

ADB, Centre ink pact for road revamp

Finance Minister Arun Jaitley with Takehiko Nakao, President, Asian Development Bank in a meeting at North Block in New Delhi. File Photo. PTI

The Asian Development Bank (ADB) and the Government of India on Monday signed a \$220 million loan agreement meant to improve connectivity, transport efficiency, and safety on the State highways of Rajasthan.

“The loan is the first tranche of the \$500 million Rajasthan State Highways Investment Program, approved by ADB Board in May this year, that will upgrade about 2,000 km of State highways and major district roads to two-lane or intermediate-lane standards to meet road safety requirements,” the government said in a release.

“The first tranche loan will improve about 1,000 km of State highways and major district roads,” the release added.

“But for the medium term, we see a very solid track ahead for the Indian economy,” Lagarde said to a question on India.

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SC allows woman to abort 26-week foetus due to abnormalities

New Delhi: The Supreme Court on Monday permitted a woman, who is in her 26th week of pregnancy, to abort her foetus that is suffering from severe cardiac ailments. A bench of justice Dipak Misra and M. Khanwilkar said the procedure of termination of pregnancy should be carried out “forthwith” at the SSKM Hospital in Kolkata.

The direction came after the bench perused the report of the medical board and the SSKM Hospital, which advised the termination of pregnancy on the grounds that the mother would suffer “severe mental injury” if the pregnancy is continued and the child, if born alive, has to undergo multiple surgeries for severe cardiac ailments.

“Keeping in view the report of the medical board, we are inclined to allow the prayer and direct medical termination of pregnancy of petitioner no. 1 (woman),” the bench said.

The woman and her husband had approached the apex court seeking permission to abort her foetus on grounds of abnormalities which could be even fatal to her. They have also challenged the constitutional validity of section 3(2)(b) of the Medical Termination of Pregnancy (MTP) Act which prohibits abortion of a foetus after 20 weeks of pregnancy.

The apex court had earlier took on record the report of a seven-member medical board set up by the West Bengal government on its direction and asked the woman to examine the report on her health and apprise it of her stand.

The court, on 23 June, had ordered setting up of the medical board of seven doctors of the SSKM Hospital to ascertain certain aspects relating to the health of the woman and her 24-week foetus and submit a report.

The couple, in the plea, had attached a report suggesting that the foetus suffered from serious abnormalities, including cardiac issues. This report had said if the birth was allowed, the baby may not survive even the first surgery and, moreover, the foetus could be fatal to the mother as well.

The court had on 21 June sought responses from the Centre and West Bengal government on the plea. The petition has said that the woman had suffered immense mental and physical anguish after coming to know of the abnormalities on the 21st week of her pregnancy.

“This petition challenges the constitutional validity of section 3(2)(b) of the Medical Termination of Pregnancy Act, 1971 (MTP) restricted to the ceiling of 20 weeks stipulated therein. “This challenge is to the effect that the 20 week stipulation for a woman to avail of abortion services under section 3(2)(b) may have been reasonable when the section was enacted in 1971 but has ceased to be reasonable today where technology has advanced and it is perfectly safe for a woman to abort even up to the 26th week and thereafter,” it said.

The plea has said the determination of foetal abnormality in many cases can only be done after the 20th week and, by keeping the ceiling artificially low, women who obtain report of serious foetal abnormalities after the 20th week have to suffer excruciating pain and agony because of the deliveries they are forced to go through.

“The ceiling of 20 weeks is therefore arbitrary, harsh, discriminatory and violative of Articles 14 and 21 of the Constitution of India,” it has said. The petition has claimed that during the examination of the foetus on May 25, the abnormalities were detected including, a combination of four impairments in the heart.

“It was during a foetal echocardiography conducted on the petitioner on 25 May, that it was first suspected that the foetus suffered from Tetralogy of Fallot, a combination of four impairments in the heart. Further, a subsequent foetal echocardiography done on May 30, confirmed the same.

“However, petitioner had crossed the 20 weeks mark and medical termination of pregnancy under the MTP Act restricts medical termination of pregnancy beyond 20 weeks,” her plea had said, adding that the denial of her right to an abortion had caused her “extreme anguish” and “forced her to continue her pregnancy while being aware that the foetus may not survive”.

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AFSPA may be partially lifted in Assam, parts of Arunachal Pradesh

THE ARMED Forces (Special Powers) Act may soon be partially withdrawn from parts of Assam and Arunachal Pradesh, with the Home Ministry asking the two BJP-ruled states to review the situation in areas under AFSPA and prepare recommendations for the Centre to examine in consultation with the Army, said officials. While the entire state of Assam has been under AFSPA for the last 27 years, three districts of Arunachal bordering Assam and 16 other police station limits in the state are currently under the Act.

Speaking to The Indian Express, a senior Home Ministry official said, "We want people in these states to lead a normal life, considering that the situation in both states have improved. A major insurgent group of the Northeast, United Liberation Front of Assam, is in peace talks with the government while smaller groups have been neutralised. A relook is required to see if the Act can be partially lifted in some areas."

Officials said the notification extending AFSPA in Assam and Arunachal is issued every six months after a review. "Recently, we reduced this duration to three months and will see if it can be withdrawn completely from certain areas. For the time being, the proposal is only for the two states but we are also looking at a similar solution in Manipur," said the official.

Earlier, the BJP had been against the withdrawal of AFSPA, saying that it could help extremists.

In May, the Home Ministry extended AFSPA for three more months in Assam. In the same month, the ministry issued a fresh notification to continue AFSPA in Arunachal for three months, until August 8. The notification stated that the three border districts of Arunachal were being used by militants of the National Democratic Front of Bodoland (NDFB) to escape to Myanmar and that 25 incidents of violence were reported here from September 2016 to February 2017.

The Act is also in force in Nagaland, Manipur (except the Imphal municipal area), parts of Meghalaya bordering Assam, and J&K.

The controversial Act, which has given rise to several allegations of rights violations, empowers the Army and central forces deployed in "disturbed areas" to "shoot to kill" and arrest any suspect without a warrant. It was imposed in Punjab during the militancy before being withdrawn in 1997, and in Tripura from 1997 to 2015.

"The Army is of the view that if state governments require its presence, it will have to be given powers under AFSPA. Once the Army is withdrawn, the states will be required to deploy their own forces. These local forces can be supplemented with central paramilitary, which will work under the Indian Penal Code instead of AFSPA," said another senior official.

The official said that the Army has already been removed from operational roles in some areas of these two states and replaced by the paramilitary.

One of the primary reasons cited by the Centre for imposing AFSPA in Arunachal's Tirap, Changlang and Longding, all bordering Assam, and 16 police station limits was alleged extortion and killing of security forces by the National Socialist Council of Nagaland (Isak-Muivah) and NSCN-K in these areas.

While the NSCN-IM signed a framework agreement with the government, the NSCN-K's capabilities have been depleted after the death of its leader S S Khaplang, said officials.

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Parliamentary secretaries' appointment set aside

The Punjab and Haryana High Court on Wednesday set aside the appointment of four MLAs as chief parliamentary secretaries in the Manohar Lal Khattar government.

However, the court, on the request of the Haryana government, put a stay on the implementation of the decision for three weeks.

Four MLAs -- Shyam Singh Rana, Kamal Gupta, Bakshish Singh Virk and Seema Trikha -- were appointed as chief parliamentary secretaries in the Haryana government in July 2015.

The court's verdict came on a petition filed in public interest by lawyer Jagmohan Singh Bhatti, challenging the appointments.

Burden on exchequer

In the petition, Mr Bhatti contended that under the constitution there was no provision for the post of chief parliamentary secretaries and their appointment. Besides being unconstitutional, it was a burden on the State exchequer and the taxpayer, he said.

The State government contested the plea saying that chief parliamentary secretaries were appointed to assist Ministers in public interest in view of their varied duties.

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Selection of ECs must be transparent, SC tells Centre - Today's Paper

Though so far the election commissioners (ECs) appointed have been “outstanding people, very fair and politically neutral,” there is still a legitimate expectation that they should be selected through the “most transparent and just process” formalised in a law enacted by Parliament, the Supreme Court advised the Centre on Wednesday.

The Bench of Chief Justice of India J.S. Khehar and D.Y. Chandrachud pointed out that there is a “gap” caused by the lack of a parliamentary law which transparently spells out the process of appointment of an election commissioner. “Who should be shortlisted? Who shortlists these names? What is the eligibility? There is nothing to show the procedure followed in selecting them,” Chief Justice Khehar observed. He said that even the selection procedure of the CBI Director is formalised by a written law, but not that of Election Commissioners.

The court was hearing a PIL petition filed by Anoop Baranwal, represented by advocate Prashant Bhushan, contending that successive governments failed in the constitutional obligation to set up a “fair, just and transparent process” for selection of ECs.

“Though it is very complimentary that outstanding people have been appointed so far, there is still a legitimate expectation in the Constitution that a law should be made on the selection process,” the Chief Justice observed.

Transparent manner

“The Election Commissioners supervise and hold elections in our democracy...such is the significance of their office. Their selection has to be made in the most transparent manner,” he said.

The court asked the government whether it should intervene in the issue to achieve the constitutional objective under Article 324 (2).

Solicitor General Ranjit Kumar submitted that the filtering of names of suitable persons for appointment as Election Commissioners is done under the aegis of the Prime Minister and his Cabinet, who in turn advise the President.

“None other than the Prime Minister is involved in the selection of the election commissioners. Besides it is for Parliament to decide whether there should be a law or not,” Mr. Kumar said.

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India's New, Tough Anti-Hijacking Law Comes Into Force

Sections

The new anti-hijack law covers offences against an aircraft or personnel even when it is on ground.

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SC seeks EC's reply on conducting Gujarat assembly polls through VVPAT machine

The Supreme Court on Thursday asked a reluctant Election Commission to try using electronic voting machines (EVMs) with paper trails in the Gujarat assembly elections, due in December.

The top court has asked the poll body to respond within 4 weeks.

"...It appears, you do not want to use EVMs with VVPAT system in Gujarat elections. Just do it, if you can," a bench of Chief Justice JS Kehar and Justice YV Chandrachud said as the EC expressed its reservations on a December roll-out.

Amid a debate over suspected vulnerability of EVMs to tampering, several political parties, including the Congress, have demanded mandatory use of printed paper slips – called the Voter Verifiable Paper Audit Trail (VVPAT) – in all elections. The EC maintains that the EVMs cannot be manipulated.

The SC order came on a petition seeking the top court's intervention for implementing a 2013 judgment where it said that 'paper trail' is an indispensable requirement of free and fair elections.

Though the poll panel has been experimenting with VVPAT, the EC opposed its use for the Gujarat elections, saying the machines have to be tested to see if there was a mismatch between the EVM and paper trail output.

The central government, in its affidavit to the court, has said that in the past EC has used EVMs with VVPAT in 143 assembly and 8 parliamentary constituencies and there was no report of mismatch between EVM-VVPAT output.

If the Supreme Court suggestion is accepted, Gujarat will be the first state to go to polls fully under the new system.

"About 71,000 EVMs with VVPAT will be needed for Gujarat polls and the commission already has over 105,00 machines with it. The court should direct the commission to use the machines in the forthcoming elections," said Kapil Sibal, who is representing the petitioners.

Under the VVPAT system, once a voter presses a button of his choice in the EVM a printed slip containing the name of the candidate and the poll symbol is generated and given to the voter.

