

# Monthly Policy Review

## December 2021

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### Highlights of this Issue

#### [Winter Session of Parliament concluded; ten Bills passed \(p. 2\)](#)

Bills passed include the Dam Safety Bill, 2019; the Farm Laws Repeal Bill, 2021; and the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021.

#### [Bill to link electoral roll with Aadhaar passed by Parliament \(p. 7\)](#)

The Election Laws (Amendment) Bill, 2021 provides for linking electoral roll data with Aadhaar details, and provides multiple qualifying dates for enrolment in the electoral roll of a constituency.

#### [Six Bills referred to Parliamentary Committees for further scrutiny \(p. 2\)](#)

These include the Prohibition of Child Marriage (Amendment) Bill, 2021; the Biological Diversity (Amendment) Bill, 2021; the CA, CWA and CS (Amendment) Bill, 2021; and the Mediation Bill, 2021.

#### [Guidelines for national COVID-19 vaccination program revised \(p. 2\)](#)

The revised guidelines provide for third doses for priority groups starting January 10, 2022, and vaccination for children in the 15-18 years age group from January 3, 2022.

#### [Two new vaccines and the first anti-viral drug for COVID-19 granted EUA \(p. 2\)](#)

Emergency use authorisation for restricted use was granted to two vaccines, Corbevax and Covovax, and an anti-viral drug, Molnupiravir, for the treatment of COVID-19.

#### [Current account deficit at 1.3% of GDP during second quarter of 2021-22 \(p. 3\)](#)

India's current account balance recorded a deficit of USD 9.6 billion in the second quarter of 2021-22 due to widening of trade deficit and an increase in net outgo of investment income.

#### [Report of the Committee on the Personal Data Protection Bill, 2019 tabled \(p. 3\)](#)

The Committee recommended that the Bill should provide for protection of personal as well as non-personal data. Data fiduciaries must report every breach of personal data processed by them.

#### [Standing Committee tables report on the Pesticide Management Bill, 2020 \(p. 14\)](#)

The Committee recommended expanding the powers of the Central Pesticides Board to overlook the functioning of the Registration Committee, and said that pesticides should be registered within two years.

#### [Consumer Protection Rules on jurisdiction of Consumer Commissions notified \(p. 20\)](#)

The Rules reduce the pecuniary jurisdiction of the District, State, and National Consumer Disputes Redressal Commissions due to increase in pendency of cases in the District Commissions.

#### [Initiatives to promote semiconductor and electronic display industry notified \(p. 15\)](#)

Various incentive schemes have been notified for promotion of design and manufacturing of semiconductors and electronic display, and related components.

#### [Committees submit reports on various issues and implementation of schemes \(p. 16\)](#)

These include reports examining schemes including the Pradhan Mantri SVANidhi. Reports on the suspension of telecom/internet services and its impact and ethical standards of media coverage were also submitted.

#### [CAG releases reports on various issues \(p. 19\)](#)

These include reports examining ground water management and regulation, and on the setting up and functioning of the new Indian Institutes of Technology.

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January 3, 2022

## Parliament

*Shashank Srivastava (shashank@prsindia.org)*

### Winter session of Parliament concludes; 10 Bills passed, six referred to Committees

The Winter Session of Parliament was held from November 29, 2021 to December 22, 2021, for a total of 18 days.<sup>1</sup> The session was scheduled to end on December 23, 2021, but was curtailed by one day.

During the session, Parliament passed ten Bills (excluding an Appropriation Bill). Six of these Bills were introduced during the session. These include three Bills to replace Ordinances, viz., the Delhi Special Police Establishment (Amendment) Bill, 2021, the Central Vigilance Commission (Amendment) Bill, 2021, and the Narcotic Drugs and Psychotropic Substances (Amendment) Bill, 2021. Other Bills passed in the session include the Farm Laws Repeal Bill, 2021, the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021, and the Election Laws (Amendment) Bill, 2021.

All other Bills introduced during the session (six of them) have been sent to Committees for further scrutiny. These are: (i) the Prohibition of Child Marriage (Amendment) Bill, 2021, (ii) the Chartered Accountants, the Cost and Works Accountants and the Company Secretaries (Amendment) Bill, 2021, (iii) the Biological Diversity (Amendment) Bill, 2021, (iv) the Wild Life (Protection) Amendment Bill, 2021, (v) the Mediation Bill, 2021, and (vi) the National Anti-Doping Bill, 2021.

For more details on legislative business taken up during the Winter Session 2021, please see [here](#). For details on the functioning of Parliament during the session, please see [here](#).

## COVID-19

As of December 31, 2021, there were 3.5 crore confirmed cases of COVID-19 in India.<sup>2</sup> Of these, 3.4 crore (98%) had been cured/discharged and 4.8 lakh (1.3%) persons had died. As of December 31, 2021, 84 crore people had received the first dose of a vaccine, of which 61 crore people had been fully vaccinated.<sup>3</sup> For details on the number of daily cases in the country and across states, see [here](#).

With the spread of COVID-19, the central government has announced several policy decisions to contain the spread, and financial measures to support citizens and businesses who would get affected. For details on the major notifications released by the centre and the states, please see [here](#). Key announcements made in this regard in December 2021 are as follows.

### Guidelines for national COVID-19 vaccination program revised

*Shashank Srivastava (shashank@prsindia.org)*

Owing to the new variant Omicron, the Ministry of Health and Family Welfare issued revised guidelines on the National COVID-19 Vaccination Programme regarding third doses for priority group and vaccination for children.<sup>4</sup> The guidelines will come into effect from January 3, 2022. Key features are as follows:

- **Vaccination for children:** Children in the age group of 15-18 years will be administered Covaxin from January 3, 2022. Children born in or before 2007 will be eligible for the vaccine. Note that Covaxin has been given emergency use approval for children aged 12-18 years by the Drugs Controller General of India.<sup>5</sup>
- **Precautionary dose:** Priority groups who have already received two doses of vaccines will be given another precautionary dose from January 10, 2022. These include: (i) health care workers, (ii) front line workers, and (iii) persons aged 60 years or above with co-morbidities (on doctor's advice). The vaccine would be provided after completion of nine months from the date of administration of the second dose.

### Two new vaccines and the first anti-viral drug for Covid granted emergency use authorisation

*Shashank Srivastava (shashank@prsindia.org)*

The Drugs Controller General of India (DCGI) granted emergency use authorisation for restricted use to two vaccines, Corbevax and Covovax, and an anti-viral drug, Molnupiravir, for COVID-19.<sup>6</sup>

Corbevax is developed by Biological E Limited, with support from the Department of Biotechnology.<sup>6</sup> Covovax is produced by the Serum Institute of India under licence from Novavax.<sup>6</sup> Apart from these, six COVID-19 vaccines have been granted emergency use authorisation in India. These are: (i) Covishield, (ii) Covaxin, (iii) Sputnik-V, (iv) mRNA-1273 (Moderna vaccine), (v) Janssen, and (vi) ZyCov-D.<sup>7,8,9,10,11</sup> These vaccines may be administered to all persons of 18 years of age and above. Note that Covaxin may be administered to children aged between 15-18 years as well. It was given emergency use authorisation for children aged between 12-18 years this month.<sup>4</sup>

Molnupiravir is an anti-viral drug produced by Merck. It will be manufactured by 13 companies for treatment of adult patients.<sup>6</sup> It is the first anti-viral drug for COVID-19 to be granted approval in the country.

## Guidelines issued for containment of COVID-19 in light of Omicron

Shubham Dutt ([shubham@prsindia.org](mailto:shubham@prsindia.org))

The Ministry of Health and Family Welfare issued guidelines for containment of COVID-19 in light of increased detection of the new and highly transmissible variant Omicron across India. The Ministry of Home Affairs issued an order directing all states/UTs to implement the containment measures prescribed by these guidelines.<sup>12</sup> The order will be applicable till January 31, 2022. Key features of the guidelines include the following:

- **Framework for placing restrictions:** There should be a constant review of emerging data at the district level (such as the number of cases, their geographical spread, and hospital infrastructure). District-level containment measures may be put in place immediately and enforced in districts showing: (i) test positivity (the number of positive cases out of samples tested) of at least 10% in the past week, or (ii) bed occupancy of at least 40% on oxygen supported or ICU beds. Based on the local situation, states/UTs can also take such measures before these thresholds are reached. Containment measures include imposition of night curfew, strict regulation of large gatherings, and curtailing the number of persons attending gatherings such as marriages and funerals.
- **Monitoring and surveillance:** The guidelines prescribe testing (including of vulnerable persons), contact tracing of all persons who test positive, and monitoring of international passengers arriving in a state or district. In case of new clusters of COVID positive cases, all cluster samples must be sent for genome sequencing. Genome sequencing refers to the study of genetics. In the context of COVID-19, genome sequencing helps understand the current status of new variants of the virus and helps establish a surveillance mechanism for early detection of new variants.
- **Management of COVID-19:** The guidelines recommend various strategies to contain the spread of COVID-19. These include clinical management measures such as increase in bed capacity, availability of operational oxygen equipment, ensuring a buffer stock of essential drugs, and strict enforcement of home isolation. Other measures suggested include: (i) accelerating vaccination of eligible beneficiaries who have not received the first or second dose (with a special focus on districts where the first or second dose coverage is less than the national average), (ii) following the medical protocol for treating and managing COVID-19 patients, and (iii) community engagement and participation.

## Scheduled international flights suspended

Shashank Srivastava ([shashank@prsindia.org](mailto:shashank@prsindia.org))

The Directorate General of Civil Aviation (DGCA) issued a notification to extend the suspension of commercial scheduled international passenger services till January 31, 2022 owing to the new variant of concern, Omicron.<sup>13</sup>

In March 2020, due to the onset of the COVID-19 pandemic, scheduled international flights were suspended.<sup>14</sup> The ban was extended several times since then. In September 2021, DGCA extended the ban on scheduled international flights till October 30, 2021.<sup>15</sup> In November 2021, DGCA had issued a notification to resume commercial scheduled international passenger services from December 15, 2021.<sup>16</sup>

## Macroeconomic Development

Tushar Chakrabarty ([tushar@prsindia.org](mailto:tushar@prsindia.org))

### Repo and reverse repo rates remain unchanged at 4% and 3.35% respectively

The Monetary Policy Committee released its bi-monthly Monetary Policy Statement.<sup>17</sup> The Committee decided to keep the policy repo rate (the rate at which RBI lends money to banks) unchanged at 4%. Other decisions of the Committee include the following:

- The reverse repo rate (the rate at which RBI borrows money from banks) also remains unchanged at 3.35%.
- The marginal standing facility rate (the rate at which banks can borrow additional money) and the bank rate (the rate at which RBI buys bills of exchange) also remain unchanged at 4.25%.
- The Committee decided to continue with the accommodative stance to revive and sustain economic growth on a durable basis.

### Current account deficit at 1.3% of GDP during second quarter of 2021-22

India's current account balance recorded a deficit of USD 9.6 billion (1.3% of GDP) in the second quarter (July-September) of 2021-22 as compared to a surplus of USD 15.3 billion (2.4% of GDP) in the second quarter of 2020-21.<sup>18</sup> This was primarily due to widening trade deficit and an increase in net outgo of investment income. In the first quarter (April-June) of 2021-22, current account balance had recorded a surplus of USD 6.6 billion (0.9% of GDP).<sup>18</sup>

Net inflow (inflow minus outflow) in the capital account increased to USD 40.1 billion as compared to USD 15.9 billion in the second quarter of 2020-21.

