

Monthly Policy Review

April 2015

Highlights of this Issue

[Land Acquisition \(Amendment\) Ordinance, 2015 issued \(p. 2\)](#)

The recent Ordinance exempts five types of projects such as defence, infrastructure, and affordable housing from the provisions of the Act relating to obtaining the consent of land owners and conducting a Social Impact Assessment.

[Debroy Committee on Railways restructuring submits interim report \(p. 2\)](#)

Key recommendations of the Committee include splitting up roles of policy-making, regulation, and operations; constitution of an independent Railways Regulatory Authority and a Railways Infrastructure Company.

[NJAC Act notified; PIL pending in Supreme Court \(p. 3\)](#)

The two Bills related to the establishment of the NJAC, to make appointments of higher court judges, were notified. A PIL, challenging its constitutional validity, is currently being examined before the Supreme Court.

[Government circulates amendments to Real Estate Bill, 2013 \(p. 4\)](#)

Amendments include expanding the coverage of the Bill to include commercial real estate. The Bill reduced the amount collected from a project which is to be used only for construction of that project from 70% to 50%.

[Amendments to the Juvenile Justice Bill, 2014 approved by Cabinet \(p. 5\)](#)

Cabinet approved certain amendments to the Bill which include removal of the provision related to the trial of 16-18 year olds committing serious and heinous offences, as adults, if apprehended after 21 years of age.

[Three Bills passed by Parliament \(p. 6, 7\)](#)

The Regional Rural Banks (Amendment) Bill, 2014, the Warehousing Corporations (Amendment) Bill, 2015 and the Payment and Settlement Systems (Amendment) Bill, 2014 were passed by Parliament.

[Cabinet approves amendments to PCA Bill, Compensation Afforestation Fund Act \(p. 4, 8\)](#)

The amendments are regarding enhancing punishment for giving and taking a bribe, and the creation of authorities to manage the utilization of funds collected as compensation, respectively.

[MSME \(Amendment\) Bill introduced in LS; Commercial Courts Bill in RS \(p. 4, 8\)](#)

The Bills increase the allowance for investment in plants and machinery in micro, small and medium enterprises, and set up commercial courts in all states to deal with commercial disputes, respectively.

[Standing Committee and an Expert Committee to examine ease of doing business \(p. 9\)](#)

The Parliamentary Standing Committee on Commerce will examine ease of doing business. An Expert Committee has been appointed to recommend a broad regulatory mechanism to replace prior permissions.

[Cabinet approves Mission for Urban Rejuvenation and Smart Cities \(p. 4\)](#)

The Smart cities scheme will develop 100 smart cities over five years, while the urban rejuvenation scheme will focus on the development of basic infrastructure services and governance reforms.

May 1, 2015

Land acquisition

Joyita Ghose (joyita@prsindia.org)

The Land Acquisition (Amendment) Ordinance, 2015 issued

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2015 was promulgated by the government on April 3, 2015.¹ The Ordinance replaces an earlier Ordinance, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014, which was to lapse on April 5, 2015.²

A Bill to replace the 2014 Ordinance was passed by Lok Sabha with some changes in March 2015. However it was pending in Rajya Sabha.³ The 2015 Ordinance has the same provisions as the Bill passed by Lok Sabha.⁴

- The Ordinance exempts five types of projects: (i) defence, (ii) infrastructure, (iii) rural infrastructure, (iv) affordable housing, and (v) industrial corridors (set up by the government), from certain provisions of the Act.
- The provisions of the Act which will not apply to these five types of projects are: (i) obtaining the consent of 80% of land owners when acquiring land for private projects, and 70% of land owners when acquiring land for public-private partnerships, (ii) conducting a Social Impact Assessment, and (iii) limits on the acquisition of irrigated, multi-cropped and other agricultural land. A notification needs to be issued to exempt projects from the last two provisions.

The Ordinance also makes certain other changes relating to return of unutilised land and acquisition of land for private entities.

For more information on the Ordinance, see [here](#).

Transport

Prachee Mishra (prachee@prsindia.org)

Debroy Committee on the restructuring of Railways submits interim report

The Committee for Mobilization of Resources for Major Railway Projects and Restructuring of Railway Ministry and Railway Board, chaired by Dr. Bibek Debroy, submitted its interim report in March 2015.⁵ Key recommendations of the Committee include:

- The roles of policy-making, regulation, and operations should be split up. There should be clear division of responsibility between the government and railway organizations. The Ministry must be responsible only for policies, and must give autonomy to the Indian Railways.
- A statutory authority called the Railway Regulatory Authority of India (RRAI), with an independent budget, should be set up. The RRAI must have powers regarding: (i) economic regulation (including tariff), (ii) safety regulation, (iii) fair access regulation (including access to railway infrastructure for private operators), (iv) regulation of service standards, (v) licensing, and (vi) setting technical standards.
- A Railway Infrastructure Company should be created as a government Special Purpose Vehicle (SPV) that owns the railway infrastructure, and is independent from Indian Railways.
- All existing production units should be placed under a government SPV known as the Indian Railway Manufacturing Company, under the administrative control of the Ministry.
- A provision must be made for open access to any new operator who wishes to enter the market for operating trains with non-discriminatory access to the railway infrastructure and a level playing field.
- Indian Railways must concentrate on improving productivity and efficiency, especially in the freight segment by: (i) introducing and proliferating higher pay load to tare weight ratio wagons, (ii) improving average speed of goods train, by use of longer trains and loco-trawl, and (iii) progressively introducing time tabling of freight trains.