The printed receipts are dropped in a ballot box. The process allows the votes registered in the EVM to be tallied with the printed receipts collected.

The central government said it has disbursed Rs 2616 crore to the poll panel to purchase VVPAT units.

The funds will enable the commission to hold the next general elections in 2019 with the EVM-VVPAT system.

In its 2013 order, the court had said: "The confidence of the voters in the EVMs can be achieved only with the introduction of the paper trail. EVMs with VVPAT system ensure the accuracy of the voting system."

Earlier this year, the Aam Aadmi Party used a dummy EVM to purportedly show how the machine could be manipulated.

The poll panel later challenged political parties to a “hackathon” prove their allegations but most of the parties skipped exercise in protest against the pre-conditions set by the EC.

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crop insurance scheme: SC gives government six months to show results of PM's crop insurance scheme

NEW DELHI: The Supreme Court on Thursday gave the [central government](#) six months time to demonstrate the gains of Pradhan Mantri Fasal Bima Yojana on the ground level as it observed that a serious issue like this could not be dealt with overnight.

The bench of Chief Justice Jagdish Singh [Khehar](#) and Justice D.Y.Chandrachud said: "We are of the view that a serious issue like this can't be dealt with overnight, it will take time to implement it (PMFBY)."

The top court gave six months as Attorney General [K.K.Venugopal](#) sought a year's time to see the gains of the scheme.

Urging the court to close the matter, he said: "Why should the court interfere when government is doing all to help the [farmers](#)."

He said the scheme that was launched just a year ago has covered 5.3 crore farmers, or 40 per cent of the country's 12 crore farmers and covered 30% of the total crop area in the country.

However, Chief Justice Khehar refused his demand, saying: "We are not going to close the matter."

"Whatever needs to be done has to be done, not on paper. We are not going to close. We are keeping ourself in the loop to know what is going on. You may be doing a good thing."

Pointing out that inability to pay loans was the major cause of farmers suicide in the country, Chief Justice Khehar said: "Inability to pay the loans is the major cause of farmers' suicide. If all of them have been covered, then how can you say that only 40 per cent have been covered?"

At the outset of the hearing, Chief Justice Khehar called for some alternatives to address the farmers woes observing that paying compensation to the famers was no solution.

"Don't worry about the directions, tell us what are you doing (to address the issue of farmers suicide)," the bench said as Attorney General referred to earlier directions issued by the court.

Suggesting an insurance policy with low premium, the bench said that there must be something to soften the impact if a farmer was not able to discharge his loan liabilities.

Asking Venugopal to tell what the government was doing and how it was doing, the bench said: "First you decide what you are taking from the farmers. Rest will be divided between you and the states."

Appreciating the crop insurance policy, senior counsel Colin Gonsalves appearing for the petitioner NGO Citizens Resource and Action and Initiative (CRANTI) said that the Madhya Pradesh and other state governments were not fixing minimum support prices and as a consequence, the farmers were selling their agriculture produces at throw away prices.

Rejecting the government's description of the NGO's suggestions as something in the "in air", he said that they were based on the expert reports including one by noted agriculture scientist M.S. Swaminathan.

CRANTI is seeking compensation to the families of the debt-ridden farmers who had committed

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National ST Commission to take action on video films of Jaravas on YouTube**National ST Commission to take action on video films of Jaravas on YouTube**

Taking suo-moto cognizance of objectionable video films and pictures of protected Jarava and other tribal communities of Andaman Islands on YouTube social media platform, the National Commission for Scheduled Tribe (NCST) has initiated action on it.

The commission has decided to take up the matter with Ministry of Home Affairs, Ministry of External Affairs, Ministry of Information and Broadcasting, Ministry of Tribal Affairs and Chief Secretary of A&N Island for removal of these objectionable video films from YouTube and initiate action on those who uploaded these video clips on social media platform.

As per provisions of Andaman and Nicobar Island (Protection of Aboriginal Tribes) Regulation, 1956 (PAT) dated 18.6.1956, the Andamanese, Jarawas, Onges, Sentinelese, Nicobarese and Shom Pens have been identified as "aboriginal tribes". The PAT contains the provisions of protection of these communities from the outside interference. Penalty provisions for promoting tourism through advertisement relating to aboriginal tribes has also been made in the year 2012. Whoever enters these areas in contravention of the notification under section 7 (which prohibits entry into reserve areas) for taking photographs or making videos shall be punishable with imprisonment up to three years. Section 3 (i) (r) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities Act) also attracted.

The total population of tribes of Andaman and Nicobar Islands is about 28077. Out of these five tribal communities have population of below 500.

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SEBI to move against non-compliant firms

The Securities and Exchange Board of India (SEBI) has initiated action against non-compliant “Exclusively Listed Companies (ELCs) on Dissemination Board (DB),” and its directors and promoters.

These are companies which were earlier listed on regional stock exchanges (RSEs) that have been de-recognised by the regulator. Such companies were allowed to be part of the national exchanges through a dissemination board but were directed to submit a plan of action for listing or providing an exit option to shareholders.

SEBI can bar such promoters and companies from accessing the securities market for a period of 10 years apart from freezing the shares held by promoters and directors. The regulator can even attach the bank accounts and other assets of promoters and directors to compensate the investors.

536 traceable firms

The deadline to submit the plan of action was extended until June 30. As per SEBI, of the 2,000 companies listed on dissemination board as on June 30, there are 536 entities that are traceable and yet not submitted a plan of action.

“Out of 536 ELCs, there are few ELCs which have made representation to SEBI/Stock Exchanges and their representations are under examination. SEBI has extended the time to submit plan of action by such ELCs till September 30, 2017,” according to a statement from SEBI.

The service is available in Bengaluru, Kolkata and Chennai, operating 500 bicycles

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Centre eases pre-merger filing norms

Time factor: Move could help deals that need to ensure compliance across multiple jurisdictions. Getty Images/istock

In a move that is likely to boost mergers and acquisitions (M&A) in the country, the Centre has done away with the thirty-day time period to submit before the Competition Commission of India (CCI) an application for pre-merger clearance.

According to a notification on June 29 by the Ministry of Corporate Affairs (MCA), “the Central government, in public interest, hereby exempts every person or enterprise who is a party to a combination.... from giving notice within thirty days...” This new provision (exemption from the 30-day time period) will be valid for five years starting June 29, 2017.

The earlier norms had specified that an application to obtain the CCI's prior approval for an acquisition, merger or amalgamation had to be filed within thirty days of: board approval of the proposed merger or amalgamation by each of the respective parties; execution of any agreement or other document of a binding nature conveying a decision to acquire shares, control, voting rights or assets; execution of any document by the acquiring enterprise conveying a decision to acquire shares, control, voting rights or assets, in case the acquisition is without the consent of the enterprise being acquired; or date of the public announcement under India's takeover regulations applicable to acquisitions of listed entities.

The notification means that parties can make a CCI application at any time in course of an acquisition but cannot effect or close an acquisition before obtaining the CCI's approval, according to the law firm Majmudar & Partners.

Flexibility option

It will give parties the liberty and flexibility to decide at what stage they want to make the CCI filing, depending on the deal parameters and commercial terms, Majmudar & Partners said in a statement.

Besides, this will specifically benefit large, multi-jurisdiction transactions where parties may be burdened with regulatory requirements in several jurisdictions and, therefore, need more time to assess the Indian law implications and prepare a comprehensive CCI application, the statement said.

The law firm added that the notification will also give time to the parties to prepare a comprehensive application and ensure that the application is not rejected on technical grounds, which, in turn, will reduce the time taken by the CCI to clear the application.

Such expenditure needs expeditious resolution of stressed loan problem: Crisil

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RBI considering setting up a Public Credit Registry

The Reserve Bank of India (RBI) may consider setting up a Public Credit Registry (PCR), which will be an extensive database of credit information for India that is accessible to all stakeholders.

According to Viral Acharya, Deputy Governor, Reserve Bank of India, a PCR, if put in place will help in credit assessment and pricing by banks; risk-based, dynamic and countercyclical provisioning at banks; supervision and early intervention by regulators; understanding if transmission of monetary policy is working, and if not, where are the bottlenecks; and, how to restructure stressed bank credits effectively.

“Generally, a PCR is managed by a public authority like the central bank or the banking supervisor, and reporting of loan details to the PCR by lenders and/or borrowers is mandated by law.

“The contractual terms and outcomes covered and the threshold above which the contracts are to be reported vary in different jurisdictions, but the idea is to capture all relevant information in one large database on the borrower, in particular, the borrower’s entire set of borrowing contracts and outcomes,” said Acharya at the 11th Statistics Day Conference held at RBI’s central office.

The Deputy Governor elaborated that a central repository, which, for instance, captures and certifies the details of collaterals, can enable the writing of contracts that prevent over-pledging of collateral by a borrower.

“In absence of the repository, the lender may not trust its first right on the collateral and either charge a high cost on the loan or ask for more collateral than necessary to prevent being diluted by other lenders. This leads to, what in economics, is termed as pecuniary externality – in this case, a spillover of one loan contract onto outcomes and terms of other loan contracts,” he said.

Furthermore, in the absence of a public credit registry, the ‘good’ borrowers are disadvantaged in not being able to distinguish themselves from the rest in opaque credit markets; they could potentially be subjected to a rent being extracted from their existing lenders who enjoy an information monopoly over them.

The lenders may also end up picking up fresh clients who have a history of delinquency that is unknown to all lenders and this way face greater overall credit risk, explained Acharya.

“Let us now envisage how exactly a public credit registry can help in India. Firstly, it is required to improve the credit culture in our country. It has been demonstrated in the ‘Doing Business 2017’ report that credit information systems impart transparency in the credit market, following which access to credit improves and delinquencies decrease.

“At present, several Indian banks burdened with mounting NPAs appear less confident in taking credit decisions. A transparent public credit registry would help the bankers to rely on objective data for making credit decisions and also enable them to defend their actions with market evidence when subjected to scrutiny,” said the Deputy Governor.

Secondly, according to Acharya, large borrowers get a preference in credit markets due to their existing credentials in the public space. They have established credit history, brand value, and supply of collateral. In contrast, small and marginal aspirants, start-ups, new entrepreneurs, and small businesses in micro, small and medium enterprises (MSME) sector are disadvantaged as they lack many of those desired qualifications for credit.

“Transparency of credit information would serve as a “reputational collateral” for such borrowers. This would not only help promote financial inclusion, but also reward the good borrowers thereby imparting credit discipline.

“We just have to look at our willingness to transact on eBay to understand how reputation builds up for effectively anonymous sellers from their transaction records captured on a website. Similarly, public credit registry would help create a level-playing field among different sizes of borrowers,” explained Acharya.

Thirdly, public credit registers in many countries have gone beyond the credit relationship of borrowing entities with financial institutions. They tap other transactional data of borrowers including payments to utilities like power and telecom for retail customers and trade credit data for businesses.

“Why might such data help? Lenders in the formal sector often hesitate to extend a line of credit to new customers due to the lack of credit scores. Regularity in making payments to utilities and trade creditors provides an indication of the credit quality of such customers.

“In turn, credit from the formal sector can become accessible to new borrowers, boosting financial inclusion. As a side benefit, the extent of financial inclusion will likely become more precisely measurable for policy makers,” said Acharya.

