 1: Balance of Payments, Q1 2018-19 (USD billion)

	Q1 2017-18	Q4 2017-18	Q1 2018-19
Current Account	-15	-13	-15.8
Capital Account	26.9	25	5.3
Errors and Omissions	-0.6	1.3	-0.8
Change in reserves	11.4	13.2	-11.3

Sources: Reserve Bank of India; PRS

Law and Justice

Supreme Court reads down some parts of the Aadhaar Act

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The Supreme Court upheld the constitutional validity of the provisions of the Aadhaar Act, 2016 by a 4:1 majority.[2] It also upheld the passage of the Aadhaar Bill as a Money Bill in the Lok Sabha. Further, Section 139AA of the Income Tax Act, 1961, which mandates quoting of Aadhaar number for obtaining a Permanent Account Number (PAN) and for filing income tax returns, was also upheld.

However, certain provisions of the Act were read down. Section 7 permits the government to require that Aadhaar be used for authenticating the identity of an individual receiving government subsidies or benefits, or paying for government services. The Court upheld this with the condition that alternate mechanisms be created in case the authentication fails for a genuine beneficiary.

Section 57 allows the use of Aadhaar for establishing identity for other purposes if authorized by any law or through contractual agreement. The Court said Aadhaar can be used only if there is a law, which establishes the necessity and proportionality of its use.

The court also struck down some provisions. These include: (i) Section 33(2), which permitted the disclosure of information, including identity and authentication information, in the interest of national security to an officer not below the rank of Joint Secretary to the government, (ii) Section 47, which stated that complaints regarding offences under the Act could be filed in courts only by UIDAI.

Section 33(1) of the Act was read down. This allowed disclosure of information, including identity and authentication records, if ordered by a court not inferior to that of District Judge. The Court stated that the individual whose information is being sought should be given the opportunity of being heard.

The Prevention of Money Laundering (Maintenance of Records) Rules, 2005 had mandated linking of bank accounts and other financial instruments, such as mutual funds and insurance policies, with Aadhaar. The Court declared this unconstitutional, stating that it did not meet the test of proportionality and violated the right to privacy of the individual with regard to his banking details. On similar considerations, the Court declared the provision of linking mobile phones with Aadhaar as unconstitutional.

Supreme Court de-criminalises homosexuality

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The Supreme Court decided a constitutional challenge to Section 377 of the Indian Penal Code, 1860.[3] Section 377 punishes a person who has intercourse with a man, woman, or animal which is against the 'order of nature'. The offence is punishable with imprisonment for life or up to 10 years, and fine. Under this provision, sexual intercourse between persons of the same gender was criminalised.

The Court held the provision to be unconstitutional to the extent that it criminalises sexual acts between two consenting adults. The provision will continue to govern sexual acts against minors, animals, and in respect of non-consenting adults.

The Court found the provision to be arbitrary and violative of Article 14 of the Constitution (right to equality) since it distinguished between heterosexual and homosexual adults, solely on the basis of their sexual orientation. The Court further stated that the provision violates the right to dignity, privacy and sexual autonomy guaranteed to homosexual persons under Article 21 of the Constitution (right to life). The Court also found the provision to violate Article 19(1)(a) of the Constitution (freedom of speech and expression).

Supreme Court de-criminalises adultery

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The Supreme Court decided a constitutional challenge to Section 497 of the Indian Penal Code, 1860, which criminalises adultery.[4] Section 497 punishes a man who has sexual intercourse with the wife of another man, without his consent. The offence is punishable with imprisonment of up to five years or a fine, or both. The petitioners in the case wanted the Court to make the offence gender-neutral.

The Court held the provision to be unconstitutional and struck it down entirely. The Court found the provisions to be arbitrary and violative of Article 14 (right to equality) since: (i) it did not apply equally to a married man who had intercourse with another woman; and (ii) it permitted adultery if the husband consented, which indicates that the provision treated the wife as property of the husband. The Court further found the provision to violate the right to dignity, privacy and sexual autonomy of a woman guaranteed to her under Article 21of the Constitution (right to life).

The Court clarified that adultery may continue to be a ground for divorce.

Triple Talaq Ordinance promulgated

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The Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 was promulgated on September 19, 2018.[5] Note that the Muslim Women (Protection of Rights on Marriage) Bill, 2017 was introduced and passed in Lok Sabha on December 28, 2017 and is currently pending in Rajya Sabha.[6] Key features of the Ordinance include:

- The Ordinance 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.
- **Offence and penalty:** The Ordinance 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 Ordinance 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 and manner of custody will be determined by the Magistrate.

For a PRS Ordinance summary, see here.

