



CABINET APPROVES THE PROTECTION OF HUMAN RIGHTS (AMENDMENTS) BILL, 2018¹

The Union Cabinet chaired by Prime Minister Shri Narendra Modi has given its approval to the Protection of Human Rights (Amendments) Bill, 2018 for better protection and promotion of human rights in the country.

Salient Features:

1. It proposes to include "National Commission for Protection of Child Rights" as deemed Member of the Commission;
2. It proposes to add a woman Member in the composition of the Commission;
3. It proposes to enlarge the scope of eligibility and scope of selection of Chairperson, National Human Rights Commission as well as the State Human Rights Commission; and
4. It proposes to incorporate a mechanism to look after the cases of human rights violation in the Union Territories.
5. It proposes to amend the term of office of Chairperson and Members of National Human Rights Commission and State Human Rights Commission to make it in consonance with the terms of Chairperson and Members of other Commissions.

Benefits:

The Amendment will strengthen the Human Rights Institutions of India further for effective discharge of their mandates, roles and responsibilities. Moreover, the amended Act will be in perfect sync with the agreed global standards and benchmarks towards ensuring the rights relating to life, liberty, equality and dignity of the individual in the country.

Background:

The amendment to the Protection of Human Rights Act, 1993 will make National Human Rights Commission (NHRC) and State Human Rights Commission (SHRC) more compliant with the Paris Principle concerning its autonomy, independence, pluralism and wide-ranging functions in order to effectively protect and promote human rights.

CABINET APPROVES RIGHTSIZING THE COMPETITION COMMISSION OF INDIA²

The Union Cabinet chaired by Prime Minister Shri Narendra Modi has given its approval for rightsizing the Competition Commission of India (CCI) from One Chairperson and Six Members (totalling seven) to One Chairperson and Three Members (totalling four) by not filling the existing vacancies of two Members and one more additional vacancy, which is expected in September, 2018 when one of the present incumbents will complete his term.

Benefits:

The proposal is expected to result in reduction of three Posts of Members of the Commission in pursuance of the Governments objective of "Minimum Government - Maximum Governance".

¹ Available at: <http://www.pib.gov.in/PressReleaseDetail.aspx?PRID=1527699>

² Available at: <http://www.pib.gov.in/PressReleaseDetail.aspx?PRID=1527716>

As part of the Governments objective of easing the mergers and amalgamation process in the country, the Ministry had revised *de minimis* levels in 2017, which have been made applicable for all forms of combinations and the methodology for computing assets and turnover of the target involved in such combinations, has been spelt out. This has led to reduction in the notices that enterprises are mandated to submit to the Commission, while entering into combinations, thereby reducing the load on the Commission.

The faster turnaround in hearings is expected to result in speedier approvals, thereby stimulating the business processes of corporates and resulting in greater employment opportunities in the country.

The proposal is expected to result in reduction of three Posts of Members of the Commission in pursuance of the Governments objective of "Minimum Government - Maximum Governance".

Background:

Section 8(1) of the Competition Act, 2002 (the Act) provides that the Commission shall consist of a Chairperson and not less than two and not more than six Members. Presently, the Chairperson and four Members are in position.

An initial limit of one Chairperson and not more than ten Members was provided in the Act, keeping in view the requirement of creating a Principal Bench, other Additional Bench or Mergers Bench, comprising at least two Members each, in places as notified by the Central Government. In the Competition (Amendment) Act, 2007 (39 of 2007), Section 22 of the Act was amended removing the provision for creation of Benches. In the same Amendment Act, while the Competition Appellate Tribunal comprising one Chairperson and two Members was created, the size of the Commission itself was not commensurately reduced and was kept at one Chairperson and not less than two but not more than six Members.

The Commission has been functioning as a collegium right from its inception. In several major jurisdictions such as in Japan, USA and U.K. Competition Authorities are of a similar size.

Team ICSI

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