Finally, the Deputy Governor said, public credit registry can have a profound impact for regulatory purposes. In its absence, only fragmented images are available of credit behaviour and indebtedness. PCR will help in getting to a complete picture that is necessary for supervisors and policy makers to assess credit risk of the entire system.

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Supreme Court stays Uttarakhand high court's order declaring Ganga and Yamuna 'living entities'

NEW DELHI: The Supreme Court on Friday stayed the landmark judgement that accorded the Ganga and [Yamuna](#) rivers the status of "living human entities".

On March 20, this year, the Uttarakhand HC accorded the status of "living human entities" to the two rivers. This was to enable the "preservation and conservation of the two rivers and to protect the recognition and faith of society".

Following which the Uttarakhand government moved to the apex Court challenging the state high court order.

"Let me be very clear that we are not against according of living entity status to the two holy rivers Ganga and Yamuna," Uttarakhand minister [Madan Kaushik](#) had said in May.

He was unhappy though with the ambiguity regarding the accountability of damage done to these rivers.

"How can the chief secretary here be held accountable if the river is polluted in West Bengal, Bihar, Jharkhand or UP?" Kaushik said, adding, "We just want an opportunity to put forth our views in the SC."

In its verdict, the state high court had cited New Zealand's bill which made the Whanganui river, revered by the indigenous Maori people, the first in the world to be recognised as a living entity with full legal rights.

However, legal experts told TOI at the time that treating the rivers as "living entities" would mean that polluting the rivers would be seen as akin to harming a human being.

[Read this story in Bengali](#)

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Committee formed to study legalities for separate State flag

The State has constituted a nine-member committee headed by Principal Secretary, Department of Kannada and Culture, to study and submit a report to the government on the possibility of “designing a separate flag for Karnataka and providing it a statutory standing.”

Members of the committee include Secretaries to the Departments of Personnel and Administrative Services, Home, Law and Parliamentary Affairs, president of Kannada Sahitya Parishat, chairman of Kannada Development Authority, vice-chancellor of Kannada University, Hampi, and Director of Department of Kannada and Culture.

The committee was constituted following representation from journalist-writer and president of Karnataka Vidyavardhaka Sangha, Dharward, Patil Puttappa, and social worker Bheemappa Gundappa Gadada to the government. They urged the government to design a separate flag for Kannada ‘naadu’ and accord statutory standing for that.

When asked about the Constitutional and legal position of the State having its own flag, former Advocate-General of Karnataka Ravivarma Kumar cited S.R. Bommai v/s Union of India (Supreme Court 1994) case. “In Bommai’s case, the Supreme Court has declared that federalism is a basic feature of the Constitution and States are supreme in their sphere. This being the Constitutional position, there is no prohibition in the Constitution for the State to have its own flag. However, the manner in which the State flag is hoisted should not dishonour the national flag. It has to be always below the national flag. The national flag code specifically authorises use of other flags subject to the regulation by the court. So State flag is not unauthorised,” he said.

Mature sandalwood trees in Bengaluru to have anti-theft sensors to alert guards

Local magistrate has remanded Siddalinga Swamy in judicial custody for 10 days

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Cattle trade rules: Supreme Court extends stay, new rules likely in August

New Delhi: The Centre on Tuesday told the Supreme Court that a set of amended rules governing trade in livestock and transport of cattle are likely to be notified by the end of August.

Noting this, a bench headed by chief justice J.S. Khehar extended a stay on the Centre's cattle trade rules to all the states until the amended rules are notified. It disposed of a batch of petitions challenging the cattle trade rules.

Additional solicitor general P.S. Narasimha, appearing for the Centre, said that the ministry of environment and forest (MoEF) was seized of the issue and was working towards defining the amended rules.

"The Centre is taking a fresh look and will put in place a better regime to regulate livestock market and animal market, one that will serve the interest of all," Narasimha said.

In May, the Union environment ministry had notified the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules 2017, tightening trade in livestock and transport of cattle to ensure their welfare at animal markets and also prevent smuggling.

The rules banned trading in cattle for slaughter at animal markets. The rules included buffaloes in their definition of cattle, raising concerns that they would jeopardize the buffalo meat export business as the supply chain of spent buffaloes will be disrupted.

The Central rules drew criticism from various quarters, including opposition parties, who argued that they virtually ban the sale of cattle in the country.

This time around, to avoid controversy and ensure a consensus, the Central government is planning a consultation process including a national level meeting of all stakeholders, after which the government would address contentious issues and reframe the rules. Given the sensitive nature of the issue, the effort will be overseen by the Prime Minister's Office (PMO).

A draft of the proposed amendments to the rules will be put up online for feedback following which the rules will be finalized and notified, said a senior official of the environment ministry, who requested anonymity.

"The ministry is proceeding very carefully as PMO is overseeing each and everything," the official added.

One activist noted that laws on cow slaughter already existed in many states and that concern over the rules put in place had surrounded the inclusion of buffaloes in the definition of cattle.

"But if they drop (only) buffaloes then the rules won't be worth the paper they are printed on. Why waste public time and money," said N.G. Jayasimha, managing director of Humane Society International India, an NGO working on animal rights, and who was one of the members of a panel that drafted the controversial rules.

Twenty four states currently have in place either partial or full restrictions on sale, transport or slaughter of cows. The north-eastern states, and Kerala and West Bengal are exceptions, but the new regulations are likely to affect these states as well.

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5 States, a UT sign pact with Centre on e-Marketplace

Common goods procurement by govt. is about Rs. 5 lakh crore annually, said Ms. Sitharaman.

In a spirit of cooperative federalism, 5 States and a Union Territory (UT) on Tuesday formally adopted the Centre's initiative called the Government e-Marketplace (GeM) that aims to ensure that public procurement of goods and services in India worth more than Rs. 5 lakh crore annually is carried out through the online platform for transparency and to eliminate corruption.

The States and the UT that signed an MoU with the Centre include Andhra Pradesh, Assam, Gujarat, Telangana, Puducherry and Arunachal Pradesh.

Four more, including Uttar Pradesh, Jharkhand, Tamil Nadu and Haryana, will ink such an MoU soon. They would have done so on Tuesday but for some technical issues, and more states/UTs are likely to adopt the GeM later, Commerce Minister Nirmala Sitharaman said.

This follows a call made by Prime Minister Narendra Modi to all the Chief Ministers in April to ensure that priority is accorded to transparency in public procurement of goods and services. Addressing the chief secretaries of states/UTs on Monday, Mr. Modi had talked about how the GeM can enhance transparency, efficiency and speed in public procurement.

'Cooperative federalism'

Speaking at the 'National Consultative Workshop on GeM', Ms. Sitharaman said, "These states in the spirit of cooperative federalism have adopted GeM, similar to what all the states, as 'Team India,' did in the case of the Goods and Services Tax regime. By joining the GeM initiative, the states have supported transparency in public procurement."

Pointing out that procurement of common use goods and services required by various Government (Central and state government) departments/organizations/public sector units is estimated to be over Rs. 5 lakh crore annually, she said all efforts were being made to strengthen the GeM initiative to ensure that the tax payers' money is spent in a transparent manner.

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Bitcoin trade may come under SEBI

This August 3, 2016 illustration shows a Bitcoin sign in Hong Kong.

The government is considering the introduction of a regulatory regime for virtual or crypto currencies, such as Bitcoin, that would enable the levy of the Goods and Services Tax on their sale.

The new regime may possibly bring their trading under the oversight of the stock market regulator, Securities and Exchange Board of India (SEBI).

The idea is to treat such currency in a manner similar to gold sold digitally, so that it can be traded on registered exchanges in a bid to “promote” a formal tax base, while keeping a tab on their use for illegal activities such as money laundering, terror funding and drug trafficking.

Crypto-currency that is planned to be brought under the regulatory regime is a digital currency which allows transacting parties to remain anonymous while confirming that the transaction is a valid one. It is not owned or controlled by any institution – governments or private.

There are multiple such currencies — bitcoin, ethereum, ripple are some of the popular ones. Currently, they are neither illegal nor legal in India. “One bitcoin today is worth as much as 60 grams of gold. The market cap for all crypto-currencies has just crossed \$100 billion, with most of the increase coming in the past few months. On April 1, 2017, the total market cap was just over \$25 billion, representing a 300% rise in just over 60 days,” said a senior government official.

“The discussion on whether crypto-currencies should be banned or regulated has been on for some time. The pros and cons for both aspects were put forth in the meeting chaired by Finance Minister Arun Jaitley last month,” the official told *The Hindu*.

A proposal to ban such currency altogether was also considered at the meeting, but found few takers among top officials from the Ministries of Finance, Home Affairs and IT as well as SEBI, the Reserve Bank of India, the State Bank of India and NITI Aayog.

Bitcoins were in the news recently when during the two global cyber ransomware attacks — WannaCry and Petya — attackers sought about \$300 in bitcoin as ransom. Crypto-currency can also be used for a lot of legal activities — such as booking tickets, buying coffee or fast food, depending of which retailers accept such currency.

Why bitcoins are a bit risky

“Banning will give a clear message that all related activities are illegal and will disincetivise those interested in taking speculative risks, but it was pointed out it will impede tax collection on gains made in such activities and that regulating the currency instead would signal a boost to blockchain technology, encourage the development of a supervision ecosystem (that tracks legal activities and may also assist in tracking illegal activities) and promote a formal tax base,” said another official privy to the development.

Blockchain is basically a digital public ledger that records every transaction. However, the involved parties can remain anonymous and they transact under an id. Bitcoin is just one of the applications for the technology, whose use in being tested across industries, particularly those that rely on intermediaries such as land record registry.

It was also suggested that government maintain limited regulation. “This means reiterating that crypto currencies are not recognised and those who deal in them do so at their own risk, while focusing on curbing illegal activities... Blockchain technology can be separately encouraged.”

If a decision is taken to regulate such currency, these would be treated as “digital asset, similar to gold,” which means that crypto currency owners will be able to trade them on registered exchanges.

Demonetisation won't have lasting benefits: Larry Summers

However, the government is wary that regulation will provide legitimacy to “what is currently ambiguous,” and may lead to further rise in its valuation and end up contributing “to the investment bubble”.

“But for the medium term, we see a very solid track ahead for the Indian economy,” Lagarde said to a question on India.

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Tribunal prohibits dumping of waste near Ganga banks - Today's Paper

Solution in sight: A file photo of the garbage dumped on the banks of the Ganga. AFP

An area of 100 metres from the edge of the Ganga between Haridwar and Unnao has been declared a 'No Development Zone,' with the National Green Tribunal (NGT) on Thursday prohibiting dumping of waste within 500 metres of the river.

An environment compensation of Rs. 50,000 will be imposed on anyone dumping waste in the river.

The NGT also directed the Uttar Pradesh and Uttarakhand governments to formulate guidelines for religious activities on the ghats of the Ganga and its tributaries.

The order said: "Till the demarcation of floodplains and identification of permissible and non-permissible activities by the State government, we direct that 100 metres from the edge of the river would be treated as no development/construction zone between Haridwar to Unnao in Uttar Pradesh."

Order on PIL petition

Giving its verdict on a 1985 PIL petition of environment activist and lawyer M.C. Mehta — which was transferred to the NGT from the Supreme Court in 2014 — a Bench headed by NGT Chairperson Justice Swatanter Kumar said the authorities concerned should complete projects, including a sewage treatment plant and cleaning of drains, within two years. "The Uttar Pradesh government is duty-bound to shift tanneries, within six weeks, from Jajmau in Kanpur to leather parks in Unnao or any other place it considers appropriate."