Supreme Court lays down live-streaming of court proceedings

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The Supreme Court has allowed live-streaming of certain cases of constitutional or national importance.[7] The Court formulated certain model guidelines for the live-stream. These include:

- Only a specified category of cases or cases of constitutional and national importance being argued for final hearing before the Constitution Bench may be live streamed as a pilot project. Sensitive cases like matrimonial disputes or sexual assault case shall not be streamed live. Further, the Court may live-stream oath-taking ceremonies or judicial conferences.
- The live-stream shall be available on the website of the Supreme Court. The Court shall also maintain archives of all the live-streamed proceedings.
- There shall be a time gap of two minutes between the proceedings and the streaming. This will allow time for screening sensitive information or any other exchange which should not be streamed.
- Prior consent of all parties to the concerned proceedings must be taken before streaming the proceedings. If there is no unanimity between the parties, the Court can decide whether to broadcast the proceedings.
- The presiding judge will have the final authority to suspend or prohibit live-streaming of proceedings in a particular case, if he believes the publicity would prejudice the interest of justice.
- The Supreme Court shall have exclusive copyright over all the material recorded and broadcast in the Court.

Supreme Court lays down guidelines for chargesheeted candidates contesting elections

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The Supreme Court set down certain guidelines to be followed by candidates who are contesting elections and have criminal cases pending against them in a court.[8] These guidelines are:

- Each contesting candidate shall fill up the form provided by the Election Commission of India. The form must contain all the particulars as required in it. Further, the form should state the criminal cases pending against the candidate in bold letters.
- If a candidate is contesting an election on the ticket of a particular party, he is required to inform the party about the criminal cases pending against him.
- The concerned political party must display the information relating to the criminal antecedents of its candidates on its website.
- The candidate as well as the concerned political party must issue a declaration in a widely circulated newspaper in the locality about candidate’s criminal antecedents. Such declaration must be made at least thrice after the candidate files his nomination papers.

The Court stated that Parliament should consider enacting a law to ensure that persons facing serious criminal charges do not contest elections.

Supreme Court allows the entry of women in Sabrimala Temple

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A five-judge Constitution Bench of the Supreme Court heard a case challenging the constitutionality of a custom under which women between the ages of 10 to 50 years were denied entry to Lord Ayyappa Temple at Sabarimala, Kerala.[9] The Court held the practice to be unconstitutional by a 4:1 majority.

The practice was challenged on the grounds that it violates Articles 14 (right to equality), 15 (prohibition of discrimination based on sex), 17 (abolition of untouchability), 21 (protection of life and personal liberty), and 25 (freedom of religion) of the Constitution.

Supreme Court upholds judgement on reservation in promotions for Scheduled Castes and Scheduled Tribes

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The Supreme Court upheld its earlier judgement on reservation in promotion to Scheduled Castes and Scheduled Tribes in public employment.[10] In its earlier judgement, the Supreme Court held that the government could provide reservation in promotions to Scheduled Castes and Scheduled Tribes, but would have to show the existence of certain reasons.[11] These reasons include: (i) backwardness, (ii) inadequacy of representation, and (iii) administrative efficiency. It further stated that the government would have to collect data showing backwardness of Scheduled Castes and Scheduled Tribes.

The court upheld this judgement, but stated that the government did not have to collect data showing backwardness of the Scheduled Castes and Scheduled Tribes.

Health

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Ordinance to supersede the Medical Council of India promulgated

The Indian Medical Council (Amendment) Ordinance, 2018 was promulgated on September 26, 2018.[12] It amends the Indian Medical Council Act, 1956. 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 Ordinance 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 central government will select one of these members as the Chairperson of the Board. The Ordinance amends this provision to allow for eminent administrators to be selected in the Board.
- The Ordinance provides for the Board of Governors to be assisted by a Secretary General appointed by central government.

For a PRS summary of the Ordinance, see here.

Ministry launches Pradhan Mantri Jan Arogya Yojana

The Ministry of Health and Family Welfare launched Pradhan Mantri Jan Arogya Yojana.[13],[14] The scheme aims to provide a cover of Rs five lakh per family per year to about 10.7 crore families (no cap on family size and age) belonging to poor and vulnerable population. The scheme will subsume the on-going centrally sponsored schemes, Rashtriya Swasthya Bima Yojana and the Senior Citizen Health Insurance Scheme. The scheme was approved by the Cabinet in March 2018. Key features of the scheme are as follows:

- **Benefits**: The scheme aims to provide insurance coverage for secondary and tertiary health care. This will include pre and post hospitalisation expenses. A defined transport allowance per hospitalisation will also be paid to the beneficiary. A beneficiary under the scheme will be allowed to take cashless benefits from any public/private empanelled hospitals across the country.
- **Eligibility:** The entitlement under the scheme will be decided on the basis of deprivation criteria in the Socio-Economic Caste Census database. The different categories in rural areas include: (i) families having only one room with kucha walls and kucha roof, (ii) families having no adult member between age 16 to 59 years, and (iii) female headed households with no adult male member between age 16 to 59 years, among others. For urban areas, 11 defined occupational categories are entitled for the benefits under the scheme.
- **Financing:** The payments for treatment will be done on package rate (to be defined by the government in advance) basis. The package rates will include all the costs associated with treatment. States/ UTs will have the flexibility to modify these rates within a limited bandwidth. For coordination between the centre and states, it is proposed to set up Ayushman Bharat National Health Protection Mission Council chaired by the Union Health and Family Welfare Minister. The expenditure incurred in premium payment will be shared between central and state governments in specified ratio as per Ministry of Finance guidelines.