The capital account captures transactions that lead to a change in the asset/liability position of entities in India.

Foreign exchange reserves increased by USD 31.2 billion in the second quarter of 2021-22 as compared to USD 31.6 billion in second quarter of 2020-21.

**Table 1: Balance of Payments, Q2 2021-22 (USD billion)**

	Q2 2020-21	Q1 2021-22	Q2 2021-22
Current Account	15.3	6.6	-9.6
Capital Account	15.9	25.5	40.1
Errors and Omissions	0.4	-0.2	0.7
Change in reserves	31.6	31.9	31.2

Sources: Reserve Bank of India; PRS.

## Finance

### The Chartered Accountants, the Cost and Works Accountants and the Company Secretaries (Amendment) Bill, 2021 introduced

*Omair Kumar (omir@prsindia.org)*

The Chartered Accountants, the Cost and Works Accountants and the Company Secretaries (Amendment) Bill, 2021 was introduced in Lok Sabha.<sup>19</sup> The Bill seeks to amend the Chartered Accountants Act, 1949, the Cost and Works Accountants Act, 1959, and the Company Secretaries Act, 1980. The three Acts provide for the regulation of the professions of chartered accountants, cost accountants and company secretaries, respectively. The Bill seeks to strengthen the disciplinary mechanism under these Acts, and provide for time bound disposal of cases against members of these professions. Key features of the Bill include:

- **Registration of firms:** Currently, members of these professions are required to register with the respective Institutes. As per the Bill, firms will also be required to register with the Institutes by making an application to the respective Councils of the Institutes. The Councils must maintain a register of firms containing details such as pendency of any actionable complaint or imposition of penalty against the firms.
- **Disciplinary Directorate:** Under the Acts, the respective Councils of the three Institutes must each constitute a Disciplinary Directorate, headed by Director (Discipline) who is an officer of the Institute. The Bill adds that each Directorate must also include at least two Joint Directors.
- Under the Acts, on receiving a complaint, the Director arrives at a prima facie opinion on the alleged misconduct. Depending on the

misconduct, the Director places the matter before the Board of Discipline or the Disciplinary Committee. The Bill amends this to empower the Directorate to independently initiate investigations against members or firms. The Director must decide whether a complaint is actionable within 30 days of receiving such complaint. If the complaint is actionable, the Director must submit a preliminary examination report to the Board or the Committee (as the case may be), within 30 days. Under the Acts, a complaint may be withdrawn if permitted by the Board or Committee. The Bill provides that a complaint filed with the Directorate will not be withdrawn under any circumstances.

The Bill has been referred to the Standing Committee on Finance. For a PRS summary of the Bill, see [here](#).

### Bill correcting drafting error in NDPS Act, 1985 passed by Parliament

*Omair Kumar (omir@prsindia.org)*

The Narcotic Drugs and Psychotropic Substances (Amendment) Bill, 2021 was passed by Parliament.<sup>20</sup> It replaces the Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 2021.<sup>21</sup> The Bill amends the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) to correct a drafting error.<sup>22</sup> The Act regulates certain operations (such as manufacture, transport, and consumption) related to narcotic drugs and psychotropic substances.<sup>22</sup>

- **Punishment for financing illicit activities or harbouring persons engaged in them:** Under the Act, financing certain illicit activities (such as cultivating cannabis or manufacturing narcotic drugs) or harbouring persons engaged in them is an offence. Persons found guilty of this offence will be punished with rigorous imprisonment of at least ten years (extendable up to 20 years) and a fine of at least one lakh rupees.
- **Drafting error:** In 2014, the Act was amended and the clause number of the definition for such illicit activities was changed. However, the section on penalty for financing these illicit activities was not amended and continued to refer to the earlier clause number. The Bill amends the section on penalty to change the reference to the new clause number. This amendment will be deemed to have been in effect from May 1, 2014 (i.e., when the 2014 amendments came into effect). Note that the Bill was brought in after the High Court of Tripura in a judgment, directed such an amendment in the NDPS Act.<sup>23</sup>



## RBI releases prompt corrective action framework for NBFCs

Tushar Chakrabarty ([tushar@prsindia.org](mailto:tushar@prsindia.org))

The Reserve Bank of India (RBI) released the prompt corrective action (PCA) framework for non-banking financial companies (NBFCs).<sup>24</sup> The PCA framework enables supervisory intervention and requires the supervised entity to implement measures for restoring its financial health. RBI noted that NBFCs have grown in size and have substantial interconnectedness with other segments of the financial system. The PCA framework seeks to strengthen the supervisory tools applicable to NBFCs. The framework will be effective from October 1, 2022. It will be reviewed after three years of being in operation. Key features include:

- **Applicability:** The framework will apply to all deposit-taking NBFCs (excluding government companies), and all non-deposit taking NBFCs in: (i) middle layer (asset size of at least Rs 1,000 crore), (ii) upper layer (NBFCs identified by RBI as warranting enhanced regulatory requirement), and (iii) top layer (NBFCs contributing to a substantial increase in the potential systemic risk). The framework will not apply to certain non-deposit taking NBFCs such as government companies and housing finance companies.
- **Monitoring of NBFCs:** NBFCs will be monitored based on certain metrics under the framework. For both deposit and non-deposit taking NBFCs, capital and asset quality would be the key areas for monitoring. For core investment companies (under non-deposit taking NBFCs), RBI will also monitor leverage (ratio of assets to capital) in addition to the above two metrics. NBFCs will be generally placed under PCA based on audited annual financial results and/or supervisory assessment of the RBI.
- **Corrective actions:** Once an NBFC is placed under PCA, it will be subject to certain mandatory and discretionary actions based on its risk threshold. Mandatory actions include: (i) restriction on dividend distribution/remittance of profits, (ii) promoters/shareholders to infuse equity and reduce leverage, and (iii) restriction on branch expansion. Discretionary actions include: (i) RBI recommending promoters/shareholders to bring in new management/board, (ii) submission of proposals to raise more capital, (iii) preparation of plan to reduce stock of non-performing assets, and (iv) restrictions in borrowings from debt market.

## SEBI amends framework for issuing shares

Tushar Chakrabarty ([tushar@prsindia.org](mailto:tushar@prsindia.org))

The Securities and Exchange Board of India (SEBI) approved amendments to the SEBI (Issue of Capital

and Disclosure Requirements) Regulations, 2018.<sup>25,26</sup> The 2018 Regulations provide the framework for public issue of shares. These amendments have been approved based on the recommendations of the Primary Market Advisory Committee. Key changes include:

- **Funds for inorganic growth:** Under current regulations, companies issuing an initial public offer (IPO) may earmark up to 25% of the fresh issue size for general corporate purpose (GCP). GCP includes identified purposes for which no specific amount is allocated. In a consultation paper issued in November 2021, SEBI had observed that certain companies are proposing to raise fresh funds through IPO for inorganic growth initiatives.<sup>27</sup> Unlike the GCP, the target of these initiatives are not identified by the issuer company.
- The amendments seek to change this to provide that issuer companies cannot keep aside more than 35% of the amount being raised for GCP and future inorganic growth. This would apply to proposals for inorganic growth without an identified acquisition or investment target. This limit will not apply if the proposed acquisition or strategic investment object has been identified.
- **Share sale in IPO:** The amendments add certain conditions on sale of pre-IPO shareholding. In case of IPO by issuers without a track record, shares offered for sale by shareholders, individually or with persons acting in concert, must not exceed 50% of their pre-issue shareholding. This will apply if such persons held more than 20% of the pre-issue shareholding. If the pre-issue shareholding is less than 20%, then the shares offered for sale must not exceed 10% of such shareholding. Issuers without a track record are those who do not meet certain criteria fixed by SEBI such as net tangible assets of at least three crore rupees in preceding three years and average operating profit of at least Rs 15 crore during preceding three years.
- **Lock-in for anchor investors:** Currently, shares allocated to anchor investors are locked in for 30 days from the allotment date. Anchor investors commit money upfront to inspire confidence in the public issue. As per the approved amendments, 50% of the portion allocated to anchor investors will be locked in for 90 days from the date of allotment. This will apply to all issues from April 1, 2022.

## Guidelines for privatisation, closure of non-strategic CPSEs released

Tushar Chakrabarty ([tushar@prsindia.org](mailto:tushar@prsindia.org))

The Department of Public Enterprises (DPE) released the guidelines for implementation of New Public Sector Enterprises (PSE) policy for central public sector

enterprises (CPSEs) in non-strategic sector.<sup>28</sup> In February 2021, the new PSE policy was released which categorised most CPSEs into strategic and non-strategic sectors.<sup>29</sup> Defence, banking, power, and petroleum were some of the strategic sectors while the remaining sectors were classified as non-strategic. CPSEs in non-strategic sectors are to be privatised or closed. Key features of the guidelines include:

- **Identification and approval:** DPE will identify CPSEs in the non-strategic sectors for closure or privatisation. This will be decided in consultation with: (i) concerned administrative ministries/ departments, (ii) NITI Aayog, (iii) Department of Expenditure, and (iv) Department of Investment and Public Asset Management. After identification, DPE will prepare a note for securing in-principle approval from the Cabinet Committee on Economic Affairs (CCEA). If a CPSE is identified for closure, the process has to be completed within nine months of getting the in-principle approval from CCEA.
- **Procedure for closure:** The concerned ministry/ department will work out the details of the closure of CPSEs. This includes: (i) estimation of budgetary support needed to finance the closure, (ii) updating records of movable and immovable assets of the CPSE, and (iii) estimation of dues payable to secured creditors, central government, and employees. Once the formalities are completed, the board of directors of the CPSE will file the application for the removal of its name from the register of companies.

### SEBI releases consultation paper on algorithmic trading by retail investors

*Tushar Chakrabarty (tushar@prsindia.org)*

The Securities and Exchange Board of India (SEBI) released a consultation paper on algorithmic trading by retail investors.<sup>30</sup> Under algorithmic or algo trading, computers monitor live stock prices and initiate an order when given criteria are met. Comments have been invited on the following key issues:

- **Algo trading by retail investors:** Under the current framework, the facility of algo trading may be provided by stock brokers after obtaining permission from the stock exchange. SEBI observed that many brokers are providing Application Programming Interface (API) access to their clients, which establishes an online connection between the broker and the client. API access allows the investors to use third-party applications to analyse market data or test an investment strategy. These APIs are used by investors for automating their trades.
- It has been observed that brokers are unable to differentiate between an algo and non-algo order

emanating from an API. Third party applications are being used by investors and such algos are being deployed without taking prior approvals from the exchanges. SEBI's internal working group has proposed that all orders emanating from an API should be treated as an algo order and should be subject to control by the stock broker. Stock exchanges have to ensure that only those algos which are approved by them and have a unique algo identification provided by them are being deployed. Stock brokers can either provide in-house algo strategies or outsource the services to a third party algo provider/vendor. The broker will be responsible for all algos emanating from its APIs and redressal of investor disputes.