Cabinet approves introduction of Merchant Shipping (Amendment) Bill

The Cabinet approved the introduction of the Merchant Shipping (Amendment) Bill, 2015.⁶ The Bill will amend the Merchant Shipping Act, 1958. It also gave accession to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (Ballast Water Management Convention) of International Maritime Organization (IMO).

The Convention, adopted in 2004, aims to prevent the spread of harmful aquatic organisms from one region to another, by establishing standards and procedures for the management and control of ships' ballast water and sediments.⁷ The Convention requires all new ships to implement an approved Ballast Water and Sediments Management Plan.

The Bill shall incorporate the enabling provisions required for implementing the Convention into the Act. Under the Bill, Indian ships of 400 Gross Tonnage (GT) and above on international voyages, will be required to possess an International Ballast Water Management Certificate. Indian ships below 400 GT, plying domestically, will be issued an Indian Ballast Water Management Certificate.

Law and Justice

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National Judicial Appointments Commission Act notified but being examined by the Supreme Court

The Constitution (99th Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 were notified by the central government on April 13, 2015.⁸ The Acts are therefore in force.

The two Acts modify the method of appointment of judges to the Supreme Court and high courts. Instead of the collegium of senior judges, such appointments will be made by a six member commission including three judges, the law minister and two eminent persons. More information on the Bills is available [here](#).

The Supreme Court has admitted a Public Interest Litigation that seeks to strike down this constitutional amendment stating that it violates the basic structure of the Constitution.

RS Chairman constitutes committee to inquire into grounds for removal of judge

On April 15, 2015, the Chairman of the Rajya Sabha constituted a three member committee for the purposes of investigating into the grounds on which the removal of a Madhya Pradesh High Court Judge, Justice Gangele has been sought.⁹

This is in accordance with the process laid down under the Judges (Inquiry) Act, 1968. The Act provides for an inquiry of a judge by an investigative committee set up for the purpose, if a motion is moved in Parliament for the removal of the judge. This motion needs to be moved by at least 50 Rajya Sabha or 100 Lok Sabha Members of Parliament.¹⁰

Bill related to setting up of commercial courts introduced in Rajya Sabha

The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Bill, 2015 was introduced in Rajya Sabha on April 29, 2015.¹¹

Key features of the Bill are:

- A commercial dispute is defined to include any dispute related to transactions between merchants, bankers, financiers, traders, etc. Such transactions deal with mercantile documents, partnership agreements, and intellectual property rights, insurance, etc.
- Commercial courts, equivalent to district courts, may be set up in all states and union territories, by the state governments after consulting with their respective high courts.
- Commercial divisions may be set up in those high courts which exercise ordinary original civil jurisdiction, that is, the High Courts of Delhi, Bombay, Calcutta and Madras. They are to be set up by the respective state governments after consulting with their high courts.
- Such commercial divisions in high courts and commercial courts will deal with all matters relating to commercial disputes involving an amount of Rs 1 crore or more.
- Commercial appellate divisions may be set up in all high courts to hear appeals against: (i) orders of commercial divisions of high courts; (ii) orders of commercial courts; and (iii) appeals arising from arbitration matters that are filed before the high courts.

In January 2015, the Law Commission had submitted its report on the setting up of commercial divisions in high courts, to deal with disputes of a value of Rs 1 crore or more. Details of the recommendations of the Law Commission are available [here](#).¹²

Cabinet approves amendments to the Prevention of Corruption (Amendment) Bill, 2013

On April 29, 2015 Cabinet approved further amendments to the Prevention of Corruption (Amendment) Bill, 2013.¹³ The 2013 Bill was introduced in Rajya Sabha on August 19, 2013.¹⁴ The Standing Committee on Law and Justice submitted its report on the Bill on February 6, 2014.¹⁵ The 2013 Bill amends the Prevention of Corruption Act, 1988.

The amendments approved by Cabinet include:

- Punishment for the offences of giving and taking of a bribe are to be enhanced;
- The powers of attachment of property will be given to a Special Judge of the trial court;
- Commercial organizations will be required to issue guidelines to prevent their employees from bribing a public servant;
- To ensure speedy trial, trial must be completed within two years.
- Prior sanction from the Lokpal will be required for any inquiry or investigation of a public servant in relation to the carrying out of his official functions.