Corporate Affairs

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Issue and transfer of shares by unlisted public companies to be in dematerialised form only

The Ministry of Corporate Affairs notified the Companies (Prospectus and Allotment of Securities) Third Amendment Rules, 2018. The Amendment Rules provide that issue of further shares and transfer of all shares by unlisted public companies may only be in dematerialised form.[15] The Amendment Rules will take effect from October 2, 2018.

The stated benefits for the dematerialisation are to: (i) eliminate risks associated with physical certificates such as loss, theft, fraud, and mutilation, (ii) improve corporate governance by increasing transparency and preventing mal-practices such as benami shareholding, and back dated issuance of shares, (iii) enable exemption from payment of stamp duty on transfer, and (iv) make transfer or pledge of securities easier.[16]

Unlisted public companies must facilitate the dematerialisation of their securities in coordination with the Depositories and Share Transfer Agents. Any grievances arising out of the dematerialization of securities will be handled by the Investor Education and Protection Fund Authority.

High Level Committee constituted for corporate social responsibility

A committee has been constituted to review the existing framework and to formulate a roadmap for a policy on Corporate Social Responsibility (CSR).[17] Among other things, the Committee will analyse outcomes of CSR activities and suggest measures for effective monitoring and evaluation of CSR by companies.

The Committee will be chaired by the Secretary, Ministry of Corporate Affairs and will include the following members: (i) Director General, Indian Institute of Corporate Affairs, (ii) Chairman, SEBI, or his representative, (iii) Mr. P.S. Narsimha, Additional Solicitor General, and (iv) Mr. N. Chandrasekharan, Chairman, Tata Sons. The Committee is required to submit its recommendations to the government within three months of its first meeting.

Committee constituted to review the Competition Act

A committee has been constituted to review the Competition Act, 2002.[18] The Terms of Reference of the Committee include: (i) examining best practices internationally in relation to anti-trust laws, merger guidelines, and handling of cross-border competition issues, and (ii) studying other regulatory regimes, institutional mechanism, and government policies that overlap with the Act.

The Committee will be chaired by the Secretary, Ministry of Corporate Affairs and will include the following members: (i) Chairperson, Competition Commission of India, (ii) Chairperson, Insolvency and Bankruptcy Board of India, (iii) Shri Aditya Bhattacharjea. Professor of Economics, Delhi School of Economics, and (iv) Joint Secretary (Competition), Ministry of Corporate Affairs. The Committee is required to submit its recommendations to the government within three months of its first meeting.

Finance

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Cabinet approves continuation of Pradhan Mantri Jan Dhan Yojana

The Union Cabinet approved the continuation of the Pradhan Mantri Jan Dhan Yojana (PMJDY) beyond the previously specified timeline of August 2018.[19] The coverage of the scheme has been expanded from "every household" to "every adult". The existing overdraft limit of Rs 5,000 for Jan Dhan accounts has been increased to Rs 10,000. Additionally, the age bracket for account holders availing overdraft facility has been increased from 18-60 years to 18-65 years.

Further, accidental insurance cover for holders of RuPay cards has also been increased from one lakh rupees to two lakh rupees.

Standing Committee submits report on issues in the Indian banking sector

The Standing Committee on Finance (Chair: Dr. M. Veerappa Moily) submitted its report on the Banking Sector in India – Issues, Challenges and the Way Forward on August 31, 2018. Credit and deposit growth in banks have recently been slow. High volumes of non-performing assets (NPAs) in banks have eroded their capital base, and restricted their ability to lend. Key observations and recommendations of the Committee include:

- **Lowering of Capital to Risk-weighted Assets Ratio (CRAR) requirement:** The Committee noted that the Reserve Bank of India (RBI) requirement of a minimum CRAR of 9%, to prevent banks from becoming highly leveraged, is 1% higher than the Basel III norms for internationally active banks. This is applicable to all PSBs, even though nine of them do not operate internationally. The Committee observed that such a high CRAR requirement is impractical for these banks, and a relaxation would (i) release capital of approximately Rs 5.34 lakh crore, (ii) grow loans and generate an additional Rs 50,000 crore of income annually, and (iii) avoid the need for capital infusion in these banks.
- **Performance of the National Company Law Tribunals (NCLT):** The Committee noted that resolution of larger NPAs under the Insolvency and Bankruptcy Code (IBC) have been taking much longer than the stipulated time period of 270 days. It recommended that NCLTs' resources be increased to enable them to dispose of such cases swiftly.
- Further, the Committee observed that several lenders have had to take large 'haircuts' (difference between loan amount

and the value of the collateral) for some of their loans. It recommended that a reasonable base price should be fixed for bidding so that large 'haircuts' can be avoided by creditors in the course of the IBC process in NCLT.

- **Powers of the RBI in case of PSBs:** The Committee noted that the RBI had stated that some powers available to the RBI under the Banking Regulation Act, 1949 are not available in the case of PSBs. These include: (i) removing and appointing Chairman and Managing Directors of banks, (ii) superseding the Board of Directors, and (iii) granting licences. The Committee also noted that the RBI can, however, (i) inspect the bank, (ii) consult with the government on appointing senior bank officials, and (iii) have a nominee on a PSB's management committee. In this regard, the Committee recommended that the government should constitute a high powered committee to evaluate the powers of the RBI with respect to PSBs as provided under various statutes.