- **Third party algo providers:** SEBI observed that there needs to be clarity on whether services offered by third party algo providers or vendors are investment advisory services. As there is limited understanding of the nature of the services provided by these parties, it has been proposed that brokers may obtain the details of nature and type of services being taken from algo providers, from their clients.

Comments on the paper have been invited by January 15, 2022.

### SEBI invites comments on one commodity one exchange model

*Tushar Chakrabarty (tushar@prsindia.org)*

The Securities and Exchange Board of India (SEBI) issued a consultation paper on "One Commodity One Exchange".<sup>31</sup> SEBI noted that internationally, derivatives contracts on a specific commodity are traded as liquid contracts (which can be easily traded) only on one particular commodity exchange. A derivative is an instrument which derives its value from an underlying asset such as securities and commodities. SEBI observed that India should explore developing exchange-specific unique sets of commodities. This will help in reducing the fragmentation of liquidity. Key features of the proposed framework include:

- **Eligible commodities:** The framework may be applicable only for narrow agri-commodities. Narrow agri-commodities are those commodities which are not classified as sensitive or broad commodities. An agriculture commodity is sensitive if it is prone to frequent government/ external interventions or has seen frequent instances of price manipulation in the past five years of derivatives trading. An agricultural commodity is classified as broad if it is not a sensitive commodity and has an average deliverable supply of at least 10 lakh metric tonnes in the past five years with a value of at least Rs 5,000 crore. In case of non-agricultural commodities, the framework should not apply in

certain cases including where India: (i) is not a major producer of the commodity, or (ii) is a price taker of international prices.

- **Developing commodity contracts:** Exchanges may choose to block a commodity with SEBI if it is eligible for development of an exclusive commodity contract (derivative contract). After this, exchanges will get a one-month period for detailed research and analysis of the proposed commodity and confirm the block by sharing a feasibility report. If an exchange does not confirm the block within a month, then it will be automatically released. Application for product approval is to be submitted within six months of confirming the block. The exchange will have exclusivity status over the commodity for three to five years from the date of SEBI approval.

Comments on the proposed framework are invited by January 6, 2022.

## Law and Justice

*Shubham Dutt (shubham@prsindia.org)*

### Bill to link electoral roll data with Aadhaar passed by Parliament

The Election Laws (Amendment) Bill, 2021 was passed by Parliament.<sup>32</sup> The Bill amends the Representation of the People Act, 1950 and the Representation of the People Act, 1951 to implement certain electoral reforms.<sup>33,34</sup> The 1950 Act provides for allocation of seats and delimitation of constituencies for elections, qualifications of voters, and preparation of electoral rolls. The 1951 Act provides for the conduct of elections, and offences and disputes related to elections. Key features of the Bill include:

- **Linking electoral roll data with Aadhaar:** Under the 1950 Act, a person may apply to the electoral registration officer for inclusion of their name in the electoral roll of a constituency. The Bill adds that the electoral registration officer may require a person to furnish their Aadhaar number for establishing their identity. If their name is already in the electoral roll, then the Aadhaar number may be required for authentication of entries in the roll. Persons will not be denied inclusion in the electoral roll or have their names deleted from the roll, if they are unable to furnish Aadhaar number due to sufficient cause as prescribed by rules. Such persons may be permitted to furnish alternate documents prescribed by the central government.

- **Qualifying date for enrolment in electoral roll:** Under the 1950 Act, a person is qualified for enrolment in the electoral roll on January 1 of the year in which such roll is being prepared or revised. The Bill amends this to provide four qualifying dates in a calendar year (i.e., January 1, April 1, July 1, and October 1).
- **Requisitioning of premises for election purposes:** The 1951 Act permits the state government to requisition premises needed or likely to be needed for use as polling stations, or for storing ballot boxes. The Bill expands the purposes for which premises can be requisitioned. These include use of the premises for counting, storing voting machines and poll-related material, and accommodation of polling personnel and security forces.
- **Gender-neutral provisions:** The Bill makes certain provisions of the 1950 and 1951 Acts gender neutral. For instance, the 1951 Act enables the wife of a person holding a service qualification (such as members of the armed forces) to vote in person or by postal ballot. The Bill replaces the term 'wife' with 'spouse'.

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

### Bill clarifying age for additional pension of High Court and Supreme Court Judges passed by Parliament

The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021 was passed by Parliament.<sup>35</sup> The Bill amends: (i) the High Court Judges (Salaries and Conditions of Service) Act, 1954, and (ii) the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.<sup>36,37</sup> These Acts regulate the salaries and conditions of service of the judges of High Courts and the Supreme Court of India.

Under the Acts, all retired judges of the Supreme Court and High Courts and their family members are entitled to pension or family pension. They are also entitled to an additional quantum of pension or family pension when they attain a certain age in accordance with a specified scale. The scale contains five age brackets (with minimum age of 80, 85, 90, 95, and 100 years), and the additional quantum increases with age (from 20% to 100% of the pension or family pension). The Bill clarifies that a person will be entitled to the additional pension or family pension from the first day of the month in which they complete the minimum age under the concerned age bracket.

Note that orders by two High Courts in 2018 and 2020 led to the Bill being brought in. The Bill seeks to clarify the legislative intent, which was to provide the benefit of additional quantum of pension from the first day of the month in which a retired judge completes the minimum age of the concerned age bracket, and not

from the first day of his entering that age, as had been interpreted by the High Courts.

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

### Bill to promote mediation introduced in Rajya Sabha

The Mediation Bill, 2021 was introduced in the Rajya Sabha.<sup>38</sup> Mediation is a form of alternative dispute resolution (ADR), where parties attempt to settle their dispute (outside courts) with the assistance of an independent third person (mediator). The Bill seeks to promote mediation (including online mediation and community mediation), and provide for enforcement of settlement agreements resulting from mediation. Key features of the Bill include:

- **Disputes not fit for mediation:** The Bill will apply to certain mediation proceedings conducted in India (for instance, if the mediation agreement states that mediation will be as per this Bill, or to international mediation related to a commercial dispute). The Bill defines certain disputes as not fit for mediation. These include disputes: (i) relating to claims against minors or persons of unsound mind, (ii) involving prosecution for criminal offences, and (iii) relating to levy or collection of taxes. The central government may amend this list of disputes.
- **Mediation process:** In case of civil or commercial disputes, a person must try to settle the dispute by mediation before approaching any court or certain tribunals as notified. Mediation proceedings will be confidential. The mediation process must be completed within 180 days, which may be extended by another 180 days by the parties.
- **Mediators:** Mediators only assist the parties to settle their dispute, and cannot impose a settlement on the them. Mediators may be appointed by: (i) the parties by agreement, or (ii) a mediation service provider (that is, an institution administering mediation). Mediators must disclose any conflict of interest that may raise doubts on their independence. Parties may then choose to replace the mediator. Further, the Mediation Council of India established by the central government will register mediators, and recognise mediation service providers.
- **Mediated settlement agreement:** Agreements resulting from mediation will be final, binding, and enforceable in the same manner as court judgments (except agreements arrived at after community mediation). Mediated settlement agreements (besides those arrived at in court referred mediation or by Lok Adalat or Permanent Lok Adalat) may be challenged only on grounds of: (i) fraud, (ii) corruption, (iii) impersonation, or (iv) relating to disputes not fit for mediation.

The Bill has been referred to the Standing Committee on Personnel, Public Grievances, Law and Justice. For a PRS summary of the Bill, please see [here](#).

### Draft Notaries (Amendment) Bill, 2021 issued for consultation

The draft Notaries (Amendment) Bill, 2021 was released for consultation by the Ministry of Law and Justice.<sup>39,40</sup> The draft Bill proposes to amend the Notaries Act, 1952.<sup>41</sup> The Act regulates the profession of notaries. Notaries are persons authorised to perform certain legal formalities (such as attesting or certifying contracts, deeds, and other documents as authentic). Key amendments proposed by the draft Bill include:

- **Restriction on term of notaries:** Under the Act, the central or state government may appoint notaries. Any person intending to practice as a notary may be granted a certificate authorising them to practice for a period of five years from the date of issue of certificate. Further, the government that appointed the notary may renew such certificate of practice, for a period of five years at a time. The draft Bill proposes to restrict the renewal of certificates of practice of notaries up to two terms, which will mean an overall term of up to 15 years (i.e., initial term of five years and two renewal terms of five years each).
- **Suspension of certificate of practice for misconduct:** The Act provides that the central and state government will maintain a register of the notaries appointed by them. If upon inquiry, a notary is found to be guilty of certain misconduct, the government which appointed the notary may remove their name from the register maintained by it. The draft Bill proposes to empower the concerned government to suspend the certificate of practice if it has reason to believe that a notary is involved in professional or other misconduct. The suspension may be for such period as deemed appropriate for conducting inquiry.
- **Digitisation of notarial work:** The draft Bill proposes to insert a new provision in the Act, requiring notaries to maintain records of the work undertaken by them in digital format.

## Personnel

### Parliament passes Bill to extend tenure of Director of Enforcement

*Shashank Srivastava (shashank@prsindia.org)*

The Central Vigilance Commission (Amendment) Bill, 2021 was passed by Parliament.<sup>42</sup> It replaces the Central Vigilance Commission (Amendment) Ordinance, 2021.<sup>43</sup> The Bill amends the Central



Vigilance Commission Act, 2003.<sup>44</sup> Under the Act, the Director of Enforcement is appointed by the central government, on the recommendation of a Committee (chaired by the Central Vigilance Commissioner) for a minimum of two years. The Bill adds that the tenure of the Director may be extended by up to one year at a time, till the completion of five years from the initial date of appointment.

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

### Parliament passes Bill to extend tenure of CBI Director

*Shashank Srivastava (shashank@prsindia.org)*

The Delhi Special Police Establishment (Amendment) Bill, 2021 was passed by Parliament.<sup>45</sup> It replaces the Delhi Special Police Establishment (Amendment) Ordinance, 2021.<sup>46</sup> The Bill amends the Delhi Special Police Establishment Act, 1946.<sup>47</sup> Under the Act, the CBI Director is appointed by the central government, on the recommendation of a Committee (chaired by the Prime Minister) for a minimum of two years. The Bill amends the Act to allow tenure of the Director to be extended by up to one year at a time, till the completion of five years from the initial date of appointment.

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

### Standing Committee submits report on pensioner's grievances

*Shashank Srivastava (shashank@prsindia.org)*

The Standing Committee on Personnel, Public Grievances, Law and Justice (Chair: Mr. Sushil Kumar Modi) presented its report on 'Pensioner's Grievances - Impact of Pension Adalats and Centralised Pensioners Grievance Redress and Monitoring System (CPENGRAMS)'.<sup>48</sup> As on March 31, 2020, there were 66.7 lakh central government pensioners (including family pensioners) in India. Key observations and recommendations of the Committee include:

- **CPENGRAMS:** CPENGRAMS is a mechanism for speedy redressal and effective monitoring of pension-related grievances of pensioners. Pensioners can submit their grievances online through pensioner associations, or by post. The Committee noted that around 20% of such grievances are not disposed within the stipulated period of 60 days. The core grievance prone areas (which account for majority of grievances lodged on CPENGRAMS) include delay or incorrect sanction of pension, and non-payment of arrears of pension. The Committee recommended constituting social audit panels to streamline the grievance redressal mechanism. It also recommended roping in Quality Council of India and enabling the agencies involved in sanctioning, processing and disbursement of pension to

streamline their systems to mitigate the volume of grievances received.