More details on the 2013 Bill are available [here](#).

Urban Development

Government circulates amendments to Real Estate Bill, 2013

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On April 29, 2015 the government circulated amendments to the Real Estate (Regulation and Development) Bill, 2013 currently pending in Rajya Sabha.¹⁶ The Bill was examined by the Standing Committee that submitted its report in February 2014.

The amendments make the following changes to the Bill pending in parliament:

- **Application of the Bill:** The Bill seeks to regulate residential real estate. The amendments propose to include commercial real estate within the ambit of the Bill. In addition, those real estate projects which have been started but not received a completion certificate are proposed to be brought within the ambit of the Bill.
- **Amount to be kept in separate bank account:** The Bill required that 70% of the amount collected from buyers for a real estate project, be kept in a separate bank account and only be used for construction of the project. This amount is proposed to be reduced to 50%.
- **Altering plans or structural design:** The consent of two-thirds of the allottees will be required if a promoter wishes to make a changes to the plans or structural designs.

Other changes address duties of promoters and allottees, time limits for redressal of disputes by the Real Estate Appellate Tribunals etc.

Cabinet approves Mission for Urban Rejuvenation and Smart Cities

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Cabinet approved the Smart Cities Mission and the Atal Mission for Rejuvenation and Urban Transformation of 500 cities (AMRUT) on April 29, 2015.¹⁷ The schemes have an outlay of Rs 48,000 crore and Rs 50,000 crore over the next five years.

The Smart Cities Mission will create 100 smart cities, under which each selected city would get central assistance of Rs 100 crore per year for five years. Smart City aspirants will be selected through a ‘City Challenge Competition’. This competition will link central assistance to cities in order to achieve the mission objectives.

Special Purpose Vehicles (SPVs) will be created for each city. These SPVs will help the cities in formulating the Smart City Action Plans.

AMRUT will focus on the development of basic infrastructure services and governance reforms through a project based approach. The Mission will be implemented in 500 cities and towns, each with a population of one lakh and above. 10% of budget allocation will be given to states and UTs as an incentive, based on their achievement of reforms during the previous year.

Under this Mission, states will get the flexibility of designing schemes based on the needs of their cities. Funds to states will be released based on State Annual Action Plans. The centre will provide assistance of up to: (i) half of the project cost, for cities with population up to 10 lakh, and (ii) one-third of the project cost for cities with population above 10 lakh.

Two year extension given to sub-missions under JNNURM

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On April 29, 2015, the Cabinet Committee on Economic Affairs (CCEA) approved a two year extension to two schemes, namely: Basic Services to the Urban Poor (BSUP) and Integrated Housing and Slum Development Programme (IHSDP) on April 29, 2015.¹⁸ These sub-missions are components of the Jawaharlal Nehru National Urban Renewal Mission (JNNURM), introduced in 2005.

The time limit to complete projects under these schemes has now been extended from March 31, 2015 to March 31, 2017. According to the government, an additional amount of Rs 350 crore would be required for its completion.

The initial duration for JNNURM was seven years from 2005 to 2012. However several projects saw delays due to several issues such as: (i) non-availability of litigation-free land, (ii) delay in financial closure, and (iii) cost escalation. The scheme was earlier extended up to March 31, 2015.

Women and Child Development

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Cabinet approves amendments to the Juvenile Justice Bill, 2014

The Juvenile Justice (Care and Protection of Children) Bill, 2014 was introduced in Lok Sabha on August 12, 2014.¹⁹ The Standing Committee examining the Bill submitted its report on February 25, 2015. Certain amendments to the Bill were cleared by Cabinet on April 22, 2015. The proposed amendments are not yet available in the public domain.^{20,21}

The Juvenile Justice Bill deals with children in conflict with law and children in need of care and protection. It seeks to replace the Juvenile

Justice (Care and Protection of Children) Act, 2000.²² Some of the key amendments to the 2014 Bill, approved by Cabinet, include:

- The Bill defines a serious offence as one that attracts imprisonment between three to seven years under any existing law. A heinous offence has a minimum punishment of seven years imprisonment. The provision in the Bill related to trying of a 16-18 year old committing a serious or heinous offence as an adult, if apprehended after 21 years of age, has been removed.
- Under the Bill, a 16-18 year old committing a heinous offence may be tried as an adult. Whether he is to be tried as an adult will be determined the Juvenile Justice Board and Children's Court based on a preliminary inquiry (to be conducted within a month). The time limit for conducting the preliminary inquiry has been enhanced.
- The Bill provides for surrendering a child on account of physical, emotional and social factors beyond the control of the parents. The parents will be given one month to reconsider their decision. This time limit has been enhanced.
- The Bill provides for inter-country adoption. A child may be declared free for inter-country adoption if he is not adopted by a resident/non-resident Indian within 30 days of being declared legally free for adoption. This period has been enhanced.

The exact changes in the above time limits are not yet clear. For a PRS analysis on the Bill, please see [here](#).