For a PRS Report Summary, see here.

SEBI working group submits report on KYC requirements and eligibility for Foreign Portfolio Investments

The working group constituted on Know Your Client (KYC) requirements for foreign portfolio investors (Chair: Mr. Harun R. Khan) submitted its report.[20] The recommendations of the working group were accepted by the board members of Securities and Exchange Board of India (SEBI).[21,22,23] Key recommendations of the working group include:

- **Eligibility criteria for beneficial owners of foreign portfolio investments (FPIs):** A circular released by SEBI on April 10, 2018 had clarified that non-resident Indians (NRIs), resident Indians (RIs) and overseas citizens of India (OCIs) cannot be beneficial owners of investing FPIs. Beneficial owners are natural persons who ultimately own or control FPIs.

  The working group recommended that: (i) NRIs, RIs and OCIs should be allowed to be constituents of FPIs if each individual holding is below 25% and their aggregate holding is below 50% of total assets under management of the FPI, and (ii) FPIs could be controlled by NRIs, RIs or OCIs as investment managers provided they are appropriately regulated in their home jurisdiction or set up under Indian laws, and registered with SEBI. Existing FPIs and new applicants will be given two years to satisfy the new eligibility criteria.

  Further, the working group recommended that the criteria for beneficial ownership, as given in the Prevention of Money Laundering (Maintenance of Records) Rules, 2005, should be applicable only for the purpose of KYC, and not for determining eligibility.

- **KYC requirements for FPIs:** FPIs are classified into three categories (Category I, II and III) in order of increasing risk. The group recommended that for identifying beneficial owners of FPIs from 'high risk jurisdictions', a lower materiality threshold of 10% should only be applicable to Category II and III FPIs. Note that the materiality threshold for other FPIs is 25% in case of a company and 15% in case of partnership firms.[24]

  Further, the group recommended that KYC review be done yearly for Category II and III FPIs from high risk jurisdictions, and only at the time of continuance of FPI registration for other FPIs.

Petroleum and Natural Gas

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CCEA approves an increase in ethanol prices for the supply year 2018-19

The Cabinet Committee on Economic Affairs (CCEA) approved an increase in the prices of ethanol derived out of B heavy molasses and 100% sugarcane juice.[25,26] Ethanol is primarily produced from sources such as: (i) sugarcane with 100% sugarcane juice, which has not been used for sugar production, (ii) B heavy molasses, which has been used for sugar production, but still contains some sugar content, (iii) C heavy molasses, which is the end product left after sugar processing, and (iv) damaged foodgrains, among other sources.

Earlier, ethanol was priced at a flat rate irrespective of the mode of manufacture. In June 2018, the central government had fixed different rates for ethanol manufactured from different sources. Prices of ethanol derived from sources with more sugar content were fixed at a higher rate to divert sugarcane from sugar processing and thus, prevent excess sugar production. This would also result in higher availability of ethanol for blending with petrol. Blending ethanol with petrol helps in reducing vehicle exhaust emissions as well as the petroleum imports.

Due to a subsequent revision in the Fair and Remunerative Price of sugarcane, the ethanol prices have been revised for the ethanol supply year from December 1, 2018 to November 30, 2019. The revised prices of ethanol are:

- The price of ethanol derived out of B heavy molasses has been increased from Rs 47.13 per litre to Rs 52.43 per litre.
- The price of ethanol derived out of 100% sugarcane juice has been increased from Rs 47.13 per litre to Rs 59.13 per litre. This revised price is only for those mills which will divert 100% sugarcane juice for production of ethanol, thereby not producing any sugar.

The price of ethanol derived out of C heavy molasses has been fixed at Rs 43.46 per litre.

Oil marketing companies have been advised to prioritise usage of ethanol derived out of: (i) 100% sugarcane juice, (ii) B heavy molasses, (iii) C heavy molasses, and (iv) damaged food grains and other sources, in that order.

Moreover, the mills which divert sugarcanes with 100% juice and B heavy molasses for ethanol production have been permitted to sell additional sugar (over the limits imposed by the Department of Food and Public Distribution). Such mills can sell one additional tonne of sugar on producing 600 litres of ethanol.

Cabinet approves policy framework to improve recovery factor of existing hydrocarbon reserves

The Union Cabinet approved a policy framework to promote and incentivise Enhanced Recovery (ER), Improved Recovery (IR), and Unconventional Hydrocarbon (UHC) production methods.[27] The ER methods include enhanced oil recovery as well as enhanced gas recovery methods. IR methods comprise of new drilling technologies, and advanced techniques for management and control of reserves, in combination with the ER methods. UHC production methods include methods for production of shale oil and gas, gas hydrates and heavy oil, among others. The policy aims to increase the recovery rate of oil and gas from existing hydrocarbon reserves for augmenting their domestic production.

The policy involves: (i) systemic assessment of every field for its ER potential, (ii) appraisal of appropriate ER techniques, and (iii) fiscal incentives to make the required additional investment financially viable. Prior to commercial implementation of the ER project, mandatory screening of the fields will be done by designated institutions, and a pilot project will be conducted. Such institutions will be notified by the central government.