Supervisory panel

The court also appointed a supervisory committee, headed by the Secretary of the Water Resources Ministry and comprising IIT professors and officials of the Uttar Pradesh government, to oversee implementation of the directions passed in its verdict. The committee is to submit reports at regular intervals.

The Bench further noted that all industrial units in the catchment areas of the Ganga should be stopped from indiscriminate groundwater extraction.

The green court reiterated its earlier order of a ban on mechanical mining in the Ganga and said, "No in-stream mechanical mining is permitted and even the mining on the floodplain should be semi-mechanical and preferably more manual."

"Such mining should be permitted only after a detailed and comprehensive assessment of the annual replenishment of sand and gravel in the riverbed and ensuring that the connectivity of the river is not disturbed and that only a quantity less or equal to the annual replenishment is permitted to be removed from the riverbed or the banks," it said.

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Mahadayi: Goa open to out-of-tribunal settlement - Today's Paper

Vinod Palyekar

In a clear departure from its stand on the Mahadayi waters dispute, Goa Minister for Water Resources Vinod Palyekar said on Thursday that his State was open to talks with Karnataka and Maharashtra to explore an out-of-tribunal settlement.

He was replying to a question by *The Hindu* on the State government's response to Karnataka Chief Minister Siddaramaiah's letter requesting the Goa Chief Minister for talks and Maharashtra Chief Minister Devendra Fadanvis had also supported it.

'Rigid stance'

Mr. Palyekar said he would discuss the issue with Chief Minister Manohar Parrikar upon his return from the U.S. on Friday.

Asked what made Goa change its "very rigid stance" of sticking to the tribunal verdict only, Mr. Palyekar, who represents Goa Forward Party in the BJP-led coalition government, remarked that all three States had been spending huge sums over the dispute and the legal battle had been on for long. It would be in the fitness of things to explore an amicable solution, he said.

Some proposals

Mr. Palyekar said he recently met Karnataka Minister for Water Resources M.B. Patil at a function in Karnataka. The latter broached the water dispute issue and indicated that they had some proposals such as building power plants jointly with Goa.

"At least it is my personal view that it would be advisable for all the three States as well as for the country if we can sort out our issues through talks. It would save money as well as time and energy," he said.

Verdict next month

On the strong pressure exerted by environmentalists and civil society that with the tribunal expected to give its verdict next month before the expiry of its term, any deviation by the Goa government would compromise its interest, the Minister said his view was that "talks is an option to negotiate and discuss issues, to have a give and take, to reduce the differences and to come to a solution where, as long as Goa's interest is not compromised, there should not be any problem".

"I am of the opinion that it would be a better option to work for an out-of-court settlement by agreeing to discuss the issue. That is what I will tell the Chief Minister," Mr. Palyekar reiterated.

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Does a minimum wage kill jobs?

The Union Cabinet is expected to approve a bill that, among other things, mandates a universal minimum wage. The code empowers the Centre to set a minimum wage to help poor, unskilled workers earn more. Economists, however, have warned for long that price floors prevent the available supply of goods from being fully sold. So, the minimum wage would logically hurt workers by increasing unemployment. But such logic has been questioned since a famous 1993 study by David Card and Alan B. Krueger that made the case that a rise in the minimum wage in New Jersey actually decreased unemployment.

Since then, a flurry of studies has concluded that a minimum wage has either no, or very little, negative effect on employment. For instance, "Seattle's Minimum Wage Experience 2015-16", a 2017 study by researchers at the University of California Berkeley, found that since the city raised its minimum wage in 2015, unemployment dropped from 4.3% to 3.3%.

Do we need a minimum wage law?

Another paper, "Do Lower Minimum Wages for Young Workers Raise their Employment?", by Claus Thustrup Kreiner, Daniel Reck, and Peer Ebbesen Skov, found that employment among the youth in Denmark decreased by one-third when they attained the age at which their minimum wage increases by 40%. Other economists have found similar evidence suggesting that a minimum wage increases unemployment.

Given such contradictory empirical findings, some say it may be wise to trust age-old economic wisdom. The minimum wage increases unemployment, except when it is set below the market price for labour; or only marginally higher, in which case the minimum wage enhances the bargaining power of workers. But figuring out, and also periodically adjusting, the wage rate at which the worker benefits is often impractical.

Consider that even when it looks like the minimum wage has no negative effect on employment, it can have other unintended effects. Companies, for example, instead of firing workers, may employ them for fewer hours, which in turn will affect the quality of their services. In fact, "Minimum Wage and Restaurant Hygiene Violation", a 2017 paper by Subir K. Chakrabarti, Srikant Devaraj, and Pankaj C. Patel, found that hygiene violations by restaurants increased significantly after a rise in the minimum wage as the restaurants tried to cut down on cleaning-staff expenses.

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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Centre seeks debate in Supreme Court on Jammu & Kashmir special status

The Centre on Monday asked the Supreme Court to debate on the special status granted to the State of Jammu and Kashmir, saying it was both a sensitive and constitutional matter.

“It is a very sensitive matter. It is a constitutional issue. A debate is required,” Attorney General K.K. Venugopal submitted before a Bench led by Chief Justice J.S. Khehar.

The top law officer was responding to a PIL plea filed by a Delhi-based NGO, We the Citizens, contending that the J&K government, given the State’s special autonomous status under Articles 35A and 370, was discriminatory against non-residents as far as government jobs and real estate purchases were concerned. The Bench agreed to schedule the case before a three-judge Bench after six weeks.

Responding, the State government argued that its special status was sourced from the 1954 Presidential Order, which gave special rights to the State’s permanent residents. The hearing comes in the backdrop of an earlier Jammu and Kashmir High Court, which ruled that Article 370 assumed a place of permanence in the Constitution and the feature was beyond amendment, repeal or abrogation. The court said Article 35A gave “protection” to existing laws in force in the State.

“Article 370 though titled as ‘Temporary Provision’ and included in Para XXI titled ‘Temporary, Transitional and Special Provisions’ has assumed place of permanence in the Constitution,” it observed. “It [Article 370] is beyond amendment, repeal or abrogation, in as much as the Constituent Assembly of the State before its dissolution did not recommend its Amendment or repeal,” the court said.

It also observed that the President under Article 370 (1) was conferred with power to extend any provision of the Constitution to the State with such “exceptions and modifications” as may be deemed fit subject to consultation or concurrence with the State government. The High Court said J&K, while acceding to the Dominion of India, retained limited sovereignty and did not merge with it.

Says BJP will campaign against corruption, law and order problems and lack of development work in Himachal Pradesh

The process of holding the requisite Board Meetings and Shareholder Meetings has been completed in phases in September 2017.

Ruben George is staying at Ram Nath Kovind’s house at Kalyanpur, near Kanpur

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Supreme Court allows Centre to replace MCI oversight committee

The Supreme Court on Tuesday allowed the Centre to replace the oversight committee set up to supervise the functioning of the Medical Council of India (MCI) with a fresh panel of five eminent doctors.

A five-judge Constitution bench, headed by Chief Justice J S Khehar, said the Centre had proposed the names of five eminent doctors to replace the oversight committee whose term had just expired.

“The doctors proposed are all outstanding people. We are satisfied with the names,” the bench, also comprising Justices J Chelameswar, R K Agrawal, D Y Chandrachud and S Abdul Nazeer, said.

It also gave the Centre liberty to replace any doctor in the list with another if he does not wish to be a part of the oversight committee.

The bench had on Monday asked the Centre to constitute a panel which would replace the oversight committee set up last year by the apex court to oversee the MCI’s functioning till the government put in place an alternate mechanism.

The committee, set up by the court on May 2 last year, was to function for a period of one year or till a suitable mechanism was brought in by the Centre to substitute it.

During the hearing, senior lawyer Kapil Sibal, appearing for some medical colleges, had told the bench that till date, no alternative mechanism had been put in place by the Centre despite the fact that the oversight panel was to function for only one year or till a suitable mechanism was evolved.

He had argued that the MCI was bound by directions of the oversight committee but the council was not adhering to them.

Senior advocate Mukul Rohatgi, appearing for the Hamdard Institute of Medical Sciences and Research, had said the tenure of the oversight committee should be extended by one more year or till the time the Centre comes out with a mechanism to deal with the issues relating to the MCI’s functioning.

The apex court had on July 13 agreed to set up a five- judge constitution bench to deal with the matter after Rohatgi had said it was an urgent matter as counselling for admissions in MBBS and BDS was underway.

The Centre had earlier told the apex court that it had taken steps to put the alternative mechanism in place and there was no need now for the oversight committee to continue.

MCI had contended that the directions of the constitution bench which had set up the oversight committee were based on certain material which could not be controverted at the time of the order.

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Cabinet nod for IWAI bond issue

The Union Cabinet on Wednesday gave its nod to Inland Waterways Authority of India (IWAI) for raising Rs. 660 crore in bonds for extra budgetary resources in 2017-18.

“The proceeds from the bonds will be utilised by IWAI for development and maintenance of National Waterways (NWs) under National Waterways Act, 2016 (effective from 12.4.2016),” an official statement said. “Funds received through issue of bonds will be used exclusively for capital expenditure to improve infrastructure funding,” it said. The IWAI may get Rs. 857 crore in loan from World Bank for its Jal Marg Vikas Project.

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Owaisi sends notice of private members' Bill on mob violence

Asaduddin Owaisi (File photo). | Photo Credit: [Sandeep Saxena](#)

All India Majlis-e-Ittehadul Muslimeen (AIMIM) chief and Lok Sabha MP Asaduddin Owaisi sent notice of a private members' Bill to combat incidents of mob lynchings, with sections that enjoin penalties of a minimum of ten years imprisonment on public servants for "acts of omission".

"The Bill criminalises the act of mob violence as well as acts of omission by public servants. As we have seen in the [Pehlu Khan case](#), two of the accused have not been arrested yet and similar slowing of investigations when the media spotlight is taken away from such incidents," Mr Owaisi told *The Hindu*.

"Unless there are measures that call public servants to account under the law, the sincerity of the investigation will be contingent on public uproar, popular demand and political expediency."

Provisions such as the establishment of Special Courts for the trial of mob violence, with judges for the same being appointed by a collegium of the five senior-most judges of the High Court are in the Bill. The Special Courts shall also have the additional responsibility of receiving complaints of mob violence, and has the responsibility of setting up Special Investigation Teams (SIT) and appointing a public prosecutor. The SIT and public prosecutor, besides reporting to the Special Court, shall also be under the supervision of the Supreme Court (via the appointment of an amicus curiae).

The pathology of lynching

Punishment of up to life imprisonment for those found guilty of engaging in mob violence, and special compensation and witness protection are also included in the Bill.

The most significant portion of the Bill is, however, the awarding of penalties on public servants for failing to investigate properly due to malafide intentions or wilful neglect of their duties.

Mob violence has been defined to include "any act where two or more persons injure, harm, oppress, threaten any person's enjoyment of a right guaranteed under the Constitution of India or on the basis of their identity."

Recent incidents of lynching related to cow vigilantism, in Haryana, Rajasthan and Jharkhand, have led to demands in various quarters for a law to deal with such incidents. The Rajya Sabha on Wednesday too debated the issue in the House. An MP unrelated to the executive can move a private members Bill by sending notice of it a month in advance to the Speaker of the Lok Sabha. Mr Owaisi sent off the notice on July 6th.