Guidelines for Nirbhaya Fund issued by central government

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The government has issued Guidelines for the utilization of the Nirbhaya Fund.²³ The fund was announced by the Finance Minister in the Budget 2013-14. The total amount allocated to the scheme is Rs 3,000 crore.

The Ministry of Women and Child Development (WCD) will be the enabling authority for the Nirbhaya Fund. All Ministries and Departments can approach the WCD Ministry with proposals or schemes for appraisal. The proposals, once approved by the WCD Ministry, will be sent to the Ministry of Finance for approval.

One stop centre scheme launched to support women affected by violence

The Ministry of Women and Child Development launched the one stop centre scheme to support women affected by violence and released its implementation guidelines in April 2015. The scheme would be under the umbrella scheme for National Mission for Empowerment of Women and would be entirely funded from the central Nirbhaya Fund.²⁴

The 12th Plan Working Group on Women's Agency and Empowerment and the Justice Usha Mehra Commission had recommended setting up of one stop crisis centres.^{25,26} These centres would be to help victims of sexual assault and provide speedy justice to them. The centrally sponsored scheme has been launched on a pilot basis and its objectives are to provide shelter, police desk, legal, medical and counselling services to victims of violence under one roof, with a 24 hour helpline.

Further details of the services mentioned above have also been released, along with specifications regarding: (i) location, (ii) roles and responsibilities of key stakeholders, (iii) administration and management of the centres, and (iv) institutional arrangements for monitoring the scheme at the national, state and district levels.

Macroeconomic Developments

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RBI keeps rates unchanged in bi-monthly Monetary Policy statement

The Reserve Bank of India (RBI) issued its first bi-monthly monetary policy statement of 2015-16, on April 7, 2015. Decisions taken by the RBI include:²⁷

- The policy repo rate remains unchanged. It was last changed in March 2015 from 7.75% to 7.50%.²⁸
- The Cash Reserve Ratio has been kept unchanged at 4% of the Net Demand and Time Liabilities (which roughly consist of all current, savings and time deposits),
- The reverse repo rate remains unchanged at 6.5%, and the Marginal Standing Facility and the Bank rate remain unchanged at 8.5%.

Finance

Regional Rural Banks (Amendment) Bill, 2014 passed by Parliament

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The Regional Rural Banks (Amendment) Bill, 2014 was passed by Lok Sabha on December 22, 2014. The Bill was passed by Parliament on April 28, 2015.²⁹

The Bill seeks to amend the Regional Rural Banks Act, 1976. The Act provides for the incorporation, regulation, and closure of Regional Rural Banks (RRBs). RRBs are banks that provide loans and advances to small and marginal farmers, agricultural labourers, cooperative societies, artisans, etc.

The Bill allows: (i) the managerial and financial assistance provided by sponsor banks to RRBs to continue beyond a period of five years, (ii) raising the amount of authorised capital from Rs 5 crore to Rs 2,000 crore, (iii) RRBs to raise capital from sources other than the central and state governments, and sponsor banks.

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

The Payment and Settlement Systems (Amendment) Bill, 2014 passed by Parliament

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The Payment and Settlement Systems (Amendment) Bill, 2014 was passed by Rajya Sabha on April 27, 2015. The Bill was introduced in Lok Sabha on December 8, 2014 and passed the following day in that House. A Select Committee of the Rajya Sabha submitted its report on the Bill on February 26, 2015. The Select Committee did not recommend any changes in the Bill.

The Bill amends the Payment and Settlement Systems Act, 2007 which was enacted to regulate and supervise payment systems in India. The Bill seeks to extend the application of the Act to a designated trade repository, or issuer, in relation to payment systems. Another important provision relates to “netting” of positions in case of insolvency in systems with a central counterparty. The Act provided for netting in case of insolvency of system participation; the Bill extends this to the case where the central counterparty may become insolvent.

More details on the Bill are available [here](#).

Cabinet approves amendments to Negotiable Instruments Act

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The Cabinet has approved the introduction of the Negotiable Instruments (Amendment) Bill, 2015.³⁰ The Bill proposes to amend the Negotiable Instruments Act, 1881. The Act seeks to encourage the use of cheques as financial instruments in carrying out normal business transactions. The Bill makes the following changes:

- The Bill seeks to amend jurisdiction issues regarding trying cases of cheque bouncing. The Act treats bouncing of cheques as an offence. The Bill adds a section to provide that cases of bounced cheques can be filed only in a court in whose jurisdiction the bank branch issuing the cheque lies.
- If a complaint against a person issuing a cheque has been filed in the court with the appropriation jurisdiction, all subsequent complaints under the same section of the Act (Section 138) will be filed in the same court, irrespective of whether it lies in the relevant jurisdiction area.
- If more than one case is filed against the same person before different courts, all cases will be transferred to the court with the appropriate jurisdiction (as per the new scheme).