The policy will be monitored and implemented by a committee comprising of representatives of the Ministry of Petroleum and Natural Gas, the Directorate General of Hydrocarbons, experts in the upstream sector, and academia.

It will be applicable to all the blocks allocated to oil companies on a contractual basis, as well as to the blocks granted on nomination basis to the national oil companies, namely Oil and Natural Gas Corporation Limited and Oil India Limited. The policy will be effective for a period of 10 years from the date of notification.

However, the fiscal incentives will be provided for a period of 10 years, from the date of commencement of production using the ER and UHC methods. In case of IR projects, the fiscal incentives will be available from the date of achievement of the prescribed benchmark. These incentives will be given in the form of a partial waiver of cess or royalty, and will be applicable to the incremental production realised through this policy.

Energy

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Draft amendments to Electricity Act, 2003 released

The Ministry of Power released draft amendments to the Electricity Act, 2003.[28] The proposed amendments seek to segregate the electricity distribution business into two segments: supply and distribution. Key features of the proposed amendments include:

- **Segregation of distribution and supply**: Under the Act, a distribution licensee supplies electricity and maintains the distribution network in an area of supply. The proposed amendments provide for separate licences for maintaining the distribution system (distribution licence) and for the supply of electricity (supply licence). Further, multiple distribution and supply licences could be awarded for an area of distribution and supply.
- **Renewable energy**: The Act does not define renewable sources of energy. The proposed amendments define renewable energy sources to include hydro, wind, solar, bio-mass, bio-fuel, waste including municipal and solid waste, co-generation

from these sources, and other sources as notified by the central government. The amendments also provide for a National Renewable Energy Policy.

- The amendments define Renewable Purchase Obligation as the minimum percentage of electricity from renewable sources that must be procured by obligated entities (such as supply licensees). Renewable Generation Obligation is defined as the renewable energy capacity that must be installed or procured by a coal or lignite based generation station.
- **Power subsidy**: If a state government or any other agency seeks to provide a subsidy to any consumer, it will do so through direct benefit transfer.
- **Smart grid and metering**: The amendments define a smart grid as an electricity network that uses information and communication technology to gather information and act intelligently in an automated manner. It should help improve the efficiency, reliability, economics, and sustainability of generation, transmission and distribution of electricity. The amendments also provide that smart meters should be installed at each stage for proper measurement of consumption.

Comments on the draft are invited within 45 days from the date of its publication (i.e., 22nd October, 2018).

Note that the Electricity (Amendment) Bill, 2014 which amends the Act is currently pending in Lok Sabha; several provisions of the draft Bill are including in the 2014 Bill. For a PRS analysis of the 2014 Bill, see here.

Ministry of Power proposes rationalisation of retail tariff

The Ministry of Power has proposed amendments to the Tariff Policy, 2016 (for electricity) to simplify the current tariff categories and rationalise retail tariff.[29] The proposed principles include:

- **Tariff structure:** The tariff structure should do away with the concept of different tariff for different categories of consumers. The price should instead be based on load used and energy consumed. The state electricity regulatory commissions may create a separate category of tariff for electric vehicle charging stations.
- A systematic method can be adopted to revise the consumer load automatically if the average load of the previous year exceeds the sanctioned load. A penalty should be imposed for exceeding the sanctioned load.
- **Load and consumption categories:** A maximum of five load categories may be created such as: (i) 0-2 kW, (ii) 2-5 kW, (iii) 5-10 kW, (iv) 10-25 kW, and (v) >25 kW. For each load bracket, the tariff should be progressive based on consumption. The consumption slabs should be considered as: (i) 0-200 units, (ii) 201-400 units, (iii) 401-800 units, (iv) 801-1200 units, and (v) >1200 units.
- **Subsidies:** Consumers with sanctioned load and unit consumption in lower brackets will be subsidised by consumers in higher load and consumption brackets.

Changes in domestic duties, taxes can be passed through under 'change of law'

Currently, under the Tariff Policy, 2016 (for electricity), pass-through of increased costs may be allowed if the duties/taxes are changed after the award of bids, or unless provided otherwise in the Power Purchase Agreement (PPA).[30] Further, such pass through of increased costs must be approved by the respective central or state regulatory commission.

The Ministry of Power noted that power generation companies have been unable to get pass-through of changes in cost. This is mostly due to delays in getting the pass-through costs approved. Such delays have affected the cash flows of these companies, and are causing stress in the power sector.

In light of this, the Ministry has issued directions to the Central Electricity Regulatory Commission (CERC) which include:

- Any changes in domestic duties, levies, cess, and taxes, imposed by the central or state government, which leads to an increase in the cost of power, be passed through to the consumer (unless provided otherwise in the PPA).
- CERC will only determine the per unit impact of such change in duties/ taxes, which will be passed on.
- CERC will circulate a draft order for determination of per unit impact to all the states/ beneficiaries on the 14th day of the filing of petition.
- The impact of such change in law on the tariff will be effective from the date of the change in law.