- **Additional pension:** The Committee noted that presently, pensioners are entitled to receive an additional quantum of pension equivalent to 20% of basic pension on attaining the age of 80 years, 30% on attaining 85 years, 40% on attaining 90 years, 50% on attaining 95 years, and 100% on crossing 100 years. It recommended extending this to provide an additional pension of 5% on attaining 65 years of age, 10% on reaching 70 years of age, 15% on reaching 75 years.
- **Medical facilities:** The Committee noted that the Central Government Health Scheme (CGHS) is limited to a few state capitals and large urban centres only. For pensioners who reside outside the CGHS areas, a fixed medical allowance of Rs 1,000 is granted per month for meeting expenditure on day-to-day medical expenses. The Committee recommended: (i) opening CGHS centres at district locations or designating functional government hospitals in district headquarters as CGHS centres, and (ii) enhancing the fixed medical allowance to Rs 3,000 per month for pensioners.

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

### Report on strengthening grievance redressal mechanisms of the government submitted

*Omair Kumar (omir@prsindia.org)*

The Standing Committee on Personnel, Public Grievances, Law and Justice (Chair: Mr. Sushil Kumar Modi) submitted its report on 'Strengthening of Grievance Redressal Mechanism of Government of India'.<sup>49</sup> Key observations and recommendations of the Committee include:

- **Grievance redressal:** Grievance redressal mechanism of an organisation is an important instrument to measure its effectiveness as it provides feedback on the working of the organisation. The Committee noted that grievances are being disposed of by certain departments with suggestions to approach another agency or a subordinate office. In certain cases, the grievance is sent back to the agency against which the complaint was made. Further, the Committee noted that Department of Administrative Reforms and Public Grievances (DARPG) instructed Ministries to give valid reasons for closure of grievances. However, in many cases, the Ministries did not provide any reasons for closure of grievances. The Committee recommended all Ministries to comply with the instructions for grievance redressal issued by the DARPG.
- **Handling grievances:** The Committee noted that wide variations exist across Ministries and other organisations with respect to the framework, process,

and capacity to handle grievances. Timely redressal of grievances is necessary for a citizen friendly administration. The Committee recommended an overall review/evaluation of the grievance handling process by all Ministries.

- **Centralised Public Grievance Redress and Monitoring System (CPGRAMS):** CPGRAMS is an online portal available to the public to lodge their grievances against various authorities. The grievances are transferred to the concerned Ministry and state government. Functioning of the CPGRAMS is being continuously evaluated by DARPG and reforms are being undertaken. The Committee recommended including certain things while reforming the portal. These include: (i) opening channels for effective communication, (ii) making the portal user-friendly, and (iii) involving stakeholders in the reform process.

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

## Women and Child Development

*Omir Kumar (omir@prsindia.org)*

### Bill to increase minimum age of marriage of females introduced in Lok Sabha

The Prohibition of Child Marriage (Amendment) Bill, 2021 was introduced in Lok Sabha.<sup>50</sup> The Bill amends the Prohibition of Child Marriage Act, 2006 to increase the minimum age of marriage of females.<sup>51</sup> Key features of the Bill include:

- **Increasing the minimum age of marriage of females:** The Act provides that the minimum age of marriage is 21 years in case of males, and 18 years in case of females. The Bill increases the minimum age in case of females to 21 years. The Bill also amends certain other laws relating to marriage to increase the minimum age of marriage of females under those laws to 21 years. These are: (i) Indian Christian Marriage Act, 1872, (ii) Parsi Marriage and Divorce Act, 1936, (iii) Special Marriage Act, 1954, (iv) Hindu Marriage Act, 1955, and (v) Foreign Marriage Act, 1969. The Bill also adds that the provisions of the Act will have an overriding effect over any other law, custom, usage or practice governing the parties to the marriage.
- **Time period for filing petition to annul child marriage:** Under the Act, a child marriage is one where either of the parties to the marriage is a child (i.e., their age is less than the minimum age of marriage). The Act provides that a child marriage may be annulled by the party who was a child at the time of marriage. Such party may file a petition in a district court for a decree of nullity. The petition should be filed before such party

completes two years of attaining majority (i.e., completes 20 years of age). The Bill amends this to allow such party to file the petition before completing five years of attaining majority (i.e., completes 23 years of age).

The Bill has been referred to the Standing Committee on Education, Women, Children, Youth and Sports. For a PRS summary of the Bill, please see [here](#).

## Environment

*Rajat Asthana (rajat@prsindia.org)*

### Bill amending Wild Life (Protection) Act, 1972 introduced in Lok Sabha

The Wild Life (Protection) Amendment Bill, 2021 was introduced in Lok Sabha.<sup>52</sup> The Bill amends the Wild Life (Protection) Act, 1972. The Act regulates the protection of wild animals, birds and plants.<sup>53</sup> The Bill seeks to increase the species protected under the law, and implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).<sup>52</sup> Key features of the Bill include:

- **Implementation of CITES:** CITES is an international agreement to ensure that international trade in specimens of wild animals and plants does not threaten the survival of the species.<sup>54</sup> Under CITES, plant and animal specimens are classified into three categories (Appendices) based on threat of extinction. The Convention requires countries to regulate the trade of all listed specimens through permits. It also seeks to regulate the possession of live animal specimens. The Bill seeks to implement these provisions of CITES.
- **Rationalising schedules:** Currently, the Act has six schedules for specially protected plants (one), specially protected animals (four), and vermin species (one). Vermin refers to small animals that carry disease and destroy food. The Bill reduces the total number of schedules to four by: (i) reducing the number of schedules for specially protected animals to two (one for greater protection level), (ii) removing the schedule for vermin species, and (iii) inserting a new schedule for specimens listed in the Appendices under CITES (scheduled specimens).
- **Obligations under CITES:** The Bill provides for the central government to designate a: (i) Management Authority, which grants export or import permits for trade of specimens, and (ii) Scientific Authority, which gives advice on aspects related to impact on the survival of the specimens being traded. Every person engaging in trade of a scheduled specimen must report the details of the transaction to the Management Authority. As per CITES, the Management Authority may use an

identification mark for a specimen. The Bill prohibits any person from modifying or removing such identification mark. Additionally, every person possessing live specimens of scheduled animals must obtain a registration certificate from the Management Authority.

The Bill has been referred to the Standing Committee on Science and Technology, Environment, Forests and Climate Change. For a PRS summary of the Bill, please see [here](#).

### Bill amending Biological Diversity Act, 2002 introduced and referred to Joint Committee

The Biological Diversity (Amendment) Bill, 2021 was introduced in Lok Sabha.<sup>55</sup> The Bill amends the Biological Diversity Act, 2002. The Act provides for the conservation of biological diversity, sustainable use of its components, and fair and equitable sharing of the benefits arising out of the use of biological resources.<sup>56</sup> The Bill seeks to streamline research and patent applications, and encourage cultivation of wild medicinal plants and practice of indigenous medicine.<sup>55</sup> Key amendments proposed by the Bill include:

- **Access to biological resources and intellectual property rights (IPR):** The Act provides for the National Biodiversity Authority (NBA) which regulates access to biological resources, and the sharing of research results on such resources. Biological resources include plants, animals, micro-organisms or their genetic material (except human genetic material), with use or value for humanity. Certain entities must seek approval from the NBA for obtaining biological resources, and before applying for IPR. These entities are: (i) non-citizens, (ii) non-resident citizens, (iii) organisations not registered in India, and (iv) organisations registered in India, with any non-Indian shareholding or management. The Bill amends the last category to any foreign-controlled company registered in India. The Bill also provides that all four categories of applicants must obtain NBA's approval before the grant of IPR (and not before applying for IPR).
- Under the Act, State Biodiversity Boards (SBBs) are set up by state governments to advise them on conservation of biodiversity. Indian citizens and organisations registered in India must give prior intimation to the concerned SBB before obtaining any biological resource for commercial utilisation. They must also get NBA's approval before applying for IPR. The Bill amends this to provide that anyone who does not need approval from NBA to access biological resources must give prior intimation to the concerned SBB. Further, they must: (i) register with the NBA before the grant of IPR, and (ii) get prior approval of the NBA before commercialising the granted IPR.

The Bill has been referred to a Joint Parliamentary Committee. For a PRS summary of the Bill, see [here](#).

## Water Resources

### Dam Safety Bill, 2019 passed by Parliament

*Omair Kumar (omir@prsindia.org)*

The Dam Safety Bill, 2019 was passed by Parliament.<sup>57</sup> The Bill provides for the surveillance, inspection, operation, and maintenance of specified dams.<sup>57</sup> It also provides for an institutional mechanism to ensure the safety of such dams. Key features of the Bill include:

- **Applicability:** The Bill applies to all specified dams in the country. These are dams with: (i) height more than 15 metres, or (ii) height between 10 metres to 15 metres and subject to certain additional design and structural conditions.
- **National Committee on Dam Safety:** The National Committee on Dam Safety will be constituted and will be chaired by the Chairperson, Central Water Commission. All other members will be nominated by the central government, and include: (i) up to ten representatives of the central government, (ii) up to seven representatives of the state governments (by rotation), and (iii) up to three dam safety experts.
- Functions of the Committee include: (i) formulating policies and regulations regarding dam safety standards and prevention of dam failures, and (ii) analysing causes of major dam failures and suggesting changes in dam safety practices.
- **National Dam Safety Authority:** The National Dam Safety Authority will be headed by an officer, not below the rank of an Additional Secretary, who will be appointed by the central government. Functions of the Authority include: (i) implementing the policies formulated by the National Committee on Dam Safety, (ii) resolving issues between State Dam Safety Organisations (SDSOs), or between a SDSO and any dam owner in that state, (iii) specifying regulations for inspection and investigation of dams, and (iv) providing accreditation to agencies working on construction, design, and alteration of dams.

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

### CAG releases report on ground water management and regulation

*Tushar Chakrabarty (tushar@prsindia.org)*

The Comptroller and Auditor General of India (CAG) released its audit report on 'Ground Water Management and Regulation'.<sup>58</sup> The report provides

findings from the performance audit of ground water management and regulation for the period 2013-18 for 33 states/UTs (except Andaman and Nicobar Islands, Mizoram, and Sikkim). It also evaluates the implementation of schemes on ground water management. Key observations and recommendations of CAG include:

- **Ground water level:** The stage of ground water extraction (ratio of utilisation of ground water to recharge) in India has increased from 58% in 2004 to 63% in 2017. Delhi, Haryana, Punjab, and Rajasthan had a stage of extraction of more than 100%. This indicates that extraction has surpassed the recharge of ground water. The report noted that if left unchecked, this may completely exhaust ground water resources in these states.
- **Legislation on ground water:** As water is a state subject, legislation for regulation and development of ground water is to be enacted by states/UTs. The Department had circulated the Ground Water (Regulation and Control of Development and Management) Bill, 2005, which was a Model Bill, to all states/UTs. The audit report found that as of December 2019, 19 out of 33 states/UTs had enacted legislation on ground water. In four of these states, the legislation was only partially implemented. CAG recommended the Department to pursue with the remaining states to bring laws/regulations for ground water management.
- In 2017, a committee was constituted by the Department for re-drafting the Model Bill. However, as of December 2019, the Bill was under review as per the suggestions of NITI Aayog. CAG recommended that the Department should expeditiously revise the Model Bill.