Amendments to guidelines for financial support to infrastructure PPPs approved

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The Cabinet Committee on Economic Affairs, on March 31, 2015, approved changes in the guidelines for financial support to Public Private Partnerships in Infrastructure under the Viability Gap Funding Scheme.³¹ The definition of a ‘Private Sector Company’ has been amended to mean a company which is not a ‘Government Company’ under the Companies Act, 2013.

Under the Companies Act, 2013, a Government Company is defined as any company in which: (i) the central government, or (ii) state government/s, or (iii) both central government and one or more state governments, hold 51% or more of the paid-up share capital. It also includes a company which is a subsidiary of such a government company.

Agriculture

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Warehousing Corporations (Amendment) Bill, 2015 passed by Parliament

The Warehousing Corporations (Amendment) Bill, 2015 was passed by Parliament on April 28, 2015.³² The Bill amends the Warehousing Corporations Act, 1962. Key provisions of the Bill (as passed) include:

- The central government will cease to be a financial guarantor to the Central Warehousing Corporation.
- In doing so, the Central Warehousing Corporation would maintain its status of being a Mini-Ratna Public Enterprise.

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

IMD releases forecast for 2015 Monsoon

The Indian Meteorological Department (IMD) released its long range forecast for the 2015 Southwest Monsoon Rainfall on April 22, 2015.³³ The forecast stated that the monsoon seasonal rainfall was likely to be 93% of the Long Period Average (LPA) rainfall, with an error of +/-5%. The Southwest Monsoon Rainfall in 2014 was 88% of the LPA rainfall.³⁴

Environment

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Cabinet approves Compensatory Afforestation Fund Bill, 2015

Cabinet approved the Compensatory Afforestation Fund Bill, 2015 on April 29, 2015.³⁵ The Bill seeks to provide an institutional mechanism to utilise funds collected as compensation for the diversion of forest land.

Currently the Compensatory Afforestation Fund Management and Planning Authority collects amounts collected for the purpose of compensatory afforestation.

The Bill seeks to create the new authorities to ensure transparency in the utilisation of funds collected, and also ensure the utilisation of unspent funds. These include:

- **National level:** A National Compensatory Afforestation Fund (CAF) is proposed to be

established to credit amounts collected by state governments for compensatory afforestation. A National Authority is to be established manage the funds of the National CAF.

- A Monitoring Group is sought to be established to assist the National Authority in monitoring the activities undertaken from the funds of the National and State CAFs
- **State level:** State CAFs are proposed to be established to credit amounts collected by state governments for compensatory afforestation. State Authorities are also to be established oversee the management of funds by the State CAFs.

Comments invited on Draft Waste Management Rules, 2015

The Ministry of Environment, Forests and Climate Change has invited comments on draft rules relating to: (i) bio-medical waste, (ii) solid waste, (iii) plastic waste, and (iv) e-waste.³⁶ The last date for receiving comments is not specified.

The draft rules provide a framework for the management of the four types of waste mentioned above. They outline the duties of various agencies regarding the treatment and disposal of these categories of waste.

Micro, Small and Medium Enterprises (MSMEs)

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The MSME (Amendment) Bill, 2015 introduced in the Lok Sabha

The Micro, Small and Medium Enterprises (Amendment) Bill, 2015 was introduced in the Lok Sabha on April 20, 2015.³⁷ The Bill amends the Micro, Small and Medium Enterprises Act, 2006. The Act seeks to address issues affecting MSMEs, and to classify enterprises as micro, small and medium enterprises, on the basis of their input investments. Key provisions of the Bill include:

- The limits of investment for enterprises engaging in the manufacture or production of goods, and those engaged in providing services, have been increased. Under manufacture or production of goods, the limit is with regard to investment in plant or

machinery, whereas for services, the limit is with regard to investment in equipment.

Details are given in Tables 1 and 2 below.

Table 1: Comparison of investment limits for enterprises manufacturing/producing goods

Enterprise	2006 Act	2015 Bill
Micro	Rs 25 lakh	Rs 50 lakh
Small	Rs 25 lakh to Rs 5 cr	Rs 50 lakh to Rs 10 cr
Medium	Rs 5 cr to Rs 10 cr	Rs 10 cr to Rs 30 cr

Table 2: Comparison of investment limits for enterprises providing services

Enterprise	2006 Act	2015 Bill
Micro	Rs 10 lakh	Rs 20 lakh
Small	Rs 10 lakh to Rs 2 cr	Rs 20 lakh to Rs 5 cr
Medium	Rs 2 cr to Rs 5 cr	Rs 5 cr to Rs 15 cr

- **Other changes:** The central government may change these investment limits, up to three times the limits, through a notification.
- Under the Act, the central government may classify micro, tiny, or village enterprises as small enterprises on the basis of their employment and turnovers. The Bill seeks to allow the classification of micro, tiny or village enterprises as small as well as medium enterprises. .