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Ministry, NITI Aayog moot privatisation of select services in district hospitals

Model contract: Under the Public Private Partnership , care for three non-communicable diseases — cardiac disease, pulmonary disease, and cancer care — will be provided.

As a part of a radical 'privatisation project', the Health Ministry and the NITI Aayog have developed a framework to let private hospitals run select services within district hospitals, on a 30-year lease.

In a 140-page document, prepared in consultation with the World Bank, the government will be allowing "a single private partner or a single consortium of private partners" to bid for space in district level hospitals, "especially in tier 2 & 3 cities."

Under this Public Private Partnership (PPP), care for only three non-communicable diseases — cardiac disease, pulmonary disease, and cancer care — will be provided.

A model contract drawn up by NITI Aayog was sent out to State governments on June 5 by Amitabh Kant, Chief Executive Officer of NITI Aayog, giving the states a two-week window to furnish responses.

In a letter sent out last month, Mr. Kant adds that the draft document was prepared by a working group comprising representatives from the industry, Health Ministry and "representatives of a few states".

The policy document has come under sharp criticism for the Ministry's failure to consult with key stakeholders from civil society and academia. Dr. Amit Sengupta, convener of the India chapter of the People's Health Movement, said that the government was handing over critical public assets without gaining anything much in return.

"NITI Aayog has no locus standi to make health policy, which is a state subject in India. The logic behind shutting down the Planning Commission was to ensure that policies are not centralised. NITI Aayog was to be an advisory body but here they are rushing through a policy that will essentially hand over public assets to the private sector, leading to a further dismantling of the public services available for free. If the government has to give seed money, share blood banks and other infrastructure, and still not be able to reserve beds for poor patients, it seems like we are not getting much in return," said Dr. Sengupta.

Mr. Kant, Health Minister JP Nadda and Health Secretary C.K. Mishra did not respond to emails and phone calls.

According to the draft model contract, private hospitals will bid for 30-year leases over portions of district hospital buildings to set up 50- or 100-bed hospitals in smaller towns across the country. The State governments could lease up to five or six district hospitals within the State.

Further, the State governments will give Viability Gap Funding (VGF), or one-time seed money, to private players to set up infrastructure within district hospitals. The private parties and State health departments will share ambulance services, blood banks, and mortuary services.

A major concern about the policy is that under 'principles' of the financial structure, the document states that "there will be no reserved beds or no quota (sic) of beds for free services" in these facilities.

"While it is clear that insured patients will receive free care, it is not at all clear what will happen to

the vast majority of the population. In particular, how will these referral arrangements work? Whereas it says that states can, if they wish, refer 100% of patients for cashless care, it is a matter of concern that it also proposes that States can set a cap on this entitlement. How would this work? What happens when the cap is reached? Would people only be able to access services for half the year, or less,” said Robert Yates, a leading expert on universal health coverage (UHC) and Project Director of the UHC Policy Forum at Chatham House, London.

“What is particularly disturbing is the suggestion that only Below Poverty Line (BPL) patients and those in insurance schemes will be able to access free care. This would effectively exclude hundreds of millions of the Indian population from vital hospital services.

“If implemented, these proposals could threaten to take India away from UHC, a key sustainable development goal, rather than towards it,” Mr. Yates said.

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Ram Nath Kovind is 14th President of India

Ram Nath Kovind. File | Photo Credit: [R.V. Moorthy](#)

Ram Nath Kovind was on Thursday declared elected as India's 14th President polling 65.6% of the vote defeating the Opposition's joint candidate, former Lok Sabha Speaker Meira Kumar, who secured 34% of the vote.

Mr. Kovind will be the second Dalit President of India after late President K.R. Narayanan but, more significantly, the first from politically significant Uttar Pradesh and the first person from the BJP to hold the office of President since Independence.

Speaking to the press after returning officer for the poll, Anoop Mishra, declared him elected, Mr. Kovind said it was an "emotional moment" for him.

"I never dreamed of this position nor was it a goal. My election to this post is a message to all those who discharge their duties with honesty and integrity," he said, promising to uphold the Constitution of India and follow the policy of *Sarve Bhavantu Sukheenaha* or peace and prosperity to all.

Ram Nath Kovind's long journey to Raisina Hill

The voting for the poll had been held on Monday, and counting began in Parliament House on Thursday morning continuing up to early evening.

The total number of MPs and MLAs who cast their votes was 4851, bearing a combined value of 1090300. However, with 77 votes being declared invalid — 21 from Parliament alone — the total number of valid votes was 4774, bearing a combined value of 1069358. Mr. Kovind polled 2930 of these votes — bearing a value of 702044 — and Ms. Kumar 1844 votes — with a value of 367314.

The value of each vote of an MP was 708. Among the States, each vote in Uttar Pradesh had the highest value of 208, while each vote from Sikkim had the lowest value of seven. Mr. Kovind got the highest number of votes — 335 — from U.P. and the lowest — just 1 — from Kerala.

Ms. Kumar secured the highest number of votes — 273 — from West Bengal and drew a blank in Andhra Pradesh.

The polling was marked by cross-voting in various States where many Opposition members favoured Mr. Kovind.

According to figures available, cross-voting took place in Gujarat, Tripura, Goa, Delhi and Maharashtra in favour of Mr. Kovind. As many as 11 Congress MLAs appeared to have voted for Mr. Kovind in Gujarat, a State which is to go for Assembly polls at the end of the year.

Prime Minister Narendra Modi was one of the first to wish the President-elect, tweeting out pictures taken 20 years ago at a wedding in Mr. Kovind's family and a more recent one with Mr. Kovind and his family at the prime ministerial residence, 7, Lok Kalyan Marg. Mr. Modi also praised Ms. Kumar for her campaign which was in the "spirit of democratic ethos, and values" which "we are all very proud of."

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Untrained teachers get 2 years to qualify

The Lok Sabha on Friday passed a Bill that offers untrained teachers teaching in schools time till March 31, 2019, to acquire B.El. Ed (Bachelor of Elementary Education) or D. El. Ed. (Diploma in Elementary Education) qualifications to hold their jobs as teachers.

This was done through an amendment to the Right to Education Act, 2009, as a last chance to such teachers not to lose their jobs. The Compulsory Education (Amendment) Bill, 2017 Bill will now have to pass muster in the Rajya Sabha — and get presidential assent after that — to become an Act.

Last chance: Minister

Explaining the rationale for the Bill, Human Resource Development Minister Prakash Javadekar said many new schools had come up in the days of educational expansion under the Sarva Shiksha Abhiyan and the RTE, and many teachers who were hired did not have requisite degrees, some having studied only till school. They were given five years to train themselves, and many did, but 5-6 lakh private schools teachers and 2.5-lakh government school teachers still did not have the requisite degrees, the Minister added. “As a last chance, another two years are being given to them with this amendment,” he said.

The qualifications are deemed necessary to ensure that teachers are well-qualified to ensure quality of education. He said that with the Swayam portal — part of massive open online courses — and 32 free DTH educational channels, these teachers — who already had experience — could acquire theoretical knowledge and then pass the exam to retain their jobs. State governments would also offer them annual training, Mr. Javadekar said.

During the debate, Bhartruhari Mahtab of the BJD suggested that the cut-off date be left to the States, as it was not advisable to bring every extension back to Parliament. He also suggested a separate budget allocation for RTE.

Mr. Javadekar said all States had different conditions. “Ninety per cent untrained teachers are from eight States. We will make a task force for them,” he said.

Mr. Javadekar mentioned ways that State governments had put in place steps to ensure better teacher attendance, like Rajasthan pasting photographs of all teachers in a school on the notice board with the caption “our respected teachers” and Manipur using a tab that would mark attendance only within 50 feet of the school.

Detention Bill soon

Human Resource Development Minister Prakash Javadekar told the Lok Sabha on Friday that the government would soon introduce a Detention Bill.

“Detention Bill is also about to come. We should not have the situation that the Pratham report on students from Classes 5 to 8 shows. For this, learning outcomes that are expected of students in each of the classes have been defined,” he said. “There will be exams in March for Classes 5 and 8. If the student fails in March, he will be given another chance to pass in May. For the student who fails in May too, we will soon have a Bill to provide for detention.”

The UPA government had introduced a no-detention policy till Class 8 and the Bill seeks to change the law.

Says BJP will campaign against corruption, law and order problems and lack of development work in Himachal Pradesh

The process of holding the requisite Board Meetings and Shareholder Meetings has been completed in phases in September 2017.

Ruben George is staying at Ram Nath Kovind's house at Kalyanpur, near Kanpur

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Govt plans new agency to keep check on CAs - Times of India

NEW DELHI: The government is reviewing plans to put in place the National Financial Reporting Authority (NFRA) as it seeks to rein in the [Institute of Chartered Accounts for India \(ICAI\)](#) for its perceived failure in enforcing discipline.

While Companies Act 2013 had provided for NFRA as a regulatory agency for audit, accounts and financial reporting, Section 132 of the law has remained on paper as the rules are yet to be notified. "It is one of the few sections of the law that has not been notified yet," said a source.

Many believe that several chartered accountants had successfully lobbied with the government to block the notification as it would have taken away several powers that are currently vested with ICAI. Under the 1956 law, the Centre was to prescribe accounting standards prepared by ICAI in consultation with the [National Advisory Committee on Accounting Standards \(NACAS\)](#) - powers that are to be transferred to NFRA now. The new agency - which can have up to 15 members, including the chairman - is mandated to advise on issues related to audit and accounting standards and be the regulator for the profession.

The issue had been on the backburner for the last few years but is now simmering again after Prime Minister [Narendra Modi](#) publicly aired his criticism over ICAI's disciplinary record - a charge that the institute is now trying to cope with. At the [CA Day](#) event on July 1, Modi had said that just around 25 auditors had faced action in over a decade and around 1,400 cases were pending. ICAI is expected to fix the issue shortly, but that has not stopped the government from reopening the case for NFRA.

The law provides for NFRA to look into matters of professional or other misconduct and also suspend CAs and firms from practising for six months to 10 years. Sources said various options were being considered for the agency and a new mechanism for appeal was also being considered.

This also comes at a time when ICAI is pushing to revise joint audit of Indian companies after its plea for a mechanism was rejected by a committee headed by former Competition Commission of India chairman Ashok Chawla in a report to the Prime Minister's Office.

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Bengaluru Declaration calls for SC/ST quota in judiciary

'Dynamic blueprint': Chief Minister Siddaramaiah at the Dr. B.R. Ambedkar International Conference 2017 in Bengaluru on Sunday. | Photo Credit: [V. Sreenivasa Murthy](#)

The Bengaluru Declaration adopted by the State government sponsored Dr. B.R. Ambedkar International Conference 2017, on Sunday recommended a slew of affirmative action measures in private sector, judiciary, educational institutions, government contracts and promotions for Dalits.

The declaration, coming in an election year, significantly concentrates not just on SC/STs, but has also proposed several measures for the larger AHINDA (Kannada acronym for minorities, backward classes and Dalits) community, the political constituency of Chief Minister Siddaramaiah.

It called for reservation of seats in legislature for other backward classes and setting up of a farmers' income commission.

The eight-page declaration has 40 recommendations under six broad categories — safeguarding the people, strengthening democratic institutions, deepening social justice, enhancing human development, ensuring responsive governance, and promoting social security.