Transport

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DGCA releases the National Aviation Safety Plan 2018-22

The Directorate General of Civil Aviation (DGCA) released the National Aviation Safety Plan 2018-22.[31] The Plan aims to promote continuous improvement of aviation safety in the country. Key features of the Plan include:

- **State Safety Priorities:** These priorities include: (i) airborne conflict, (ii) runway excursions and overruns, (iii) wildlife and bird strikes, (iv) loss of control in flight, and (v) deficient maintenance. Each State Safety Priority will have safety objectives, proposed desired safety outcomes, safety action plan and a number of Safety Performance Indicators.
- **Safety objectives:** Objectives include reducing: (i) the risk of airborne conflict, (ii) the number of runway excursions, (iii) the number of wildlife (on ground) and bird strikes, (iv) the number of ground collisions between aircrafts, and between aircrafts and vehicles. Indicators for each objective include the number of incidents, warnings issued, errors, etc.
- **Targets:** The desired safety outcome is to reduce number of reported events for each indicator by 3% every year. The targets are fixed for first two years (2018 and 2019). In the subsequent years (2020, 2021 & 2022), targets will be fixed based on the performance of the previous year.
- **State safety risk controls:** In addition to safety priorities, key state safety risk controls also must be measured and improved. The focus of safety priorities for 2018-22 will include: (i) effective state safety oversight, (ii) implementation of service providers' Safety Management System, (iii) addressing safety concerns raised by International Civil Aviation Organisation and implementing their provisions, and (iv) safe operations of Remotely Piloted Aircraft Systems (commonly known as drones).

Cabinet approves electrification of remaining un-electrified train lines

The Cabinet Committee on Economic Affairs approved the proposal for electrification of balance un-electrified broad gauge routes of Indian Railways.[32] These routes comprise 108 sections covering 13,675 route kilometres. The electrification will cost Rs 12,134.50 crore, and is likely to be completed by 2021-22. Currently, around two-thirds of freight and more than half of passenger traffic in Indian Railways moves on electrified routes.

Environment

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Draft India Cooling Action Plan released

The Ministry of Environment, Forest, and Climate Change released the Draft India Cooling Action Plan (ICAP).[33] The ICAP provides recommendations to address cooling requirements across sectors, and ways to provide access to sustainable cooling for all over a 20 year period (2017-18 to 2037-38). The main goals as outlined in the ICAP include:

- Supporting development of technological solutions in cooling and related areas;
- Reducing cooling demand across sectors by 20%-25% by 2037-38;
- Reducing refrigerant demand by 25%-30% by 2037-38;
- Reducing cooling energy requirements by 25%-40% by 2037-38; and
- Training and certifying 1,00,000 servicing sector technicians by 2022-23.

To achieve these objectives, the ICAP has prioritised areas to make interventions, which include:

- **Building energy efficiency:** This will be achieved through: (i) reducing the cooling load of the building sector through fast-tracked implementation of building energy codes, (ii) adopting adaptive thermal comfort standards, (iii) increasing energy efficiency of room air-conditioners and fans, and (iv) enhancing consumer awareness through eco-labelling of cooling products.
- **Cold Chain and Refrigeration:** Steps recommended in this area include: (i) developing programs for retrofitting of existing cold storages to reduce cooling, refrigerant demand and energy consumption and (ii) standardising all design, construction and associated specifications for small, medium and large cold-chain infrastructure components.

- **Research and Development (R&D):** Promoting development and commercialisation of low energy-cooling technologies will reduce energy footprint of active cooling. In addition, a comprehensive R&D innovation ecosystem should be developed through the involvement of institutes of excellence and the private sector.

Cabinet approves continuation of Integrated Development of Wildlife Habitats scheme till 2019-20

The Cabinet Committee on Economic Affairs approved the continuation of the Integrated Development of Wildlife Habitats scheme with an outlay of Rs 1,732 crore till 2019-20.[34] The scheme aims to foster wildlife conservation in the country. It has three components: (i) Project Tiger with an outlay of Rs 1,143 crore, (ii) Development of Wildlife Habitats with an outlay of Rs 497 crore, and (iii) Project Elephant with an outlay of Rs 92 crore.

Communications

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Cabinet approves National Digital Communications Policy, 2018

The Union Cabinet approved the National Digital Communications Policy, 2018.[35,36] The policy noted that India's digital profile is one of the fastest growing in the world and it is estimated that by 2025, India's digital economy has the potential to reach one trillion USD. The objective of the policy is to lay out a framework that will enable creation of a vibrant telecom market to strengthen India's long-term competitiveness. Key features of the approved policy include:

- **Objectives:** Some of the objectives include: (i) provide broadband connectivity at 50 Mbps to every citizen, (ii) create 4 million additional jobs in the digital communications sector, and (iii) attract investments of USD 100 billion in the digital communications sector.
- **National Broadband Missions:** A National Broadband Mission will be established to secure universal broadband access. This will include implementation of: (i) broadband initiatives such as BharatNet and GramNet, and (ii) a Fibre First Initiative to provide fibre connectivity in Tier I, II, and III towns, and rural clusters.
- **Spectrum:** New spectrum bands will be identified and made available for deployment and growth of 5G networks. The policy proposes optimal pricing of spectrum and simplifying the process of obtaining permissions from various agencies. Further, it proposes to constitute a Spectrum Advisory Team to facilitate the identification of new bands, applications, and measures to promote innovation.
- **Investments:** In order to increase investments, the policy proposes to recognise telecom infrastructure as critical and essential infrastructure, similar to roadways and railways. Further, it proposes to reform the licensing and regulatory regime by: (i) reviewing levies and fees, (ii) rationalising taxes on digital communication equipment, and (iii) reducing license and regulatory requirements.
- **Data protection:** The objectives of the policy include establishing a comprehensive data protection regime for digital communications that safeguards the privacy of individuals.