Commerce and Industry

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Sub Committee on Ease of Doing Business constituted

On April 27, 2015, the Standing Committee on Commerce selected 'Ease of Doing Business' as a subject for examination.³⁸ In this regard, a Sub Committee was appointed on the same day. The Sub Committee will be chaired by Dr. Chandan Mitra, and will consist of three members from the Rajya Sabha and eight members from the Lok Sabha. The Sub Committee would be effective from April 23, 2015.

Expert Committee to look at pre-regulatory mechanisms constituted

An Expert Committee (Chair: Mr. Ajay Shankar) to examine the possibility of replacing multiple

prior permissions with a pre-existing regulatory mechanism for business investors was constituted on April 7, 2015.³⁹ The Committee will suggest a broad mechanism for simplified compliance of business regulations across sectors. It will also draft a proposed legislation based on its recommendations.

The Terms of Reference of the Committee include: (i) compiling a list of, and examining the permissions required for investors, (ii) examining the possibility of replacing these prior permissions with a proposed regulatory mechanism, and (iii) identifying safeguards to put in place when replacing the current system of permissions with the new regulatory mechanism.

The Expert Committee will recommend the framework of this proposed regulatory mechanism. It is expected to submit its report by May 7, 2015.

Energy

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Policy to supply gas to fertilizer plants at uniform price approved

On March 31, 2015, the Cabinet Committee on Economic Affairs approved a policy to supply gas at uniform delivered price to all fertilizer plants for the production of urea. The gas will be priced through a pooling mechanism.⁴⁰ The Ministry expects that with the new policy, the cost of production of urea at pooled price would be less than the price of imported urea.

The final urea production cost is a result of variation in two factors: gas price and conversion efficiency of the plants. Currently, there is no uniformity in the price of gas supplies to fertilizer units, and the conversion efficiency of plants varies widely. Variation in these two factors results in varying production costs for urea across plants. The government says that a uniform gas price at the input stage will separate the two effects and help focus on improving plant efficiency.

Cabinet approves policy on testing requirements for NELP blocks

The Cabinet Committee on Economic Affairs (CCEA) approved a policy on testing requirements for discoveries made under New Exploration and Licensing Policy (NELP) blocks

on April 29, 2015.⁴¹ According to the government, the policy is expected to provide clarity on the 12 discoveries pertaining to the Oil and Natural Gas Corporation and Reliance Industries. These 12 discoveries are valued at over Rs one lakh crore, and have seen delays in production due to lack of clarity with regards to testing requirements.

The NELP provides for the grant of licenses for the exploration of crude oil and natural gas through a competitive bidding system.

Contractors will be provided with the following three options with regards to discoveries stuck due to testing requirement:

- Relinquish the blocks.
- Develop the discoveries after conducting Drill Stem Test (DST), which is a procedure to determine the fluids or gases present in a reservoir, and the rates at which they can be produced. If the testing is not conducted on time, 50% of the cost of DST would be disallowed as penalty. The cost recovery for carrying out DST would be capped at US \$ 15 million.
- Develop the discoveries without conducting DST, in a ring fenced manner. Ring-fencing is the taxation of activities on a project basis. Companies that are involved in multiple activities sometimes use losses incurred in one project to offset profits earned in another project, reducing overall tax payments. Ring-fencing helps the government to collect taxes on a project for every year that it earns profit.

If the contractor does not opt for any of these options within 60 days of CCEA's approval, the areas encompassing the discoveries shall be relinquished automatically.

Amendments proposed in the tariff policy of the National Electricity Policy

The Ministry of Power released proposed amendments to the tariff policy in furtherance of the National Electricity Policy in April 2015.⁴² The Ministry has invited comments on the proposed policy till May 5, 2015. Amendments to the policy include the following:

- **Objectives:** Promotion of renewable generation sources has been added as a policy objective. Objectives of the current policy include: (i) promoting competition

and efficiency in supply, and (ii) ensuring availability of electricity at reasonable rates.

- **Procurement of power:** For power produced using imported coal, the additional cost of such imported coal, will be made a pass-through by the Central or State Electricity Regulatory Commissions (C/SERCs), on a case-by-case basis. Pass through means raising the price of power to offset increased costs.
- **Renewable energy:** The central government may provide for a competitive bidding framework for renewable energy. A generating company proposing to establish a coal/lignite based thermal station, after a specified date, will be required to establish a renewable energy generating station of at least 10% of the generating capacity of the thermal station. The renewable energy produced may be bundled with the thermal generation to determine tariff.
- **Interstate transmission charges:** No interstate transmission charges will be levied on transmission of energy generated through renewable sources. This will be applicable till such period as may be notified by the Central Government.
- **Linking tariff to cost of service:** Agriculture and below poverty line consumers will be provided with the cheapest source of power, subject to reduction of transmission losses by a specified percentage. A road map to ensure 24x7 supply of electricity will be developed by the SERC by 2019.
- **Regulatory Assets:** Regulatory assets have been adopted in the past by some regulatory commissions to reduce the impact of higher tariff. The proposed amendments bar the creation of regulatory assets. Outstanding regulatory assets should be recovered within a period of maximum seven years.