"This Peoples' Declaration hopes to be a dynamic blueprint that addresses the needs and aspirations of all Indians, and a starting point for an 'alliance of equity' of all progressive forces committed to safeguarding the idea of India," the preamble stated."

The Bhopal Declaration that called for "liberalisation of capital for Dalits" was adopted in 2002 during the tenure of Congress leader Digvijaya Singh in Madhya Pradesh.

Significantly, the Bengaluru Declaration called for upholding Rule of Law through police reforms and state action to prevent lynchings. It called for a law against gender and caste discrimination at education institutions.

It further recommended for SC/ST reservation in appointment of judges, promotions, government contracts up to 1 crore, in private higher educational institutions and private sector. It also proposes establishment of an Equal Opportunities Commission, to oversee affirmative action.

Much focus is also given on ensuring land ownership for SC/STs, including a proposal to establish SC/ST land bank, where government buys these lands at market prices and re-allots to the same community, to ensure non-dilution of ownership. It further recommends allocation of 20% of the land in private housing layouts for urban poor.

The declaration calls for a wider social security net. It recommended a "living wage" and comprehensive social security scheme for all labourers working in the unorganised sector apart from ensuring dignity in retirement through enhanced pensions of 1,500 per month.

Public Works Minister H.C. Mahadevappa, who read out the declaration, said: "Regressive social and political forces have consistently resisted and tried to undermine both the constitutional idea of India and the efforts of the State in the last 70 years."

The conference on the theme "Quest for Equity" was attended by scholars from across the country and abroad. Mr. Siddaramaiah and his Cabinet colleagues attended the valedictory function held at GKVK auditorium here.

Mature sandalwood trees in Bengaluru to have anti-theft sensors to alert guards

Local magistrate has remanded Siddalinga Swamy in judicial custody for 10 days

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SC ready to revisit Lodha reforms

Over a year after backing the mantra of reforms framed by the high-profile Justice R.M. Lodha Committee to usher in transparency in the Board of Control for Cricket in India (BCCI) and the cricket administration, the Supreme Court on Monday said it was ready to revisit, if not modify, some key recommendations as they “may not be a good idea in this country”.

One State, one vote

Primary among the recommendations of the Justice Lodha panel which may come under scrutiny is the “one State, one vote policy. Another is the capping of the number of members of the senior selection committee at three, all of them to be former Test players. The BCCI last year stuck to its conventional five members.

“One State, one vote may not be a good idea in this country. I am quite favourable to the submissions of Railways, Maharashtra, Baroda and the Mumbai Cricket Association in this regard ... Again, we don't want to get into selection and all that. But appointing somebody who has played just two or three Tests over a more qualified person ... We want to debate...,” Justice Dipak Misra, who heads the Bench, orally observed.

The Bench said it would hear the BCCI, the State cricket associations and member bodies on issues such as “memberships, number of votes” in an effort to make the running of “cricket, the gentleman's game” come as close to perfect as possible.

Meanwhile, the Bench exhorted the BCCI and its members to meet on July 26, as scheduled, and implement the Lodha reforms as regards all issues other than the ones flagged for further debate in court.

The court recorded that it would take stock of the minutes of the July 26 meeting in a hearing on August 18 and see how much of the Lodha reforms have been agreed to by the BCCI members. The Bench would then post the case for September 5, on which date, the stage would be open for further discussion on possible modifications in the Lodha recommendations.

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Smt Maneka Sanjay Gandhi launches Sexual Harassment electronic-Box (SHe-Box) for registering complaints related to sexual harassment at workplace

Smt Maneka Sanjay Gandhi launches Sexual Harassment electronic-Box (SHe-Box) for registering complaints related to sexual harassment at workplace

WCD ministry to conduct an all India survey to assess the magnitude of problem related to sexual harassment of women at workplace

The Minister of Women & Child Development, Smt Maneka Sanjay Gandhi launched an online complaint management system titled Sexual Harassment electronic-Box (SHe-Box) for registering complaints related to sexual harassment at workplace in New Delhi today. The complaint management system has been developed to ensure the effective implementation of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (the SH Act), 2013.

This portal is an initiative to provide a platform to women working or visiting any office of Central Government (Central Ministries, Departments, Public Sector Undertakings, Autonomous Bodies and Institutions etc.) to file complaints related to sexual harassment at workplace under the SH Act. Those who had already filed a written complaint with the concerned Internal Complaint Committee (ICC) constituted under the SH Act are also eligible to file their complaint through this portal. The SHe-Box portal can be accessed at the link given below:

<http://www.wcd-sh.nic.in/>

Speaking at the launch, Smt Maneka Sanjay Gandhi said that though currently this facility has been extended to employees of Central Government, the scope of the portal will soon be extended to women employees of private sector also.

The WCD Minister said that there are some surveys, which give the extent of sexual harassment of women at workplace. However, the WCD Ministry will carry out a national level survey to assess and understand the magnitude of the problem.

This portal (SHe-Box) is an effort to provide speedier remedy to women facing sexual harassment at workplace as envisaged under the SH Act. Once a complaint is submitted to the portal, it will be directly sent to the ICC of the concerned Ministry/Department/PSU/Autonomous Body etc. having jurisdiction to inquire into the complaint. Through this portal, WCD as well as complainant can monitor the progress of inquiry conducted by the ICC.

Government of India is the largest employer in the country employing 30.87 lakh people to carry out its various functions. As per the Census of Central Government employees, 2011, women constitute 10.93% (3.37 lakhs) of the total regular Central Government employees.

The WCD Ministry has taken several measures to ensure implementation of Sexual Harassment of Women at Workplace Act. The Ministry has published a Handbook on the SH Act with the objective to provide information about the provisions of the Act in an easy to use practical manner. Further, the Ministry in collaboration with Institute of Statistical Training and Management (ISTM), New Delhi has prepared a training module to build the capacity of government officials above the provisions of the SH Act and develop in them professional competence to implement the same. Recently, on 5th May, 2017, the Ministry in collaboration with ISTM organised a day long workshop for chairpersons of Internal Complaint Committee constituted in various Ministries/Departments of Central Government.

Besides, in order to create wide spread awareness about the Act across the country both in organized and unorganized sector, MWCD has identified a pool of 29 resource institutions willing to provide capacity building programs i.e. training, workshops etc on the SH Act. The list of these institutions is available at the link given below:

Link:<http://wcd.nic.in/act/recommended-panel-institutes-or-organizations-under-sexual-harassment-women-workplace>

Link to Training Module for Two Day Workshop on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: <http://wcd.nic.in/act/training-module-two-day-workshop-sexual-harassment-women-workplace-prevention-prohibition-and>

The SHe-Box will provide a platform to these empanelled institutes/organisations to share their capacity building activities with the Ministry which in turn will be able to monitor the activities of these institutes/organizations so empanelled from across the country. As of now, as per the reports received, in the past 5 months, the empanelled institutes/organisations/companies have organised 35 capacity building exercises which were attended by approximately 1700 people.

Ensuring the dignity and safety of women must be first priority for any digital society. Towards realisation of the vision of the **Digital India programme**, the **Ministry** is promoting utilisation of information and communication technology to achieve the goal of gender equality and women empowerment. It is an effort to utilise the digital space to enable speedier response to the complaints of women against sexual harassment at workplace.

The Minister of State for Women and Child Development, Smt Krishna Raj; Secretary WCD, Shri Rakesh Srivastava and senior officers of the Ministry as well as its associated organizations were present at today's launch event.

NB/UD

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Arun Jaitley introduces bill in Lok Sabha to replace banking ordinance

New Delhi: Finance minister Arun Jaitley introduced in the Lok Sabha on Monday the Banking Regulation (Amendment) Bill, 2017, which empowers the Reserve Bank of India (RBI) to resolve stressed assets clogging the banking system.

This bill seeks to amend the Banking Regulation Act, 1949 and replace the Banking Regulation (Amendment) Ordinance, 2017, which was promulgated on 4 May.

It gives powers to the Reserve Bank of India (RBI) to ask any bank to initiate insolvency proceedings and give directions for resolution of stressed assets.

“Stressed assets in the banking system have reached unacceptably high levels and hence, urgent measures are required for their speedy resolution...Therefore, it was considered necessary to make provisions in the Banking Regulation Act, 1949 for authorizing the Reserve Bank of India to issue directions to any banking company or banking companies to effectively use the provisions of the Insolvency and Bankruptcy Code, 2016 for timely resolution of stressed assets,” Jaitley said in a statement of intent, which is a part of the bill.

RBI’s internal advisory committee has already identified 12 large stressed cases, accounting for a quarter of India’s total gross non-performing assets, for proceedings under the insolvency and bankruptcy code.

Subsequently, the central bank advised banks to set aside 50% provisioning against secured exposure and 100% against unsecured exposure in all cases referred for bankruptcy.

Of the 12 stressed accounts, the National Company Law Tribunal has already admitted bankruptcy proceedings against five—Jyoti Structures Ltd, Monnet Ispat and Energy Ltd, Alok Industries Ltd, Electrosteel Steels Ltd and Amtek Auto Ltd.

This means that the boards of the companies will be dissolved and an interim resolution professional (IRP) appointed by lenders.

The IRP will get 180 days, extendable to 270, to run the company and come out with a solution.

If no solution is found within this time frame, the company will be liquidated.

“The turnaround should happen in such a manner that it is acceptable to all stakeholders (especially those banks who have large exposure),” said Karthik Srinivasan, group head of financial sector ratings at Icra.

END

Will go ahead with electoral bonds if parties don't give suggestions: Arun Jaitley

New Delhi: Finance minister Arun Jaitley on Monday said the government will go ahead with operationalizing electoral bonds for a more transparent system of political funding if parties do not give any suggestions on the scheme announced in budget 2017-18.

Speaking at an event marking Income Tax Day celebrations, the finance minister said the system of opaque cash donations could not continue and added that the government had over the past three years been making efforts to bring more transparency to governance, reduce physical interface between officials and taxpayers and make tax administration more efficient.

Jaitley observed that people were reluctant to give suggestions on the proposed electoral bonds scheme.

"If suggestions don't come and consensus eludes us, then the government of the day can't run away from its responsibility. It will have to announce its decision which will then become the law of the land," he said. The government has proposed a cap on anonymous cash donations to political parties at Rs2,000. Under the scheme, donors can purchase electoral bonds from designated banks which parties can redeem for funds.

As part of the government's efforts to collect information on taxpayers to combat tax evasion, it has introduced compulsory linking of Aadhaar with Permanent Account Number (PAN).

The move, Jaitley pointed out, was being opposed in the name of defending privacy.

Revenue secretary Hasmukh Adhia, who was also present on the occasion, said that with linking of Aadhaar, the 12-digit identification number issued by the Unique Identification Authority of India (UIDAI), with PAN would bring to an end the era of bogus PAN cards.

Jaitley said a tradition of tax non-compliance had resulted in sub-optimal revenue collection, thus reducing the state's ability to spend on welfare measures and defence.

"Now, non-compliance is being defended with right to privacy," he said.

He added that the legislative measures taken over the last few years were meant to provide an incentive to the honest taxpayer.

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The Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill, 2017 Passed Unanimously by Rajya Sabha

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Admiralty (Jurisdiction and Settlement of Maritime Claims) Bill, 2017, introduced during the Winter Session of Parliament came up for discussion in the Rajya Sabha today and was passed unanimously by the house. The Bill aims to establish a legal framework for consolidation of related laws to replace the age old archaic laws with modern Indian legislation and to confer admiralty jurisdiction on all High Courts of the coastal states of the country. The bill was earlier passed by the Lok Sabha in March, 2017.