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

## Continuation of PMKSY

*Shashank Srivastava (shashank@prsindia.org)*

The Cabinet Committee on Economic Affairs (CCEA) approved the continuation of Pradhan Mantri Krishi Sinchayee Yojana (PMKSY) during 2021-26.<sup>59</sup> The scheme was earlier applicable for 2015-20.<sup>60</sup> It was later extended for a year till March 2021.<sup>60</sup> The estimated cost for the scheme (along with the three components) for 2021-26 is Rs 93,068 crore.

PMKSY is an umbrella scheme consisting of two major components, the Accelerated Irrigation Benefits Programme (AIBP), and Har Khet Ko Pani (HKKP), being implemented by the Ministry of Jal Shakti. It also includes a watershed component, implemented by the Department of Land Resources, Ministry of Rural Development. PMKSY also includes the Per Drop More Crop scheme, implemented by the Department of Agriculture and Farmers Welfare. AIBP, HKKP, and

the watershed component have been approved for continuation till 2026.

The scheme seeks to: (i) enhance physical access to water on farms, (ii) expand cultivable area under assured irrigation, (iii) improve on-farm water use efficiency, and (iv) introduce sustainable water conservation practices.

## Cabinet approves Ken-Betwa interlinking of rivers project

*Omair Kumar (omir@prsindia.org)*

The Union Cabinet approved the Ken-Betwa Interlinking of Rivers Project.<sup>61</sup> The cost of the project is assessed to be Rs 44,605 crore (at 2020-21 price levels). The central government will provide Rs 36,920 crore as grant and Rs 3,027 as loan for the project, proposed to be completed in eight years. The project seeks to construct a dam and a canal linking the two rivers to transfer water from the Ken river to the Betwa river. The project will: (i) annually irrigate 10.62 lakh hectare in regions of Madhya Pradesh and Uttar Pradesh, (ii) provide drinking water to about 62 lakh people, and (iii) generate 103 megawatt (MW) of hydropower and 27 MW of solar power.

## Sports

*Omair Kumar (omir@prsindia.org)*

### National Anti-Doping Bill, 2021 introduced in Lok Sabha

The National Anti-Doping Bill, 2021 was introduced in Lok Sabha.<sup>62</sup> The Bill seeks to prohibit doping in sports and establish a National Anti-Doping Agency, which will replace the existing National Anti-Doping Agency. Doping is the consumption of certain prohibited substances by athletes to enhance performance. Key features of the Bill include:

- **Prohibition of doping:** The Bill prohibits athletes, athlete support personnel and other persons from engaging in doping in sport. Support personnel include the coach, trainer, manager, team staff, medical personnel, and other persons working with or treating or assisting an athlete. These persons must ensure that there is no violation of anti-doping rules which include: (i) presence of prohibited substances or its markers in an athlete's body, (ii) use, attempted use or possession of prohibited substances or methods, (iii) refusing to submit a sample, (iv) trafficking or attempted trafficking in prohibited substances or methods, and (v) aiding or covering up such violations.
- **Exemptions:** If any athlete requires a prohibited substance or method due to a medical condition,



they may apply to the National Anti-Doping Agency for a therapeutic use exemption.

- **Consequences of violations:** Anti-doping rule violation by an individual athlete or athlete support personnel may result in: (i) disqualification of results including forfeiture of medals, points, and prizes, (ii) ineligibility to participate in a competition or event for a prescribed period, (iii) financial sanctions, and (iv) other consequences as may be prescribed. Consequences for team sports will be specified by regulations. Consequences for a violation will be determined by the National Anti-Doping Disciplinary Panel after a hearing.
- **National Anti-Doping Agency:** Functions of the Agency include: (i) planning, implementing, and monitoring anti-doping activities, (ii) investigating anti-doping rule violations, and (iii) promoting anti-doping research.

The Bill has been referred to the Standing Committee on Education, Women, Children, Youth and Sports. For a PRS summary of the Bill, please see [here](#).

## Health

*Shashank Srivastava (shashank@prsindia.org)*

### Bill to regulate assisted reproductive technology passed by Parliament

The Assisted Reproductive Technology (Regulation) Bill, 2020 was passed by Parliament.<sup>63</sup> The Bill had been examined by the Standing Committee on Health and Family Welfare which recommended constituting common authorities for regulating surrogacy and ART services.<sup>64</sup> The Bill as passed incorporates this suggestion. Key features of the Bill include:

- **Assisted Reproductive Technology (ART):** ART includes all techniques that seek to obtain a pregnancy by handling the sperm or the oocyte (immature egg cell) outside the human body and transferring the gamete or the embryo into the reproductive system of a woman. Examples include gamete donation, in-vitro fertilisation (fertilising an egg in the lab), and gestational surrogacy (the child is not biologically related to surrogate mother). These services will be provided through: (i) ART clinics, which offer ART related treatments and procedures, and (ii) ART banks, which store and supply gametes.
- **Regulation of ART clinics and banks:** The Bill sets up the National Assisted Reproductive Technology and Surrogacy Registry under which all ART clinics and banks must be registered. The National Registry will act as a central database with details of all ART clinics and banks in the country. State governments will appoint registration authorities for facilitating the registration process.
- **Conditions for ART services:** ART procedures can only be carried out with the written informed consent of both the party seeking ART services as well as the donor. The party seeking ART services will be required to provide insurance coverage in the favour of the oocyte donor (for any loss, damage, or death of the donor). A clinic is prohibited from offering to provide a child of pre-determined sex. The Bill also requires checking for genetic diseases before embryo implantation.
- **National and State Boards:** The Bill provides that the National and State Boards for Assisted Reproductive Technology and Surrogacy constituted under the Surrogacy (Regulation) Act, 2021 will act as the National and State Board respectively for the regulation of ART services. Key powers and functions of the National Board include: (i) advising the central government on ART related policy matters, (ii) reviewing and monitoring the implementation of the Bill, (iii) formulating code of conduct and standards for ART clinics and banks, and (iv) overseeing various bodies to be constituted under the Bill. The State Boards will coordinate enforcement of the policies and guidelines for ART as per the recommendations, policies, and regulations of the National Board.

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

### Bill to regulate surrogacy passed by Parliament

The Surrogacy (Regulation) Bill, 2019 was passed by Parliament.<sup>65</sup> The Bill defines surrogacy as a practice where a woman gives birth to a child for an intending couple and agrees to hand over the child to them after the birth. The Bill had been examined by a Select Committee of the Rajya Sabha which suggested several amendments.<sup>66</sup> The Bill that was passed by Parliament incorporates the changes suggested by the Select Committee. Key features of the Bill include:

- **Regulation of surrogacy:** The Bill allows intending couples and women to undertake surrogacy on certain grounds. It allows altruistic surrogacy which is defined as surrogacy in which no monetary compensation is provided to the surrogate mother other than the medical expenses, insurance coverage and other prescribed expenses. Further, it penalises intending couples, intending women, and other persons for not following altruistic surrogacy.
- **Eligibility criteria for intending couple/woman:** An intending couple is one that has a medical indication necessitating gestational surrogacy. Further, an intending woman (Indian citizen, and a widow or divorcee between the age of 35 to 45 years) can also commission surrogacy. To

undertake surrogacy, the intending couple or woman must obtain a letter of recommendation from the Board, as prescribed, and certificates of essentiality, and eligibility. The certificate of essentiality will be given if the intending couple or woman fulfil specified conditions, including possessing a certificate of the medical indication necessitating gestational surrogacy from the District Medical Board.

- The certificate of eligibility to the intending couple is issued upon fulfilment of the following conditions: (i) the couple being Indian citizens, (ii) between 23 to 50 years old (wife) and 26 to 55 years old (husband), and (iii) they do not have any surviving child (biological, adopted or surrogate). The Board may prescribe certain additional eligibility conditions.
- **Eligibility criteria for surrogate mother:** A willing woman can act as a surrogate mother. The surrogate mother must be: (i) a married woman having a child of her own, (ii) 25 to 35 years old, (iii) a surrogate only once in her lifetime, and (iv) possess a certificate of medical and psychological fitness for surrogacy. The surrogate mother cannot provide her own gametes for surrogacy.

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

### National Institute of Pharmaceutical Education and Research (Amendment) Bill, 2021 passed by Parliament

The National Institute of Pharmaceutical Education and Research (Amendment) Bill, 2021 (NIPER Bill) was passed by Parliament.<sup>67</sup> It amends the NIPER Act, 1998. The Act established the NIPER, Punjab and declared it as an Institution of National Importance. An Institution of National Importance is an autonomous institute established with the power to hold examinations, grant degrees, diplomas, and other academic titles. These institutions receive funding from the central government. The Bill had been examined by the Standing Committee on Chemicals and Fertilisers which made recommendations to improve the functioning of the NIPERs.<sup>68</sup> Key amendments under the Bill include:

- **New institutions of national importance:** The Bill declares six NIPERs as Institutions of National Importance. These institutes are located in: (i) Ahmedabad, (ii) Hajipur, (iii) Hyderabad, (iv) Kolkata, (v) Guwahati, and (vi) Raebareli.
- **Establishment of the Council:** The Bill provides for a Council to coordinate the activities among all the NIPERs under the Act to ensure development of pharmaceutical education and research and maintenance of standards. Functions of the Council include: (i) advising on matters related to course duration, and admission standards in the institutes, (ii) formulating policies for recruitment,

conditions of service, and fees, and (iii) examining and approving development plans of the institutes.

- **Board of Governors:** The Bill reduces the number of members in the Board of Governors for each institute from 23 to 12. The Board will be chaired by an eminent academician or professional. The ex officio members of the Board include: (i) the Director of the institute, (ii) the Secretary dealing with medical or technical education in the concerned state government, and (iii) a representative of Drug Controller General of India.

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

## Agriculture

*Shashank Srivastava (shashank@prsindia.org)*

### Standing Committee submits report on the Pesticide Management Bill, 2020

The Standing Committee on Agriculture, Animal Husbandry and Food Processing (Chair: Mr. P.C. Gaddigoudar) tabled its report on the Pesticide Management Bill, 2020 on December 21, 2021.<sup>69</sup> The Bill was introduced on March 23, 2020. The Bill replaces the Insecticides Act, 1968. It seeks to regulate the manufacture, import, sale, storage, distribution, use, and disposal of pesticides, in order to ensure the availability of safe pesticides and minimise the risk to humans, animals, and environment. Key observations and recommendations of the Committee include:

- **Definition of pesticides:** The Bill defines pesticide as any substance of chemical or biological origin intended for preventing or destroying any pest in agriculture, industry, public health, pest control operations, or for ordinary use. The Committee noted that such a broad definition may treat chemical pesticides (requiring stringent regulation) at par with traditional pest control measures. It recommended that the definition should specify that these pesticides must be those as notified in the Schedule by the Registration Committee (which grants registration for the use of pesticides) as having the required pesticidal properties.
- **Central Pesticides Board:** Under the Bill, the central government will constitute the Central Pesticides Board to advise the central and state governments on scientific and technical matters under the Act. The Committee noted that the Board is merely an advisory body with all regulatory authority actually vested in the Registration Committee which is composed of a few technical persons. It recommended that the Board should be empowered to overlook the functioning of the Registration Committee. Further, the Registration Committee should regulate its procedure and conduct of business with

the approval of the Board.