Health

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Standing Committee submits report on HIV and AIDS (Prevention and Control) Bill, 2014

The Standing Committee on Health and Family Welfare (Chair: Mr. Brajesh Pathak) submitted its report on the HIV and AIDS (Prevention and Control) Bill, 2014 on April 29, 2015.⁴³

The Committee recommended that the Bill be passed with a few changes. Key observations and recommendations of the Committee are:

- **Framing of guidelines:** The Committee recommended that all guidelines to be framed under the Bill should be framed such that the provisions of the Bill are implemented effectively. The Committee recommended that these guidelines be framed before the date of implementation of the Bill.
- **Appointment of Ombudsman:** The Bill provides for an ombudsman to inquire into violations of the Bill related to healthcare services. The Committee recommended that certain other acts of discrimination outlined under the Bill should be brought within the purview of the ombudsman.
- **Insurance cover:** The Bill prohibits the denial or unfair treatment in providing insurance cover to HIV positive people, unless the unfair treatment is based on actuarial studies. The Committee recommended that all HIV positive people should be provided insurance cover without any discrimination. This should be preferably at the normal rate of premium or slightly higher than normal, but not at exorbitant rates.
- **Provision of diagnostic facilities for HIV:** The Bill requires that the central government should provide anti-retroviral therapy and opportunistic infection management to HIV positive people, as far as possible. The Committee recommended that diagnostic facilities for HIV also be provided by the central government.

Home Affairs

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Norms for disaster relief revised

The Ministry of Home Affairs revised the norms of assistance from the National Disaster Response Fund (NDRF) and the State Disaster Response Funds (SDRF) on April 8, 2015.^{44,45}

This decision was based on the recommendations of the 14th Finance Commission, and an Expert Group set up by the Ministry of Home Affairs.^{46,47} These norms will be effective from April 1, 2015, and will be applicable for the period 2015-2020.

The norms list the different kinds of assistance which are provided from the funds (for example, relief in case of casualties and injuries, cost of search and rescue operations, and compensation for land loss) and the quantity of assistance. Key features of the revised norms are:

- The quantity of monetary benefit available has been increased across all categories of assistance. For example, Rs 4 lakh per deceased person will be awarded to the family of the deceased person under the revised norms. Earlier this amount was Rs 1.5 lakh.⁴⁸
- There will be automatic annual updating of the norms with reference to movement of the wholesale price index, which was not permissible earlier.
- There is a requirement to make the first deduction from the SDRF up to a specified limit before making any deduction from the NDRF. Under the revised norms the specified limit has been modified to 50% of the SDRF balance (as on March 31st of the preceding financial year). Earlier it was 75% for general category states, and 90% for special category states.⁴⁹
- Up to 5% of the allocation under SDRF may be spent on capacity building. Earlier, this was not permissible.
- Up to 10% of the allocation under SDRF may be spent on local disasters which are considered to be disasters in a local context. Earlier, this was not permissible.
- Up to 10% of the allocation under SDRF may be spent on equipment for rescue, evacuation, communication, etc. Earlier, up

to 5% of the allocation could be used for this purpose.

Corporate Affairs

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Cabinet approves amendments to the Companies (Amendment) Bill, 2014

On April 29, 2015 Cabinet approved amendments to the Companies (Amendment) Bill, 2014 currently pending in Parliament.⁵⁰ The Bill was introduced in Lok Sabha on December 14, 2014 and passed within a few days by the House.⁵¹ The Bill is currently pending in Rajya Sabha.

The amendments proposed by Cabinet are:

- The requirement of filing of a declaration by a company before starting its business, or exercising its borrowing powers, will not be required; and
- The procedure for: (i) laying draft notifications for granting exemptions to various classes of companies; or (ii) making amendments to the Act in Parliament would be rationalised.

Telecom

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TRAI releases recommendations on delivering broadband quickly

The Telecom Regulatory Authority of India (TRAI) issued recommendations on 'delivering broadband quickly: what do we need to do', on April 17, 2015.⁵² TRAI had released a consultation paper on it in September 2014.⁵³

India ranks 125th in the world for fixed broadband penetration and 113th in wireless broadband. It finds a place in the group of least connected countries.

TRAI identified the following issues during the consultation process: (i) high prices are an impediment to adoption of wire line technology, whereas non-availability of sufficient amount of spectrum restricts adoption of wireless technology, (ii) poor quality of broadband is due to lack of adequate bandwidth, and (iii) Bharat

Broadband Network Limited, the organisation for implementing the National Optical Fibre Network project, has a multi-layered structure with diffused responsibilities, etc.