The Minister of State for Shipping and Road Transport and Highways, and Chemical & Fertilizers Shri Mansukh Mandaviya, gave an impressive overview of the Bill in the House, highlighting the need for such a Bill by repealing the five different Admiralty Acts which are 126 to 177 years old. The Bill provides for prioritization of maritime claims and maritime liens while providing protection to owners, charterers, operators, crew members and seafarers at the same time. During the course of discussion, Members of the House presented their views and raised various questions which were satisfactorily and logically replied by the Minister of State.

As per the new Bill, High Courts of all the coastal states shall exercise admiralty jurisdiction over maritime claims which include several aspects not limited to goods imported and chattel as earlier, but also other claims such as payment of wages of seamen, loss of life, salvages, mortgage, loss or damage, services and repairs, insurance, ownership and lien, threat of damage to environment etc. The Bill accords highest priority to payment of wages of the seafarers. The Bill also provides for protection against wrongful and unjustified arrest and has provision for transfer of cases from one High Court to other High Court.

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Inland Waterways Authority of India: Bill to divert 2.5 per cent proceeds of CRF to national waterways introduced in Lok Sabha

NEW DELHI: The government today introduced in the [Lok Sabha](#) a bill providing for allocation of about Rs 2,000 crore from [Central Road Fund](#) (CRF) for developing national waterways (NWs).

The Central Road Fund (Amendment) Bill, 2017 to further amend the Central Road Fund Act, 2000 was moved by Minister of State for Shipping [Pon Radhakrishnan](#) in absence of Shipping Minister [Nitin Gadkari](#).

The bill seeks to amend the Central Road Fund Act, 2000, to allocate 2.5 per cent of the proceeds of CRF for development and maintenance of NWs and a reduction in the share provided for development of National Highways.

Parliament had last year enacted National Waterways (NWs) Act, 2016, for developing and maintaining the existing five NWs and 106 new NWs across the country.

"National Waterways provide cost-effective, logistically efficient and environment-friendly way of transport, whose development as a supplementary mode would enable diversion of traffic over congested roads and railways," according to the objects of the Bill.

CRF is made up of cess on petrol and high speed diesel. The cess at present is Rs 6 per litre.

The fund collected under CRF was Rs 80,800 crore in 2016 -17, Rs 69,540 crore in 2015-16 and Rs 25,122 crore in 2014- 15.

The [Inland Waterways Authority of India](#) (IWAI) has estimated that approximately Rs 25,000 crore would be required for development of identified projects on NWs till 2022-23.

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Mekedatu: Karnataka replies to CWC - KARNATAKA

The State government replied to clarifications sought by the Central Water Commission (CWC) on its proposal to build a balancing reservoir across the Cauvery at Mekedatu at a cost of Rs. 5,912 crore.

Disclosing this to reporters here on Tuesday, Karnataka Water Resources Minister M.B. Patil said it was natural for the CWC to seek clarifications as the issue involved an inter-State river. "However, we have clarified all the issues raised by the CWC," he said.

Karnataka had sought the CWC's permission to start work on Mekedatu project, which has been opposed by Tamil Nadu alleging that it violates the Cauvery Water Disputes Tribunal order. The State had submitted the Detailed Project Report on Mekedatu to the chief engineer of CWC on June 7. After this, the CWC sought a few clarifications on the DPR, including whether the project violates the final award of Tribunal and whether the construction of a balancing reservoir would affect flow of water to Tamil Nadu.

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GST Council forms a Selection Committee under the Chairmanship of Cabinet Secretary to identify and recommend eligible persons for appointment as the Chairman and Members of the National Anti-profiteering Authority under GST

GST Council forms a Selection Committee under the Chairmanship of Cabinet Secretary to identify and recommend eligible persons for appointment as the Chairman and Members of the National Anti-profiteering Authority under GST

The GST Council has formed a Selection Committee under the Chairmanship of Cabinet Secretary to identify and recommend eligible persons for appointment as the Chairman and Members of the National Anti-profiteering Authority under GST. The National Anti-profiteering Authority is tasked with ensuring the full benefits of a reduction in tax on supply of goods or services flow to the consumers.

When constituted by the GST Council, the National Anti-profiteering Authority shall be responsible for applying anti-profiteering measures in the event of a reduction in rate of GST on supply of goods or services or, if the benefit of input tax credit is not passed on to the recipients by way of commensurate reduction in prices. The National Anti-profiteering Authority shall be headed by a senior officer of the level of a Secretary to the Government of India and shall have four technical members from the Centre and/or the States.

The already notified Rules on Anti-profiteering measures provide that applications seeking to invoke anti-profiteering measures shall be examined by a Standing Committee. However, if the application relates to a local matter which the business is located in only one state, it shall be first examined by a State level Screening Committee. The Standing Committee is empowered to refer cases requiring detailed enquiry to Director General of Safeguards, CBEC who shall give his recommendation for consideration of the National Anti-profiteering Authority.

In the event the National Anti-profiteering Authority confirms the necessity of applying anti-profiteering measures, it has the power to order the business concerned to reduce its prices or return the undue benefit availed alongwith interest to the recipient of the goods or services. If the undue benefit cannot be passed on to the recipient, it can be ordered to be deposited in the Consumer Welfare Fund. In extreme cases the National Anti-profiteering Authority can impose a penalty on the defaulting business entity and even order the cancellation of its registration under GST.

The constitution of the National Anti-profiteering Authority is expected to bolster consumer confidence and ensure all stakeholders reap the intended benefits of GST.

DSM/SBS/KA

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Ministry of Health and Family Welfare (25-July, 2017 15:46 IST)

Amendment to NMC Bill

A four member Committee headed by Vice Chairman, NITI Aayog, was constituted on 28.03.2016 to examine all options for reforms in the Medical Council of India (MCI) and suggest a way forward. The Committee has framed a draft "National Medical Commission (NMC) Bill" which provides for constitution of NMC in place of MCI. The draft Bill has been relooked by a Group of Ministers (GoM) constituted for the purpose. The GoM has approved the draft Bill with some modifications.

The NITI Aayog Committee had consulted all the States/UTs while framing of the draft Bill. The opinion of

experts and academicians was elicited through discussions. The draft Bill was also hosted on the website of NitiAayog inviting public comments. Representation of IMA was also received in the matter which has been considered while framing the draft Bill.

The Minister of State (Health and Family Welfare), Sh Faggan Singh Kulaste stated this in a written reply in the Rajya Sabha here today.

MV/LK
(Release ID :168981)

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States can't enact law on parliamentary secretaries: SC- The New Indian Express

By Express News Service | Published: 27th July 2017 08:46 AM |

Last Updated: 27th July 2017 08:46 AM | A+A A- |

Supreme Court. (File photo)

NEW DELHI: The Supreme Court on Wednesday ruled that state assemblies hold no power to enact a law that enables them to appoint parliamentary secretaries.

A three-judge bench of justices J Chelameshwar, R K Agarwal and A M Sapre gave the ruling while hearing pleas challenging the appointment of 13 MLAs as parliamentary secretaries by the Assam government in 2015. The verdict would also have an impact on the Aam Aadmi Party government's decision to appoint 21 MLAs as parliamentary secretaries.

The Delhi High Court too had quashed their appointments, saying 'it lacked the approval of the lieutenant governor'.

The matter is currently pending before the Election Commission of India. All 21 MLAs may be disqualified if the poll body finds that AAP MLAs serving as parliamentary secretaries was a case of holding an office of profit. The question posed before the court was whether Article 194(3) and Entry 39 of List II of the 7th Schedule authorised the state legislature to make the impugned Act.

Entry 39 indicates the field of legislation regarding the powers, privileges, and immunities of the house of legislatures. The bench in its 39-page verdict observed that the legislature of Assam lacked the competence to make the impugned act, and declared it unconstitutional.

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[5 jawans injured as militants attack CRPF vehicle in J&K](#)

[Suu Kyi visits Myanmar region torn by Rohingya conflict](#)

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Cabinet clears minimum wage code bill

New Delhi: The Union cabinet on Wednesday approved the wage code bill that seeks to consolidate a clutch of wage-related labour laws and put in place a national minimum wage floor.

The cabinet nod in a way signals the formal start of the process of consolidating 44 labour laws into four codes that the government has been talking about for the past three years. It also gives momentum to the pending labour law reform process that is being touted as key to enhancing industrial productivity and aiding manufacturing, leading to job creation.

“Cabinet approved the wage code bill today to give the labour reform process further momentum,” said H. Samaraia, additional secretary in the labour and employment ministry.

The wage code bill seeks to merge the Minimum Wages Act, Payment of Wages Act, Payment of Bonus Act and Equal Remuneration Act. The bill, once approved by Parliament, will also put in place a national minimum wage.

States will not be able to pay less than the national floor and this may lead to inflation of wage expenses of employers. At present, every state decides the minimum wage for different industries and labour classifications.

In another decision, the cabinet allowed the finance ministry flexibility to redesign and introduce variants of the sovereign gold bond (SGB) scheme, targeted at various categories of investors, in an effort to make the scheme more attractive.

The decision will allow the finance ministry to fix different interest rates and offer varying levels of risk protection to investors.

“Ministry of finance (the issuer) has been delegated this power to amend/add to the features of the scheme with approval of the finance minister to reduce the time lag between finalizing the attributes of a particular tranche and its notification. Such flexibility will be effective in addressing the elements of competition with new products of investment, to deal with very dynamic and sometimes volatile market, macroeconomic and other conditions such as gold price,” a cabinet statement said.

The investment limit in a fiscal year has also been increased to 4kg for individuals and Hindu Undivided Families (HUF) from 500g earlier.

The cabinet statement said to improve liquidity of SGBs, appropriate market-making initiatives will be devised. “Market makers could be commercial banks or any other public sector entity such as MMTC, as decided by government of India. The government may, if so felt necessary, allow higher commission to agents,” it added.

The SGB scheme was notified by the government on 5 November 2015. The target was to shift part of the estimated 300 tonnes of physical gold bars and coins purchased every year for investment into “demat” gold bonds. The target mobilization under the scheme was Rs15,000 crore in 2015-16 and Rs10,000 crore in 2016-17. The amount credited to the government account so far is Rs4,769 crore.

The cabinet also revised the cost of the Socioeconomic Caste Census (SECC) 2011 from Rs3,543.29 crore to Rs4,893.60 crore.

The SECC 2011 project was concluded on 31 March last year. It aims at helping the government provide targeted intervention like subsidies to needy sections of society.

The path for applicability of the goods and services tax regime in Jammu and Kashmir was cleared with the cabinet approving with retrospective effect an amendment to the Constitution (Application to Jammu and Kashmir) Order, 1954, by way of the Constitution (Application to Jammu & Kashmir) Amendment Order, 2017. The Constitution (Application to Jammu & Kashmir) Amendment Order, 2017 was notified in Gazette of India on 6 July.

The cabinet was apprised of a joint declaration of intent between India's department of science and technology and the federal ministry of education and research (BMBF), Germany on an Indo-German Centre for Sustainability (IGCS) which was concluded on 30 May 2017 in Germany. The objective of the declaration is to promote cooperation between German and Indian scientists on fundamental and applied scientific research.