- **Registration of pesticides:** The Bill does not specify a time limit for registration of pesticide by the Registration Committee. The 1968 Act specified a time limit of 12 months for registration of pesticides. The Committee noted that registration must not be left open-ended. It recommended disposing application for registration of pesticide within two years.

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

## Media and Broadcasting

### Report of the Joint Parliamentary Committee on the Personal Data Protection Bill, 2019 tabled

*Saket Surya (saket@prsindia.org)*

The report of the Joint Parliamentary Committee on the Personal Data Protection Bill, 2019 (Chair: Mr P. P. Chaudhary) was tabled in Parliament.<sup>70</sup> The Bill was introduced in Lok Sabha in December 2019.<sup>71</sup> The Bill provides for the protection of personal data of individuals and establishes a Data Protection Authority (DPA). It defines personal data as data about or relating to a natural person who is directly or indirectly identifiable. Key recommendations include:

- **Scope of the Bill:** The Committee observed that it is impossible to clearly distinguish between personal and non-personal data (data other than personal data). As data is collected as mass data and movement of data is also in a similar fashion, such segregation is not possible at every stage. Hence, the Bill should provide for the protection of all kinds of data. The short title of the Bill should be changed to the 'Data Protection Act, 2021'.
- **Exemption to state agencies:** The Bill empowers the central government to exempt the processing of personal data by a government agency from the application of any or all provisions of the Bill. Such exemption may be provided if it is: (i) necessary or expedient, and (ii) in the interests of specified grounds including national security and public order. The exemption order must prescribe procedures, safeguards, and oversight mechanisms. The Committee observed that such clauses have precedence in the form of reasonable restrictions imposed on the liberty of individuals. However, this provision may be misused. Hence, the Committee stipulates that the Bill should specify that the procedure to be followed should be 'fair, just, reasonable, and proportionate'.
- **Data breaches:** The Bill requires a data fiduciary (a person who determines the purpose and means

of processing personal data) to notify the DPA about any breach of personal data (unauthorised access or disclosure, or loss of access) where such a breach is likely to cause harm to the data principal. The Committee recommended that a data fiduciary should be mandated to report every personal data breach to DPA, within 72 hours of it becoming aware of the breach. Also, DPA should be empowered to regulate any breach of non-personal data.

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

### Initiatives to promote semiconductor and electronic display industry notified

*Saket Surya (saket@prsindia.org)*

The Ministry of Electronics and Information Technology notified various initiatives for promotion of semiconductor and electronic display industry.<sup>72</sup> These are aimed at promoting higher domestic value addition in electronics manufacturing. Key details are as follows:

- **Design-linked incentive scheme:** Under this scheme, support will be provided to 100 domestic companies of semiconductor design (covers design of integrated circuits, chipsets, system on chips, systems, and semiconductor-linked design). Incentives include: (i) product design linked incentive of up to 50% of the eligible expenditure, and (ii) product deployment linked incentive of 4%-6% on net sales turnover for five years.<sup>73</sup> The scheme will be open for applications for three years from January 1, 2022.
- **Incentive schemes for manufacturing:** Three separate schemes have been notified for promotion of manufacturing of semiconductors and electronic display and related components. Fiscal support of up to 50% of the project cost will be provided for setting up fabrication plants for electronic displays, and semiconductors.<sup>74,75</sup> Support under these schemes will be provided for a period of six years.
- Fiscal support of up to 30% of the capital expenditure will be provided for setting up: (i) fabrication plants for compound semiconductors, silicon photonics, and sensors, and (ii) facilities for post-fabrication stage including assembly and testing.<sup>76</sup> This scheme will be open for applications for three years.
- **India Semiconductor Mission:** An independent and specialised Mission will set up. It will be the nodal agency for implementation of the schemes on semiconductor and display ecosystem.
- **Semi-Conductor Laboratory (SCL):** The Ministry will take requisite steps for modernisation and commercialisation of SCL, an autonomous body under the Department of Space.<sup>77</sup> SCL is

engaged in research and development in the area of microelectronics to meet strategic needs.

The total outlay on the above programmes is estimated to be Rs 76,000 crore.<sup>72</sup>

### Standing Committee submits report on ethical standards in media coverage

*Shashank Srivastava (shashank@prsindia.org)*

The Standing Committee on Communications and Information Technology (Chair: Dr. Shashi Tharoor) presented its report on ‘Ethical Standards in Media Coverage’.<sup>78</sup> As of January 2020, there were 1.45 lakh newspapers, 387 news and current affairs channels, and 495 radio stations operated by All India Radio. The Committee recommended forming a Commission to cover all aspects included in this report and submit their findings within six months. Key observations and recommendations of the Committee include:

- **Restructuring PCI:** The Press Council of India (PCI) is a statutory body under the Press Council Act, 1978 for regulation of press. The Committee noted that PCI does not have the power to enforce compliance as advisories issued by it are not enforceable in a court of law. Further, it noted that different segments of the media have different standards, while some have none. The Committee recommended restructuring the PCI, and establishing a media council to cover all types of media (print, electronic and digital). PCI should have statutory powers to enforce its orders wherever required. Further, the Committee recommended increasing the membership of PCI (currently it has 20 members).
- **Complaints against media:** On violation of ethical standards by print media, the PCI directs newspapers to issue directions to publish the version of the complainant. In some cases, the papers are censored. In such cases, these decisions are forwarded to the Bureau of Outreach and Communication (BOC) and concerned state governments. The Committee observed that newspapers continue to violate the ethical standards, till action is taken by the BOC. Further, BOC takes almost a year to issue their orders. The Committee recommended the Ministry to prescribe a certain time period for BOC to act on the decisions of the PCI.
- **Definition of anti-national attitudes:** The Cable Network Rules, 2014 prohibit those programmes from being carried in the cable service which promote ‘anti-national attitudes’. However, the term ‘anti-national attitudes’ has not been defined. The Committee recommended that the term be properly defined to remove any ambiguity.

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

### Report on suspension of telecom services/ internet and its impact submitted

*Omair Kumar (omir@prsindia.org)*

The Standing Committee on Communications and Information Technology (Chair: Dr. Shashi Tharoor) submitted its report on ‘Suspension of Telecom Services/Internet and its Impact’.<sup>79</sup> Currently, suspension of telecom services (including internet shutdowns) is governed by the Temporary Suspension of Telecom Services (Public Emergency and Public Safety) Rules, 2017 notified under the Indian Telegraph Act, 1885.<sup>80,81</sup> The 2017 Rules provide for temporary shutdown of telecom services in a region on grounds of public emergency (up to 15 days at a time).<sup>80</sup> The 1885 Act empowers the central government to regulate various types of telecom services including internet services and grant licenses for them.<sup>81</sup> Key observations and recommendations of the Committee are as follows:

- **Regulation of suspension of telecom services:** The Committee noted that before the 2017 Rules were notified, telecom/internet shutdowns were being ordered under the Code of Criminal Procedure, 1973 in an arbitrary manner. In 2020, the Supreme Court observed that the 2017 Rules lacked adequate safeguards.<sup>82</sup> Following the judgement, certain amendments were made to the 2017 Rules in November 2020.<sup>83</sup> However, the Committee observed that the amendments are not adequate and many of the provisions have been left open-ended. It highlighted concerns such as lack of definitions of the grounds for suspension, and composition of oversight committee being largely confined to the executive. The Committee recommended: (i) reviewing the Rules to address all aspects of internet shutdown, (ii) bringing the Rules in tune with changing technology to ensure minimum disturbance to the public, and (iii) issuing uniform guidelines for states/UTs, to be followed while ordering an internet shutdown.
- **Grounds for suspension of telecom services:** Under the 2017 Rules, telecom/internet shutdowns may be ordered on grounds of public emergency and public safety. Public emergency and public safety have not been defined in the 1885 Act or the 2017 Rules. The Committee noted that no parameters have been laid down to decide the merit of internet shutdowns, and shutdowns have been ordered based on subjective assessment. It further noted that state governments have ordered shutdowns for routine policing, and administrative purposes such as preventing cheating in exams and preventing local crime. The Committee recommended: (i) codifying defined parameters that constitute public emergency and public safety, and (ii) putting in place a mechanism to decide the



merit of an internet shutdown.

- **Selective banning of services:** Internet shutdowns in their current form prohibit access to all types of information and services on the internet. The Committee recommended the Department of Telecommunication to formulate a policy to selectively restrict the use of certain services instead of banning the internet as a whole. This will ensure minimum inconvenience to the general public and at the same time, meet the objectives such as curbing misinformation.

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

## National Strategy on Blockchain released

*Saket Surya (saket@prsindia.org)*

The Ministry of Electronics and Information Technology released the National Strategy on Blockchain.<sup>84</sup> Blockchain is a distributed ledger technology based on a shared ledger between various parties involved in business transactions. The data structure used in blockchain maintains an unchangeable record of transactions in a time-sequenced manner, eliminating the need for a central entity to validate transactions. The Ministry highlighted the following key challenges in the adoption of blockchain: (i) scalability and transaction speed, (ii) data security and privacy, (iii) standardisation and interoperability, and (iv) skilled manpower. Key features of the Strategy include the following:

- **National-level blockchain framework:** The Strategy proposes to create a national-level blockchain framework. Infrastructure for hosting blockchain platforms will be created across multiple zones in the country. The strategy proposes the creation of infrastructure for blockchain as a national resource and recommends offering blockchain as a service (services for building and hosting blockchain applications). The Strategy proposes to evolve an indigenous technology stack with an open Application Programming Interface (APIs). APIs enable two software systems to interact with each other. Open API means a publicly available interface for programmatic access to the software.
- **Integration with national-level services:** The following national-level services can be integrated with the blockchain framework: (i) eSign, an online service providing for instant signing of documents, (ii) ePramaan, an authentication service used to access different government applications, and (iii) DigiLocker, an online service to access various documents issued by government agencies.
- **Capacity building:** The Strategy notes that blockchain needs to be promoted by conducting short terms courses or bootcamps. It proposes to

create sandbox environments for development and testing of applications and offering virtual training. A sandbox provides a controlled environment for developers to test new products, services, and business models with customers.

## Time period for mandatory storage of call detail records increased to two years

*Saket Surya (saket@prsindia.org)*

The Department of Telecommunications has amended the unified license agreement to increase the mandatory storage period for certain types of records from one year to two years. The record types include: (i) commercial records, call detail record (CDR), exchange detail record, and internet protocol detail record (IPDR) with regard to communication exchanged over the telecom network, (ii) CDR/IPDR for internet including internet telephony service, and (iii) log in/log out details of all subscribers for services such as internet access, email, internet telephony, and internet-based television.<sup>85</sup> These records contain certain details about a call, SMS, or an event of internet access such as source and destination numbers in case of call or SMS, IP address and device identification number of a computer or mobile phone in case of internet access, and time and duration of communication. These requirements form part of the security conditions under the telecom licenses.