TRAI invites comments on draft regulations on Mobile Number Portability

The Telecom Regulatory Authority of India (TRAI) invited feedback on draft regulations on Mobile Number Portability (MNP).[37] The deadline for submitting comments is October 24, 2018. MNP is a facility that allows subscribers to maintain their mobile number when they move from one service provider to another service 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.

The draft regulations propose that the UPC will 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.[37]

TRAI notifies amendments to the Telecommunication Tariff Order, 1999

The Telecom Regulatory Authority of India (TRAI) notified amendments to the

Telecommunication Tariff Order, 1999.[38] The Order relates to fixing of tariffs for various telecommunication services.[39]

The amendment removes certain types of services like radio paging services, telex, and telegraph services from the ambit of the Order. Further, the Order limits the amount of deposit that can be charged from subscribers at not more than one year of rental charge. According to the amendments, this limit will not apply to International Subscriber Dialing and International Roaming Services.

Agriculture

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Cabinet approves PM-AASHA scheme for procurement of crops from farmers

The Union Cabinet approved the Pradhan Mantri Annadata Aay Sanrakshan Abhiyan (PM-AASHA) scheme for procurement of crops from farmers.[40] Under the scheme, states have the option to adopt these procurement mechanisms: (i) Price Support Scheme (PSS), (ii) Price Deficiency Payment Scheme (PDPS), and (iii) Private Procurement & Stockist Scheme (PPSS).

In PSS, physical procurement of pulses, oilseeds, and copra will be done by central nodal agencies, including Food Corporation of India, in coordination with state governments. The procurement of crops already covered under PSS, i.e. paddy, wheat, coarse grains, cotton, and jute, will continue as per the existing mechanism. The other two procurement mechanisms have been approved for oilseeds.

PDPS will not involve any physical procurement of crops. In PDPS, direct payment of the difference between the Minimum Support Prices (MSPs) and the selling/modal prices of the crops will be made to pre-registered farmers in their bank accounts. Farmers who sell their crops in the notified market yards through a transparent auction process are eligible for the scheme.

States can choose to implement PPSS instead of PSS and PDPS on a pilot basis in selected districts. In PPSS, selected private agencies will procure crops at MSPs in the notified markets during a specified period. However, they can procure only when the market prices fall below the MSPs and when they are authorized by the state governments to do so. Maximum service charges up to 15% of the MSPs will be payable to the private agencies.

Rs 15,053 crore has been approved for implementation of the scheme. Moreover, an additional guarantee of Rs 16,550 crore has been approved for the procurement agencies.

First advance estimates of production of crops released for Kharif season 2018-19

The Ministry of Agriculture and Farmers Welfare released the first advance estimates of production of foodgrains and commercial crops for the Kharif season 2018-19.[41]

- Foodgrain production in Kharif 2018-19 is estimated to grow by 0.6% as compared to Kharif 2017-18. The increase is primarily contributed by 1.8% growth in the production of rice. The production of coarse cereals and pulses is estimated to decrease by 2.2% and 1.3%, respectively.
- The production of oilseeds is estimated to increase by 5.7% as compared to Kharif 2017-18. While groundnut production is estimated to decrease by 16.1%, the growth in oilseeds stems from a 22.6% increase in the production of soyabean.
- Production of cotton is estimated to fall by 6.9%, while production of sugarcane is estimated to increase by 1.9% to 384 million tonnes in Kharif 2018-19.

Table 1: First advance estimates of production of crops for the Kharif season 2018-19 (in million tonnes)

Crop	4th advance estimates for Kharif 2017-18	1st advance estimates for Kharif 2018-19	% change over final estimate
Foodgrains	140.7	141.6	0.6%
Cereals	131.4	132.4	0.8%
Rice	97.5	99.2	1.8%
Coarse Cereals	33.9	33.1	-2.2%
Pulses	9.3	9.2	-1.3%
Tur	4.3	4.1	-4.0%
Urad	2.8	2.7	-6.7%
Moong	1.4	1.6	9.7%
Oilseeds	21.0	22.2	5.7%
Soyabean	11.0	13.5	22.6%
Groundnut	7.5	6.3	-16.1%
Cotton*	34.9	32.5	-6.9%
Sugarcane	376.9	383.9	1.9%

*Million bales of 170 kg each.
Sources: Directorate of Economics and Statistics, Ministry of Agriculture and Farmers Welfare; PRS.