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Shri Bandaru Dattatreya attends the BRICS Labour & Employment Ministers' Meet in China**Shri Bandaru Dattatreya attends the BRICS Labour & Employment Ministers' Meet in China**

Indian delegation led by Shri Bandaru Dattatreya, the Minister of State (Independent Charge) for Labour & Employment participated in the BRICS Labour & Employment Ministers' Meet, held on 26-27th, July, 2017 at Chongqing, China. China is the chair for the BRICS Labour & Employment Ministers' Meet for the year 2017. The delegation included M Sathiyavathy, Secretary(Labour and Employment), Manish Gupta, Joint Secretary, Anuja Bapat, Director and Prof Sasikumar, Sr. Fellow, VVGNI.

The meeting concluded with the adoption of the BRICS Labour and Employment Ministerial Declaration by the BRICS Labour and Employment Ministers on 27th July 2017 in Chongqing, China. The Declaration covered a variety of areas that are of critical importance to all BRICS countries including India and called upon strengthening collaboration and cooperation on these through appropriate institutionalisation . These areas consisted of : "Governance in the Future of Work", "Skills for development in BRICS", "Universal and sustainable social security systems", "BRICS Network of Labour Research Institutions", "BRICS Social Security Cooperation Framework" and "BRICS entrepreneurship research".

On this occasion, Shri Bandaru Dattatreya said that the BRICS countries should collaborate to address the challenges of the 'Future of Work' emerging in the area of non-standard forms of employment like part-time work, temporary work, fixed term contracting and subcontracting, home based work, etc. that are changing the character of the labour markets in the BRICS countries. Networking of labour institutes of BRICS nations could create mechanisms for regular exchange of information and creating further areas of cooperation in this and other common areas.

Labour & Employment Minister reiterated that India has always adhered to the principle of CBDR in Global Supply Chain and was pleased that the BRICS countries echoed this policy stand. Shri Dattatreya added that technology could be a critical enabler for creating efficient and transparent labour governance structure and that in India ICT has been deployed to ensure effective, timely and efficient delivery of services and for creating simpler and transparent compliance structure in all areas including financial inclusion, social security, employment generation and skilling.

The Minister emphasized that skilling not only increases the employability of the workers but also the productivity of the employers which leads to a cycle of increased production, increased revenue stream and increased GDP of the country. India endorsed the BRICS Action Plan for Poverty Alleviation and reduction through Skills which inter alia includes policy recommendations to integrate poor into overall national plan for vocational training, improving lifelong vocational training and learning systems, promoting high quality apprenticeship systems, strengthening collaboration between Governments, sectors and enterprises for research initiatives, and leveraging the network of BRICS National Research Institutes for creating such alliances.

India complimented the Chinese Presidency for taking forward the commitments made collectively by BRICS during the previous presidencies in a very articulate manner. India supported the proposed institutionalization of Social Security Cooperation Framework for BRICS as it will help us understand strategies being followed by fellow BRICS countries towards universalisation of social security especially in respect of on standard forms of works. Minister said that asymmetry in labour market information is big challenge for all of us. In this context the network of National Labour Institutes presents significant possibilities for integrating research and information sharing. Shri Dattatreya said that the network will also help us to form common positions on relevant labour and employment issues. Encouraging innovation and Entrepreneurship is a key priority for India. India expressed her desire to work with BRICS partners in strengthening the BRICS Entrepreneurship Initiatives.

The BRICS Labour and Employment Ministerial Declaration would now be presented to the Leaders/ Head of the State summit scheduled to be held on 3-5th, 2017 Xiamen, China.

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Ministry of WCD seeks suggestions issues related to civil aspects of "International Child removal"

NEW DELHI: The [ministry for women and child development](#) has put out in the public domain a "concept note" on issues related to civil aspects of International Child Removal. A multi member committee led Chairmanship Justice Rajesh Bindal, Judge Punjab and Haryana High Court was set-up in February to study all aspects of the matter pertaining to [Hague Convention on Child Abduction](#) in detail and make its recommendation. Before it gives the final report the Committee has sought suggestions on the concept note and the various concerns raised by July 31.

The report once ready will steer further deliberations of the WCD ministry to recommend to the government of India on whether India should ratify the [Hague convention](#) and if it does how to ensure that the rights of the parents and child are not compromised in any way.

The Ministry in a press statement issued on Tuesday pointed that with the rise in trans-national marriages and complexities involved in modern day relationships, the protection of rights of parents and children involved is a critical issue of National and International importance.

The Committee has said in the concept note that "the instances of an Indian citizen marrying an NRI or a person of Indian origin having citizenship of a foreign nation, popularly referred to as 'transnational marriages' are frequent and in abundance". "However, many a times, it so happens that the spouses fall apart and the marriage breaks down irretrievably. In many such cases, the spouses return to the net of their families/extended families in India, seeking mental comfort for themselves and their children. However, such instances often land such estranged spouse in a situation of being perceived as abductors of their children in light of The Hague convention provisions," it is pointed.

The Committee has further stated that "in another situation where both the spouses may be Indians, residing in India, one of the spouses may move out of India along with the child born out of such wedlock after breakdown of marriage. In such situation, the issue of getting the child back from the foreign land assumes importance, in the process of redressing the grievance of the left behind spouse".

"In such cases, the signatory countries of the Hague convention can avail access to the Central authorities of the other contracting states to resolve such issues. Another factor that deserves consideration, is that many a times, on account of the broken marriages, often the complaint of child abduction is alleged against each other by the estranged spouse, to settle their personal scores," it is explained in the concept note.

In the backdrop the Committee states that "since the matter is likely to have large scale ramifications, it is desirable and in the fitness of things to put the same in public domain and invite suggestions from various quarters." The Committee may even hold meetings with different stakeholders. The committee has sought suggestions which may be sent by e-mail to the Committees Member Secretary, Meenaxee Raj.

The Hague Convention on the [Civil Aspects of International Child Abduction](#) is a multilateral treaty on custodial issues of children. The Convention seeks to protect children from the harmful effects of abduction and retention across international boundaries by providing a procedure to ensure their prompt return.

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Supreme Court allows two broke firms to settle dispute

In what may be a future relief for corporate debtors facing insolvency proceedings, the Supreme Court used its extraordinary constitutional powers to allow two companies to withdraw from insolvency proceedings and settle their loan dispute despite the case having been admitted by the National Company Law Tribunal (NCLT).

Once the NCLT admits a case for initiating corporate insolvency resolution process under the Insolvency and Bankruptcy Code of 2016, the case cannot be withdrawn even if the parties have decided to settle.

However, a Bench of Justices Rohinton Nariman and S.K. Kaul used the Supreme Court's powers to do "complete justice" under Article 142 of the Constitution to bring a quietus to the financial dispute between Lokhandwala Kataria Construction Pvt Ltd and Nisus Finance and Investment Manager LLP, represented by Shiv Kumar Suri and Shikhil Suri.

The court took on record the consent terms entered into by the companies and their undertaking to abide by these terms in settling the amounts due.

The Bench's decision came despite the National Company Law Appellate Tribunal finding no merit in the appeal filed by Lokhandwala for withdrawal of the insolvency proceedings.

The NCLAT Bench led by Chairperson Justice S.J. Mukhopadhaya on July 13, 2017 recorded in its order that it is open for the financial creditor to withdraw the insolvency application under the Code only before a case is admitted and not after.

"Even the financial creditor (in this case Nisus) cannot be allowed to withdraw the application once admitted, and matter cannot be closed till claims of all the creditors are satisfied by the corporate debtor," the NCLAT had observed. The NCLAT refused to use its inherent powers under Rule 11 of the NCLAT Rules of 2016 to allow the parties' plea to withdraw the case.

In the second appeal before the Supreme Court, Lokhandwala asked whether NCLAT could have used its inherent powers under Rule 11 to take on record the consent terms post the admission of the insolvency proceedings and before the stage of making the public announcement of the proceedings under Section 13 of the Insolvency Code. Is it only after the public announcement under Section 13 that an insolvency proceedings attains representative character, the parties had asked the Supreme Court in their appeal.

In its order, the apex court Bench found the NCLAT order of July 13 prima facie correct. "The NCLAT was of the view that the inherent power could not be utilised. According to us, prima facie this appears to be the correct position in law," the Bench observed in an order on July 24. However, its position on the question of law did not stop the apex from using its own special powers to allow the parties a second chance to settle their dispute.

Says BJP will campaign against corruption, law and order problems and lack of development work in Himachal Pradesh

The process of holding the requisite Board Meetings and Shareholder Meetings has been completed in phases in September 2017.

Ruben George is staying at Ram Nath Kovind's house at Kalyanpur, near Kanpur

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Gaming: a question of skill

Bring it in: There is a demand that betting on sports such as cricket should also come under gaming and be termed as games of skill. | Photo Credit: [Getty Images/istock](#)

Gaming in India is rapidly gaining acceptance, by both customers and legislators. But the question is, what exactly is it, how is it currently treated in India, and what are the best practices followed abroad that can be adopted here to regulate the industry as well as earn the government increased tax revenue?

Although 'gaming' in popular parlance has taken on the meaning of playing computer or video games, the term is in fact a reference to competitive activities — like rummy, chess, bridge, and the like — that are not categorised as sports, as well as the betting that is done on them. For example, not only does horse racing come under gaming, but so does betting on what horse will win.

There are some industry players who believe that betting on sports such as cricket should also come under gaming and be termed as games of skill. Regulating sports betting will bring it into the light and will prevent match-fixing, they argue. The Lodha Committee report, too, recommends this course of action.

FICCI, in a report in 2013, had said that the government stands to earn about 7,200 crore a year from taxes from only half the 3 lakh crore gaming industry in India.

The regulation of gaming in India is fragmented, with each state currently deciding the rules applicable in its jurisdiction, with variations emerging on the definition of gaming, the kinds of games that qualify, and the punishments meted out for indulging in gaming not allowed by law.

For example, Sikkim has the Sikkim Online Gambling (Regulation) Act, 2008 that only looks at online gaming, and not at activities conducted in brick and mortar gaming houses. The Nagaland Prohibition of Gambling and Promotion and Regulation of Online Games of Skill, Act, 2015 only permits skill-based games, defined as all games where there is a preponderance of skill over chance.

The Delhi Public Gambling Act, 1955 penalises the operation of a gaming-house and imposes a penalty for being found in a gaming-house. However, Section 13 of the Delhi Act exempts games of "mere skill" from its ambit.

Laws in other states such as Goa, Gujarat, Andhra Pradesh, Karnataka, Kerala, Maharashtra, Odisha, and Rajasthan are variations of this format. The All India Gaming Federation has asked the Law Commission — tasked with looking into the regulation of gaming — to consider proposing a nation-wide central gaming law.

The U.K. enacted an updated gambling law in 2005 that provided for the creation of a Gambling Commission, which was tasked with crime prevention, the promotion of an open and transparent gaming and gambling industry, and the protection of vulnerable people from the ills and dangers of gambling. The country further updated this legislation in 2014.

Spain has set a 25% tax rate on gambling revenue, among the highest in Europe, and requires customers to provide their unique national identification numbers, names, and addresses before they can be registered to gamble.

Other countries like Singapore, Malta, and the Isle of Man, have robust gaming legislations that can provide good examples of how India can regulate gaming and gambling while increasing government tax revenue, and curtailing misuse.

The service is available in Bengaluru, Kolkata and Chennai, operating 500 bicycles

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