## Guidelines for sharing of infrastructure by multi-system operators issued

*Saket Surya (saket@prsindia.org)*

The Ministry of Information and Broadcasting issued guidelines for sharing of infrastructure by Multi-System Operators (MSOs).<sup>86</sup> MSOs are providers of cable TV services. Key infrastructure elements permitted to be shared among MSOs are: (i) headend equipment (for processing satellite signals) and transport streams for signals of TV channels, (ii) common hardware for Subscriber Management System (SMS) and Conditional Access System (CAS) applications. CAS is used to prevent unauthorised access. Earlier, an MSO was required to install its own independent headend. The MSOs willing to share infrastructure are required to submit a joint proposal to the Ministry.

## Scheme for promotion of digital payments through RuPay debit card and BHIM-UPI notified

*Saket Surya (saket@prsindia.org)*

The Ministry of Electronics and Information Technology notified a scheme to incentivise acquiring banks for the following types of digital payments: (i) point of sale and e-commerce transactions using RuPay

debit cards, and (ii) low-value person-to-merchant BHIM-UPI transactions (up to Rs 2,000).<sup>87,88</sup> The scheme will be available for a period of one year from April 1, 2021.<sup>87</sup> Acquiring bank is the financial institution that maintains a merchant's bank account.

Under the scheme, acquiring banks will be paid a percentage of the value of a transaction at a specified rate (see Table 2).<sup>88</sup> Incentives will be provided at a lower rate for merchants under the specified industry programmes which include government, insurance, mutual fund, railways, hospital, and fuel.<sup>88</sup> To be eligible for incentives, a bank will be required to achieve at least: (i) 10% year-on-year growth in the number of RuPay debit card transactions, and (ii) 50% year-on-year growth in the number of BHIM-UPI transactions, in 2021-22.<sup>88</sup> For calculating growth, transactions other than person-to-merchant transactions will also be considered.

**Table 2: Rate of incentive to acquiring banks**

Merchant Category	PoS and eCom transaction through RuPay Debit Card	Person to Merchant BHIM-UPI (up to Rs 2,000)
Specified industries	0.15% capped at Rs 6	0.15%
Other than specified industries	0.40% capped at Rs 100	0.25%

Note: PoS refers to point of sale; eCom refers to E-commerce. Source: Notification No. 24(1)/2020-DPD-Part (2), Ministry of Electronics and IT, The Gazette of India; PRS.

The total estimated outlay on the scheme is Rs 1,300 crore.<sup>87</sup>

## Industry

*Shashank Srivastava (shashank@prsindia.org)*

### Standing Committee submits report on electric and hybrid mobility

The Standing Committee on Industry (Chair: Dr. K. Keshava Rao) presented its report on 'Electric and Hybrid Mobility – Prospects and Challenges in Automobile Industry'.<sup>89</sup> As of 2019, electric vehicles (EVs) comprise 2.3% of all automobile sales in the world. In India, the share of EVs was 0.1%. In 2020-21, around 1.59 lakh EVs were sold in India, which is 0.8% of the Internal Combustion Engine (ICE) sales in the same period (1.79 crore). Key observations and recommendations of the Committee include:

- **National policy:** The Committee noted that 13 states have notified dedicated EV policies, while 12 are in the process of drafting their policies. These policies focus on demand and supply side incentives to lower the total cost of ownership of vehicles and promote local manufacturing. The

Committee recommended the central government to align the policies at the central and state level and create a national-level policy for adoption of EVs in the country.

- **FAME India:** The Faster Adoption and Manufacturing of Hybrid and Electric Vehicles in India Scheme (FAME) was launched in April 2015 to develop the market and manufacturing ecosystem for electric and hybrid vehicles. The second phase of the scheme was launched in April 2019 with a budgetary outlay of Rs 10,000 crore for three years. It aims to finance the purchase of 7,090 electric buses, 55,000 four-wheeler passenger cars, five lakh three-wheelers, and ten lakh electric four-wheelers. The Committee noted that the FAME scheme is limited to subsidising purchase of EVs and charging infrastructure. It recommended broadening the scope of the scheme to include funding and incentives for: (i) research and development of components for EVs and charging infrastructure, (ii) locally manufacturing EV components, and (iii) extending incentives to purchase four-wheeler electric vehicles.

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

## Social Justice and Empowerment

*Shubham Dutt (shubham@prsindia.org)*

### Standing Committee submitted report on scheme for constructing hostels for SC students

The Standing Committee on Social Justice and Empowerment (Chair: Mrs. Rama Devi) submitted its report on 'Babu Jagjivan Ram Chhatrawas Yojana (BJRCY) for SC boys and girls'.<sup>90</sup> BJRCY is a scheme under which financial assistance is provided by the central government for constructing new hostels, expanding existing hostel facilities, and repair and maintenance of operational hostels for students belonging to Scheduled Castes (SC). Key observations and recommendations of the Committee include:

- **Status of hostels:** The Committee noted that from 2007-08 to 2020-21, 819 hostels were sanctioned under the scheme. Of these, 662 hostels have been completed (366 are functional), 144 are under construction, and 13 have been cancelled. The Committee observed that the scheme had failed to meet its target of having a hostel in every block headquarter of low literacy districts. It also noted that states/UTs having a relatively larger SC population (such as Punjab and Bihar) had been sanctioned less hostels. It recommended: (i) creating a national database of hostels, updated in real-time and monitored at the central level, (ii) conducting a time bound assessment of required hostels, and (iii) creating an online portal for

submitting proposals under BJRCY.

- **Budgetary allocation:** From the financial year 2021-22, BJRCY has been merged with two other schemes of the central government targeted at the SC population (viz., the Pradhan Mantri Adarsh Gram Yojana, and the Special Central Assistance to the Scheduled Castes Sub-Plan) under a single scheme called the Pradhan Mantri Anusuchit Jaati Abhyuday Yojana (PM-AJAY). The Committee observed that the budgetary allocation for PM-AJAY for 2021-22 (Rs 1,800 crore) has been reduced by Rs 160 crore, in comparison to the total allocation for the three merged schemes in 2020-21. It also noted that separate allocation for boys' and girls' hostels under BJRCY has been clubbed into a single reduced allocation since 2019-20.
- The Committee was of the opinion that specific allocation for BJRCY should have been continued for its independent functioning without getting affected by other schemes. It recommended that notional allocation be made for BJRCY under the PM-AJAY allocation, including separate allocation for boys' and girls' hostels.

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

## Housing

*Shashank Srivastava (shashank@prsindia.org)*

### Standing Committee submits report on PM Street Vendor's Atmanirbhar Nidhi

The Standing Committee on Housing and Urban Affairs (Chair: Mr. Jagdambika Pal) presented its report on 'PM Street Vendor's Atmanirbhar Nidhi (PM SVANidhi)'.<sup>91</sup> PM SVANidhi was launched in June 2020 as part of the Atmanirbhar Bharat package to provide credit for working capital to street vendors to resume their businesses after the impact of COVID-19. The Protection of Livelihood and Regulation of Street Vending) Act, 2014 provides for the regulation of street vendors in public places, and protection of their rights. Key observations and recommendations of the Committee include:

- **Extension of the scheme:** Vendors availing loan under the scheme are eligible for an interest subsidy of 7%. The subsidy is available till March 2022. The Committee observed that many street vendors have not been covered under the scheme, and many are still recovering from the adverse effects of COVID-19 on their businesses. It recommended extending the scheme by at least another year.
- **Registration of vendors:** Under the 2014 Act, a certificate of vending (CoV) is issued to the street vendors, based on surveys carried out by urban

local bodies to identify them. Under the Scheme, vendors with a Vendor ID Card (CoV), or a letter of recommendation (LoR) are eligible for loan. LoRs are issued by the urban local bodies to those vendors who were left out of the surveys. The Committee observed that 14 states and UTs have issued more LoRs than CoVs, and three states have not issued a single CoV. The Committee noted that the LoR is an interim measure and recommended the Ministry to follow the sequence of activities under the Act and issue CoVs to all the identified street vendors. Further, CoVs should be issued within a month of issuance of LoRs.

- **Sanction and disbursal of loan:** The Committee noted that ten states each have sanction rates and disbursal rates (out of total loan applications received) less than 50%. Certain banks also have sanction rates less than 50%. Further, while the scheme guidelines require loans to be disbursed within 30 days, 31 states/UTs take longer to disburse loans. The Committee recommended: (i) providing timelines to states and UTs to improve their sanction rate and disbursal rate, (ii) investigating bank-specific reasons for low sanction rates, and (iii) addressing the delay in the loan disbursement process.

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

## Education

*Tushar Chakrabarty (tushar@prsindia.org)*

### CAG releases report on setting up of new Indian Institutes of Technology

The Comptroller and Auditor General of India (CAG) released its audit report on 'Setting Up of New Indian Institutes of Technology (IITs)' in December 2021.<sup>92</sup> The report provides findings from the performance audit of the eight new IITs in Bhubaneswar, Gandhinagar, Hyderabad, Indore, Jodhpur, Mandi, Patna, and Ropar set up during 2008-09. It covers the activities of these IITs during 2014-19. Key observations and recommendations of CAG include:

- **Allotment of land:** All the eight IITs commenced their activities from temporary/transit campuses before shifting to permanent campuses, which were to be developed in a phased manner. In 2006, the central government requested the respective state governments to allot 500-600 acres of land free of cost to each of the eight IITs. The audit observed that there were persisting issues in allotment and transfer of land in four IITs in Bhubaneswar, Gandhinagar, Mandi, and Ropar. The lack of requisite land was also an impediment for providing planned facilities to the students. CAG recommended that the Ministry of Education

should take proactive steps with state governments to ensure availability of land to IITs.

- **Financial management:** IITs are autonomous institutions which receive grants from the central government. They also generate internal revenue through fee, publications, interests, and consultancy works. The audit noted that the proportion of internal receipts of the IITs to their recurring expenditure was very low. Therefore, IITs were heavily dependent on the grants from central government for meeting recurring expenditure. CAG recommended that the Ministry and IITs should identify avenues for adequate internal resources. This will reduce dependence on government grants and strengthen financial position of all IITs.

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

## Defence

*Tushar Chakrabarty (tushar@prsindia.org)*

### Cantonment Land Administration Rules, 2021 notified

The Ministry of Defence notified the Cantonment Land Administration Rules, 2021 under the Cantonments Act, 2006.<sup>93</sup> The 2021 Rules supersede the Cantonment Land Administration Rules, 1937. They provide for classification and management of land in cantonment areas. Key features of the Rules include:

- **General land register:** The Defence Estates Officer will maintain a general land register and a general land register plan of all cantonment lands which are inside and outside the civil areas. Any change in the register or its plan may be made only with the sanction of the central government.
- **Classification of land:** The Rules classify cantonment lands in three broad categories: (i) Class A land (for specific military purposes), (ii) Class B land (retained for effective discharge of duties with respect to military administration), and (iii) Class C land (land under Cantonment Board including markets, slaughter houses, and water-works for supply and storage of water). Based on the use of land within these categories, different management authorities have been notified as listed in the table below:

**Table 3: Classification and management of cantonment land**

Classification	Uses	Management authority
Class A-1	Used by military authorities for purposes such as fortification and aerodromes	Defence Estates Officer (certain area can be under military authorities)
Class A-2	Not used by military authorities but there are specific military objections for their use for any other purpose	Defence Estates Officer
Class B-1	Used by Defence Department or any other ministry of central government	Ministry or Department having control over the land
Class B-2	Used by a state government department	State government having control over the land
Class B-3	Held by private persons	Defence Estates Officer (those notified in the civil area will be with Cantonment Board)
Class B-4	Land not included in any other class	
Class C	For uses such as markets, slaughter houses, and water-works	Cantonment Board

Sources: Ministry of Defence; PRS.