Food and Public Distribution

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CCEA approves policy to increase sugar exports and clear cane dues of farmers

The Cabinet Committee on Economic Affairs approved a policy to increase sugar exports and clear the cane dues of farmers.[42] The following measures have been approved under this policy:

- **Facilitation of exports:** To increase sugar exports, Rs 1,375 crore has been approved to cover the expenditure incurred by sugar mills on internal transport, freight, and handling, among others. These export incentives to mills will be capped at the following rates, based on their distance from ports: (i) Rs 1,000/metric tonne (MT) for mills located within 100 kilometres, (ii) Rs 2,500/MT for mills located beyond 100 kilometres in the coastal states, and (iii) Rs 3,000/MT for mills located beyond 100 kilometres in other states.
- **Clearance of dues:** A financial assistance of Rs 13.88 per quintal of cane crushed will be provided to help sugar mills clear cane dues of farmers. Rs 4,163 crore has been approved for this purpose.

Financial assistance under both these measures will be given directly to farmers, and will be settled against the cane dues payable by mills, including arrears. Subsequent balance, if any, will be provided to the mills. Also, only those mills that fulfill the conditions as stipulated by the Department of Food and Public Distribution will be eligible for the incentives.

With these measures, the policy aims to improve the liquidity of sugar mills, in light of the excess stock of sugar available with them and an indication of excess production in the upcoming sugar season 2018-19.

Water resources

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Cabinet approves Rs 3,466 crore for continuation of Dam Rehabilitation and Improvement Project till June 2020

The Cabinet Committee on Economic Affairs approved the revised cost estimate of Rs 3,466 crore for continuation of the Dam Rehabilitation and Improvement Project.[43] The project has also been granted an extension from July 2018 to June 2020. Out of Rs 3,466 crore, Rs 2,628 crore will be funded by the World Bank, Rs 747 crore by state governments, and Rs 91 crore by the Central Water Commission.

The project will improve the safety and operational performance of 198 dams in seven states. Through this, the project aims to mitigate risks to ensure safety of downstream population and property. The project will also focus on institutional strengthening, including capacity building of officials to increase the effectiveness of Dam Safety Organisations.

Home Affairs

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Central government increases contribution to the State Disaster Response Fund

The Government of India decided to enhance its contribution to the State Disaster Response Fund from 75% to 90%, with effect from April 1, 2018.[44] Under the Disaster Management Act, 2005, the National Disaster Response Fund and State Disaster Response Funds were set up to meet rescue and relief expenditure during any notified disaster. The central government had till now been contributing 75% for General Category States and 90% for Special Category States of hilly regions.

Labour and Employment

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New scheme launched to give cash benefit to unemployed persons insured under the Employees' State Insurance Act

The Employees' State Insurance Corporation (ESIC) has approved a scheme called the 'Atal Bimit Vyakti Kalyan Yojna'.[45] This scheme 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.

Under the scheme, cash will be paid directly to the bank account of unemployed insured persons, while they search for new employment. The cash benefit given to an unemployed person will be equivalent to 25% of his average earnings over 90 days.[46] The government will notify detailed regulations in this regard.

Further, the ESIC has approved a proposal for reimbursement of Rs 10 per person to employers if they seed the Aadhaar number of their workers and their family members in the ESIC database. As per the Ministry, this will curtail multiple registrations of the same Insured Persons and enable them to avail the benefits requiring longer contributory conditions.

External Affairs

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Standing Committee submits report on Sino-India relations

The Standing Committee on External Affairs (Chairperson: Dr Shashi Tharoor) submitted its report on "Sino-India Relations including Doklam, border situation, and cooperation in international organizations" on September 4, 2018.The Committee noted that the government should carry out an in-depth assessment of the relationship between India and China so that national consensus is evolved on how to deal with China. Key observations and recommendations of the committee include:

- **One Belt One Road Initiative:** The One Belt One Road (OBOR) initiative is a Chinese infrastructure project, which includes the China Pakistan Economic Corridor (CPEC). The Committee noted that CPEC is not acceptable to India as it passes through Pakistan Occupied Kashmir, thereby violating India's territorial integrity. The Committee appreciated India's stand of firmly rejecting the OBOR initiative proposed by China. It recommended that India should accelerate its own connectivity projects under various initiatives to counter the OBOR Initiative. Further, the Committee recommended that India could use the Asian Infrastructure Investment Bank and the BRICS Development Bank to fund infrastructure projects and improve connectivity in its neighbourhood.
- **Doklam incident:** The Committee stated that the Chinese intrusion at Doklam (in Bhutan) was a violation of two agreements between China and Bhutan. These agreements stipulated that there would be no change in the status quo while boundary negotiations were still in progress. Further, it was also in violation of the 2012 Common Understanding to determine boundary points between India, China and a third country, in consultation with the third country. The Committee commended the overall handling of the crisis, as it sent signals that India would not accept forceful attempts to change the status quo at any of its boundaries. However, it expressed concern that Chinese infrastructure close to the tri-junction had not yet been dismantled.
- **Border infrastructure:** The Committee observed that infrastructure on the Indo-China border was inadequate and many roads could not withstand military traffic. Further, there were delays in infrastructure projects due to difficult terrain, delays in environmental clearance, and inadequate infrastructure with the Border Roads Organization (BRO). The Committee recommended that the government should make concerted efforts to improve border road infrastructure along the Indo-China border. Further, border roads should be built under the Pradhan Mantri Gram Sadak Yojana scheme, to serve as a back-up for the military in times of emergency.

For a PRS Report Summary, see here.

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