TRAI published certain action points and recommendations which include:

- **Institutional revamping:** The Wireless Planning and Coordination wing of the Ministry of Communications should be converted into an independent body by delinking it from the Department of Telecommunications. This would ensure efficiency and transparency in decision-making processes. Single-window clearance for installation of towers should be encouraged.
- **Spectrum:** There is a need for assignment of additional spectrum for commercial telecom services. A clear roadmap for spectrum management should be put in place for the country.
- **National Optical Fibre Network:** The project should be implemented through a centre state public-private partnership.
- **Fixed line broadband:** To promote fixed line broadband, the license fee on the revenues earned from it should be exempted for at least five years.

TRAI invites comments on draft Telecom Consumers Protection Regulations, 2015

The Telecom Regulatory Authority of India (TRAI) has invited comments on the draft Telecom Consumers Protection (Eighth Amendment) Regulations, 2015 for mobile consumers. The draft regulations seek to amend the Telecom Consumers Protection Regulations, 2012. Comments are invited till May 12, 2015.^{54,55}

The 2012 regulations provide for protection of consumers through information regarding usage, tariffs, etc. The draft regulations provide for:

- **Information to consumers relating to usage of data:** Consumers should be informed about quantum of data used and the tariff after every 5000 kilobytes of data usage. This information should be provided via SMS and not through data packs. Additionally, when data usage reaches 90% of the limit, information on the applicable tariff beyond the data limit should be communicated.

- **Activation or deactivation of data services:** Data services should be activated or deactivated only with the explicit consent of the consumer. Further, consumers should be informed through SMS, every six months, about the prescribed procedure for deactivation of data.

Water resources

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Task Force on interlinking of rivers

The Ministry of Water Resources, River Development and Ganga Rejuvenation has constituted a Task Force on the interlinking of rivers on April 13, 2015.⁵⁶ It will be chaired by Mr. B.N. Nawalavala. The Task Force will:

- Examine existing links laid out under the National Perspective Plan and consider alternative plans where links are shown as unfeasible in the Plan.
- Recommend the time schedules for completion of feasibility studies and detailed project reports of all links.
- Suggest funding mechanisms for the interlinking of rivers.
- Provide guidance on the environmental impact of projects.
- Devise mechanisms to bring consensus among states.
- Propose a suitable organisational structure for the interlinking of rivers.

Social Justice

The Rights of Transgender Persons Bill, 2014 passed by Rajya Sabha

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The Rights of Transgender Persons Bill, 2014 was passed by Rajya Sabha on April 24, 2015. The Bill is a private member bill and was introduced by Mr. Tiruchi Siva.⁵⁷ The last time a private member Bill was passed by a House was in 1970.

The Bill addresses rights of transgender persons to include non-discrimination in the workplace

and protection from violence, exploitation and torture. It requires that the central government formulate schemes to facilitate the employment of transgender persons and proposes to reserve two percent of seats in government aided educational institutions, and central and state government posts for them.

Law Commission submits report related to discrimination against leprosy affected

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Law Commission of India submitted its report on 'Eliminating discrimination against persons affected by leprosy' on April 7, 2015.⁵⁸

The report recommends that the Lepers Act, 1898 be repealed. Further it recommended that laws that discriminate against those affected by leprosy be repealed, and a new law for affirmative action be introduced. Salient recommendations include:

- **Use of the term 'leper':** The term 'leper' should be removed from all laws, including state beggary laws, to curtail the stigma associated with the disease.
- **Definition of 'leprosy' as a disability:** The definition of leprosy in the Rights of Persons with Disabilities Bill, 2014 must be expanded to include undetected persons affected by leprosy or persons affected by leprosy undergoing treatment.
- **Eligibility for civic posts:** Persons affected by leprosy must not be barred from contesting for civic posts under the state municipal and panchayati raj laws. Relevant laws must be modified accordingly.
- **Amending personal laws:** An infection of leprosy affecting either spouse must not constitute as a grounds for divorce, annulment or separation. Personal laws should be accordingly modified.
- **New law:** The Commission recommended that a new law for the promotion of social inclusion of those affected by leprosy, and their family, be passed.

External Affairs

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Prime Minister visits France, Germany and Canada

Prime Minister Mr. Narendra Modi visited France, Germany, and Canada from April 9 to April 17, 2015.^{59,60,61} Key agreements signed during these visits include:

- **Defence:** India and France entered into an inter-governmental agreement for the supply of 36 multirole combat aircrafts (Rafale jets) for the Indian Air Force.⁶²
- **Nuclear energy:** India signed two agreements/ memoranda of understanding with France with regard to the Jaitapur nuclear project. The first agreement aims at improving the financial viability of the Jaitapur project by increasing transfer of technology to India. The second agreement seeks to bring clarity to technical aspects of the project. This project involves setting up of six 1,650 megawatts nuclear power plants in Jaitapur, Maharashtra, under an agreement between the Nuclear Power Corporation of India and Areva.
- India also entered into an agreement with Canada on the procurement of uranium from Canada for civilian nuclear power plants located in India.

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