## Consumer Affairs

### Consumer Protection Rules, 2021 notified

*Omir Kumar (omir@prsindia.org)*

The Ministry of Consumer Affairs, Food and Public Distribution notified the Consumer Protection (Jurisdiction of the District Commission, the State Commission and the National Commission) Rules, 2021 under the Consumer Protection Act, 2019.<sup>94,95</sup> The Act provides for consumer dispute redressal commissions at the district, state, and national levels.<sup>95</sup> The Act provides for the maximum pecuniary jurisdiction of the commissions at each level, based on the value of the goods and services. The 2021 Rules amend the jurisdiction for the commissions.

According to the Ministry, as per the pecuniary jurisdiction of consumer commissions under the 2019 Act, cases that could earlier be filed in the National and State Commissions were being filed in District Commissions.<sup>96</sup> This increased the workload of District Commissions significantly, leading to rise in pendency and delay in disposal of cases. Changes in the jurisdiction at each level are as follows:



**Table 4: Pecuniary jurisdiction of the consumer disputes redressal commissions**

	2019 Act	2021 Rules
<b>District Commission</b>	Up to one crore rupees	Up to Rs 50 lakh
<b>State Commission</b>	More than one crore rupees, but less than Rs 10 crore	More than Rs 50 lakh but less than two crore rupees
<b>National Commission</b>	More than Rs 10 crore	More than two crore rupees

### Direct selling rules prohibiting promotion of pyramid schemes notified

Rajat Asthana ([rajat@prsindia.org](mailto:rajat@prsindia.org))

The Ministry of Consumer Affairs notified the Consumer Protection (Direct Selling) Rules, 2021.<sup>97</sup> Direct selling refers to the sale of goods or services directly to the end consumer, without the involvement of middlemen. The Rules have been notified under the Consumer Protection Act, 2019.<sup>98</sup> The Act empowers the central government to take measures to prevent unfair trade practices in e-commerce and direct selling. The Rules specify obligations of the direct selling entity and direct sellers. A direct selling entity sells goods or services through authorised people (known as direct sellers).<sup>97</sup> Key features of the Rules include:

- **Applicability:** The Rules apply to: (i) all goods and services bought or sold through direct selling, (ii) all models of direct selling, (iii) all direct selling entities (including those not established in India) offering goods and services to consumers in India, and (iv) all forms of unfair trade practices across all models of direct selling. Existing direct selling entities must comply with the provisions of these rules within 90 days of notification.
- **Prohibition on pyramid schemes:** A pyramid scheme is a multi-layered network of subscribers, formed by subscribers enrolling other subscribers in order to receive any direct or indirect benefit.<sup>97</sup> In such a scheme, the subscribers enrolling further subscribers occupy a higher position, and the enrolled subscribers a lower position. The Rules prohibit direct selling entities and direct sellers from promoting a pyramid scheme.<sup>97</sup> Further, the Rules also prohibit enrolling any person to such a scheme in disguise of doing direct selling business.
- **Prohibition on Money circulation schemes:** A money circulation scheme refers to any scheme in which existing members are paid in some form on enrolment of new members in the scheme.<sup>99</sup> The money being paid to existing members may or may not be derived from the entrance money of the new members of the scheme. The Rules prohibit direct selling entities and direct sellers from participating in money circulation scheme in disguise of doing direct selling business.<sup>97</sup>

## Communication

### Unified license to also cover voicemail/ audio conferencing/ audiotex services

Saket Surya ([saket@prsindia.org](mailto:saket@prsindia.org))

The Department of Telecommunications notified changes in the Unified License Framework to also include authorisation for audio conferencing/ voicemail/ audiotex services.<sup>100</sup> Under the unified license framework, single license is issued for providing various types of telecom services including access service, internet service, and national and international long distance.<sup>101</sup> Authorisation may be granted for any or all of the services covered under this framework.<sup>101</sup> Presently, a separate license is issued for audio conferencing/ voicemail/ audiotex services.<sup>100,102</sup> Audiotex service involves automatic answering of calls and the subsequent provision of audio information to the callers.<sup>103</sup> It also covers the Interactive Voice Response System (IVRS).<sup>103</sup> For existing licensees, migration to the unified license will be optional.<sup>100</sup>

Presently, no license fee is required to be paid under the separate license regime for the three services.<sup>104</sup> License fee at the rate of 8% of the Adjusted Gross Revenue will be applicable for the existing licensees under the separate license regime as well as new licensees for these services under the unified license framework.<sup>100,104,105</sup> Adjusted Gross Revenue is the value of gross revenue after deduction of certain taxes and charges.<sup>103</sup>

These changes will come into effect from January 1, 2022.<sup>100</sup>

### TRAI seeks views on ease of doing business in telecom and broadcasting sectors

Saket Surya ([saket@prsindia.org](mailto:saket@prsindia.org))

The Telecom Regulatory of India (TRAI) released a consultation paper on “Ease of Doing Business in Telecom and Broadcasting Sector”.<sup>106</sup> It noted that the telecom and broadcasting sectors have emerged as key drivers of economic and social development. The consultation paper is aimed at identifying various bottlenecks and required reforms in processes, policies, and regulations to create a conducive business environment for these two sectors in India.

The consultation paper covers the processes of grants of permissions, registrations, and licenses for these two sectors by following entities: (i) Departments of Telecommunications, and Space, (ii) Ministries of Information & Broadcasting, Electronics & Information Technology, and Power, and (iii) TRAI. It has sought views on: (i) simplification, digitalisation, and unification of application, approval and appeal processes, (ii) streamlining of compliance and audit

requirements, (iii) mechanisms to facilitate investors in exploring business opportunities, and (iv) issues with the present system of licencing, registration, and permissions which adversely affect the ease of doing business in these sectors.

Comments are invited until January 19, 2022.

### TRAI invites comments on the regulatory framework for data centres, interconnect exchanges, and content delivery networks

*Saket Surya (saket@prsindia.org)*

The Telecom Regulatory of India (TRAI) released a consultation paper on “Regulatory Framework for Promoting Data Economy through Establishment of Data Centres, Content Delivery Networks (CDNs), and Interconnect Exchanges in India”.<sup>107</sup> TRAI noted that these are key infrastructure elements required for a digital ecosystem.

Data centres are physical facilities used to host data and applications. CDN is a system consisting of a distributed group of servers and networks. It is used to deliver the content to a point in the network which is closer to the point of user request. Based on the geographic location of the user, the origin of the webpage, and the location of the content delivery server, this system ensures faster delivery of content. Internet Exchange Point (IXP) is a technical facility to route traffic quickly and cost-effectively between network members by enabling interconnection. Commercially, the internet consists of a hierarchy of global, regional, national, and local providers. To enable access to the content of a parent CDN or website hosted on an international data centre, global IXPs interconnect with the local IXPs to pass the traffic to the local data centres and then to the child CDNs. Internet Service Providers provide the last mile connectivity to users for accessing the services. TRAI noted that the number of hops required by a network to process the user request is critically important. With the second-largest user base and fast-growing internet usage, there is a need for expansion of these infrastructure elements in the country.

TRAI has sought views on: (i) incentives and long-term measures to facilitate growth and investment in data centres, CDNs, and IXPs, (ii) building, safety, disaster recovery, and security standards for data centres, (iii) access to facilities such as dedicated fibre and electricity, and provision of concessional tariffs or subsidies, (iv) need for a unified data centre policy in India and centre-state coordination, (v) need for a regulatory framework for CDN and interconnect exchanges in India.

Comments are invited until January 13, 2022.

### TRAI invites comments on promoting local manufacturing in television broadcasting

*Rajat Asthana (rajat@prsindia.org)*

The Telecom Regulatory of India (TRAI) released a consultation paper on “Promoting Local Manufacturing in the Television Broadcasting Sector”.<sup>108</sup> It noted that the size of the global market for broadcasting equipment is nearly USD 6.2 billion in 2021. North America, Europe, and China are the regions with leading market shares. Television (TV) penetration in India is comparatively low (only 55%). This implies that there is still a large untapped demand potential, which presents an opportunity to meet future demand through local manufacturing of broadcasting equipment.

Broadcasting equipment may be categorised into: (i) headend equipment (for processing satellite signals), (ii) transmission equipment (for distribution of cable signals), and (iii) consumer premises equipment (last-mile hardware such as set-top box). TRAI noted that most of the demand for equipment is being met through either imports or imports of semi knocked-down parts which are then assembled in India.

TRAI has sought views on: (i) need to promote local manufacturing in the television broadcasting sector, (ii) capabilities of Indian manufacturers to meet the broadcasting sector demand in India, (iii) measures to enhance the global competitiveness of Indian equipment manufacturers, and (iv) need to extend production-linked incentives to broadcasting sector and types of equipment to be covered for such incentives.

Comments are invited until February 2, 2022.

## Power

*Omair Kumar (omir@prsindia.org)*

### Comments invited on regulations for open access to inter-state transmission systems

The Central Electricity Regulatory Commission (CERC) invited comments on the Draft CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2021.<sup>109,110</sup> The draft Regulations have been framed under the Electricity Act, 2003. The Act empowers the CERC to regulate the inter-state transmission of electricity.<sup>111</sup> The draft Regulations provide for non-discriminatory open access to consumers, generating companies, and distribution licensees for use of inter-state transmission systems (ISTS).<sup>109</sup> Key features of the draft Regulations include:

- **Eligibility:** Entities eligible to apply for the grant of connectivity to ISTS for supplying power under the proposed mechanism include: (i) generating

stations with an installed capacity of a minimum of 50 megawatts (MW), (ii) captive generation plant with capacity for injection to ISTS of a minimum 50 MW, and (iii) renewable power park developer. Entities eligible to apply for General Network Access (GNA) for drawing power from the grid under the open access mechanism include: (i) state transmission utility on behalf of distribution licensees connected to ISTS, (ii) a buying entity connected to ISTS, (iii) a distribution licensee, or a bulk consumer (with a minimum load of 50 MW), (iv) trading licensees engaged in cross border trade of electricity, and (v) transmission licensee connected to ISTS for drawal of auxiliary power.

- **Temporary GNA:** Certain entities will be eligible to apply for a temporary GNA. These entities include: (i) buyers (includes distribution licensee and bulk consumers directly connected to ISTS), and (ii) trading licensee and bilateral transactions on behalf of buyers and engaged in cross border trade of electricity. Application for temporary GNA may be made for any period from a one-time block and up to 11 months.
- **Applicable charges:** Under the proposed

mechanism, transmission charges and losses for use of ISTS will be shared among buying entities of ISTS. One-time charges will be payable by entities granted connectivity as well as GNA. GNA grantees will pay charges to load despatch centres (national, regional, and state) for scheduling and despatch of power. Deviation charges will also be applicable. Deviation charges are levied for over or under injection or for drawal of power.

Comments are invited until January 17, 2021.

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